



The Planning Inspectorate

ERRATA SHEET – A12 Chelmsford to A120 Widening Scheme - Ref. TR010060.

Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for the Department of Transport, dated 12 October 2023.

Corrections agreed by the Examining Authority prior to a decision being made.

Page No.	Paragraph	Error	Correction
146	5.12.113	"Adverse noise effects at 116 dwellings and four other receptors during the operational phase."	"Adverse noise effects at 123 dwellings and four other receptors during the operational phase."
1	1.1.1	"The application for the A12 Chelmsford to A120 widening scheme (the Proposed Development) TR010060 was submitted by National Highways (NH) (the Applicant) to the Planning Inspectorate on 15 August 2022 under section (s) 31 of the Planning Act 2008 (PA2008) and accepted for Examination under s55 of the PA2008 on 12 September 2022 [PD-001]."	"The application for the A12 Chelmsford to A120 widening scheme (the Proposed Development) TR010060 was submitted by National Highways (NH) (the Applicant) to the Planning Inspectorate on 15 August 2022 under section (s) 37 of the Planning Act 2008 (PA2008) and accepted for Examination under s55 of the PA2008 on 12 September 2022 [PD-001]."
2	1.1.11	"The Proposed Development therefore meets the definition of an NSIP set out in s14(1)(h) and s22(1)(b) of PA2008. As such, it therefore requires development consent in accordance with s31 of PA2008."	"The Proposed Development therefore meets the definition of an NSIP set out in s14(1)(h) and s22(1)(b) of PA2008. As such, it therefore requires development consent in accordance with s37 of PA2008."



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

The Planning Act 2008

A12 Chelmsford to A120 Widening Scheme

Examining Authority's report
of Findings and Conclusions

and

Recommendation to the Secretary of State for
Transport

Examining Authority

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12 October 2023

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OVERVIEW

File Ref: TR010060

The application, dated 12 August 2022, was made under section 37 of the Planning Act 2008 and was received in full by The Planning Inspectorate on 15 August 2022.

The Applicant is National Highways.

The application was accepted for examination on 12 September 2022.

The Examination of the application began on 12 January 2023 and was completed on 12 July 2023.

The development proposed comprises:

- widening the A12 to three lanes in both directions between Hatfield Peverel (J20a) and Marks Tey (J25);
- a new three-lane bypass at Rivenhall End (J22 to J23);
- a bypass between J24 to J25;
- improvements to J19 and J25;
- three new junctions (J21, J22, J24) constructed to replace existing J20a, J20b and J23; and
- new and improved walking, cycling and horse-riding routes.

Summary of Recommendation:

The Examining Authority recommends that, subject to the Secretary of State satisfying themselves on the points set out in Section 10.3 of this Report, the Secretary of State should make the Order in the form attached.

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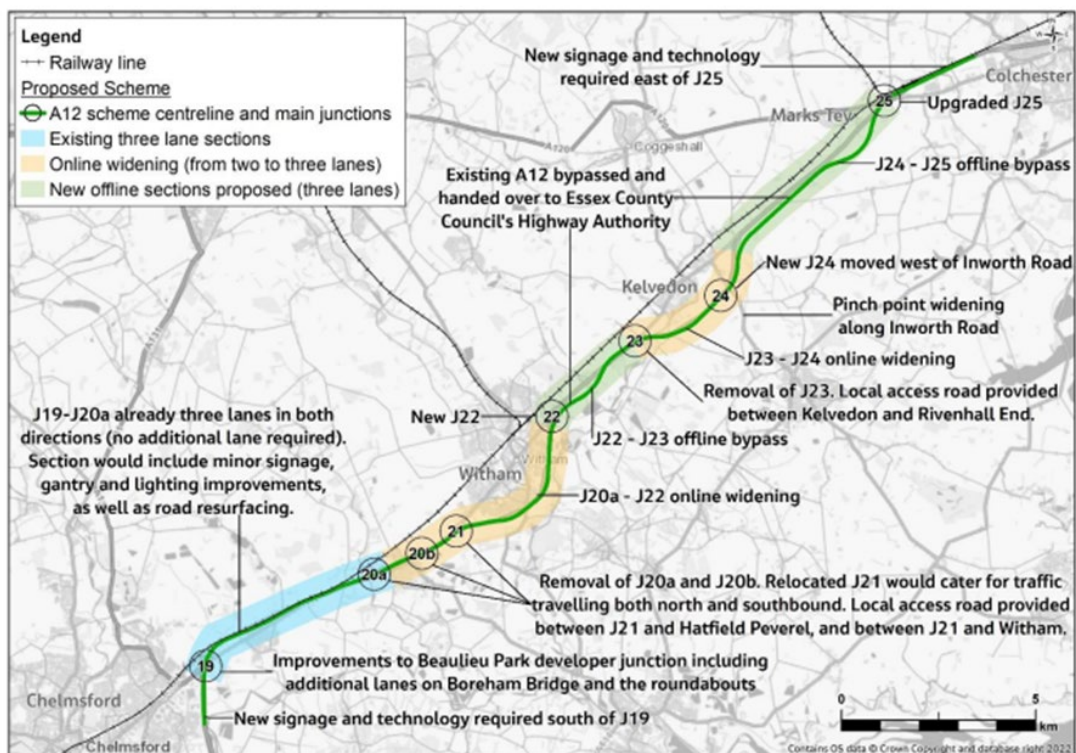
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1. INTRODUCTION

1.1. INTRODUCTION TO THE EXAMINATION

- 1.1.1. The application for the A12 Chelmsford to A120 widening scheme (the Proposed Development) TR010060 was submitted by National Highways (NH) (the Applicant) to the Planning Inspectorate on 15 August 2022 under section (s) 31 of the Planning Act 2008 (PA2008) and accepted for Examination under s55 of the PA2008 on 12 September 2022 [PD-001].
- 1.1.2. The Applicant is appointed and licenced by the Secretary of State (SoS) for Transport as the strategic highways company for England, with responsibility for the operation, maintenance and improvement of the Strategic Road Network (SRN).
- 1.1.3. The Proposed Development comprises the following key elements:
- widening the A12 to three lanes in both directions between Hatfield Peverel (J20a) and Marks Tey (J25);
 - a new three-lane bypass at Rivenhall End (J22 to J23);
 - a bypass between J24 to J25;
 - improvements to J19 and J25;
 - three new junctions (J21, J22 and J24) constructed to replace existing J20a, J20b and J23; and
 - new and improved walking, cycling and horse-riding routes.
- 1.1.4. The Proposed Development would require the diversion of a high-pressure gas main (gas main diversion) currently operated by Cadent Gas Limited (Cadent).
- 1.1.5. An overview of the Proposed Development is shown in Figure 1 and is described in more detail in Section 2.2.

Figure 1: Proposed Development [APP-183]



- 1.1.6. The location of the Proposed Development is shown in the Site Location Plan [\[REP6-002\]](#) and Land Plans, final updated versions of which were received at Deadline (DL) 7 [\[REP7-003\]](#).
- 1.1.7. The Proposed Development would lie within the administrative boundaries of Braintree District Council (BDC), Chelmsford City Council (CCC), Colchester City Council (CoCC), Essex County Council (ECC) and Maldon District Council (MDC).
- 1.1.8. It is noted that the name of Colchester Borough Council was changed to Colchester City Council in September 2022 as part of the Platinum Jubilee celebrations for Queen Elizabeth II.
- 1.1.9. The legislative tests for whether the Proposed Development is a Nationally Significant Infrastructure Project (NSIP) were considered by the Secretary of State for the Department of Levelling Up, Housing and Communities (SoS_{DLUHC}) in their decision to accept the Application for Examination in accordance with s55 of PA2008 [\[PD-001\]](#).
- 1.1.10. On this basis, the Planning Inspectorate agreed with the Applicant's view stated in the application form [\[APP-003\]](#) that the Proposed Development is an NSIP as it would comprise:
- the alteration of a highway which is located wholly within England;
 - the Applicant, as a strategic highways company, would be the highway authority;
 - the area of development exceeds 12.5 hectares (ha); and
 - the speed limit would be in excess of 50mph.
- 1.1.11. The Proposed Development therefore meets the definition of an NSIP set out in s14(1)(h) and s22(1)(b) of PA2008. As such, it therefore requires development consent in accordance with s31 of PA2008.
- 1.1.12. During the Examination, submissions were made by Messing and Inworth Action Group (MIAG) contending that the Proposed Development should be considered as two separate NSIPs, to differentiate between those works that relate to the improvements to the existing A12 and those works that comprise the creation of entirely new sections of highway. We consider these submissions in 4.2.6.

1.2. APPOINTMENT OF THE EXAMINING AUTHORITY

- 1.2.1. On 6 October 2022, Adrian Hunter (lead panel member), Max Wiltshire and Jon Gorst were appointed as the Examining Authority (ExA) for the application under s61 and s65 of PA2008 [\[PD-004\]](#).

1.3. THE PERSONS INVOLVED IN THE EXAMINATION

- 1.3.1. The persons involved in the Examination were:
- persons who were entitled to be Interested Parties (IP) because they had made a Relevant Representation (RR) or were a statutory party who requested to become an IP;
 - Affected Persons (AP) who were affected by a Compulsory Acquisition (CA) and / or Temporary Possession (TP) proposals made as part of the Application and objected to it during the Examination; and
 - Other Persons who were invited to participate in the Examination by the ExA because they were either affected by it in some other relevant way or because

they had particular expertise or evidence that the ExA considered to be necessary to inform the Examination.

- 1.3.2. The Applicant invited RRs from parties on 12 September 2022 for a six-week period [OD-001], with registration closing on 4 November 2022. During this period, the Applicant identified errors in their records, whereby persons with a legal interest in the land affected by the Proposed Development had not been notified about the application being accepted. Subsequently a s56 notification was sent to those additional persons on 25 October 2022 [OD-002]. The Deadline for registration was extended to 28 November 2022 for those persons only.

1.4. THE EXAMINATION AND PROCEDURAL DECISIONS

- 1.4.1. The Examination began on 12 January 2023 and concluded on 12 July 2023 [PD-019].

- 1.4.2. The principal components of and events around the Examination are summarised below. A fuller description, timescales and dates can be found in Appendix A.

The Preliminary Meeting

- 1.4.3. On 12 December 2022, the ExA wrote to all IPs, Statutory Parties and Other Persons under Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR 2010) (The Rule 6 Letter) inviting them to the Preliminary Meeting (PM) and Open Floor Hearing (OFH) 1 and OFH2 [PD-005] outlining:

- the arrangements and agenda for the PM;
- notification of hearings to be held in the early stage of the Examination;
- an Initial Assessment of the Principal Issues (IAPI);
- the draft Examination Timetable;
- availability of RRs and application documents; and
- the ExA's procedural decisions.

- 1.4.4. The PM took place on 12 January 2023 at Witham Public Hall, Collingwood Road, Witham CM8 2DY. An audio recording [EV-001] of the PM, along with a transcript [EV-002] and a note of the meeting [EV-002b] were published on the Planning Inspectorate National Infrastructure website¹.

- 1.4.5. The ExA's procedural decisions and the Examination Timetable took full account of matters raised at the PM. They were provided in the Rule 8 Letter [PD-008], dated 20 January 2023.

Key Procedural Decisions

- 1.4.6. The procedural decisions set out in the Rule 8 Letter related to matters that were confined to the procedure of the Examination and did not bear on the ExA's consideration of the planning merits of the Proposed Development. Further, they were generally complied with by the Applicant and relevant IPs.

- 1.4.7. In addition, the ExA made a number of other procedural decisions during the Examination including:

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a12-chelmsford-to-a120-widening-scheme/?ipcsection=overview>

- the acceptance of the Applicant's proposed non-material changes to the application [[PD-017](#)] (for further information see Section 2.3); and
- the acceptance of a number of additional (and/ or late) submissions.

Site Inspections

- 1.4.8. Site Inspections are held in PA2008 Examinations to ensure that the ExA has an adequate understanding of the Proposed Development within its site and surroundings, along with an appreciation of its physical and spatial effects.
- 1.4.9. Where the matters for inspection can be viewed from the public domain and there are no other considerations such as personal safety or the need for the identification of relevant features or processes, an Unaccompanied Site Inspection (USI) is held. Where an inspection must be made on land requiring consent to access, there are safety or other technical considerations and / or there are requests made to accompany an inspection, an Accompanied Site Inspection (ASI) is held.
- 1.4.10. The ExA held the following USIs:
- USI1, 11 January 2023, undertaken to view the route of the Proposed Development, existing roads and the surrounding area [[EV-001a](#)]; and
 - USI2, 16 June 2023 undertaken to view the location of the proposed Gershwin Boulevard Bridge [[EV-002a](#)].
- 1.4.11. The ExA held an ASI on Thursday 2 March 2023, to enable the ExA to visit sites along the route of the Proposed Development that were best seen from private land [[EV-010](#)].
- 1.4.12. The ExA has had regard to the information and impressions obtained during these site inspections in all relevant sections of this Report.

Hearing Processes

- 1.4.13. Hearings may be held in order to respond to specific requests from persons who have a right to be heard or to address matters where the ExA considers that a hearing is necessary to enquire orally into matters under examination.
- 1.4.14. The ExA held a number of hearings to ensure the thorough examination of the issues raised by the Application.
- 1.4.15. The ExA held ISHs 1, 2, 3 and 4 at Kingsland Church, 86 London Road, Lexden, Colchester CO3 9DW. Despite being outside of the Order Limits (OL), the venue was well located and easily accessible in relation to the Proposed Development. The venue itself was well served by a public car park, accessible by public transport and contained all the necessary facilities, including an on-site café.
- 1.4.16. The ExA held ISH5 virtually, with all attendees joining the hearing via Microsoft Teams or via a phone link.
- 1.4.17. ISHs were held on the subject matters listed below in Table 1 and each included relevant questions on the draft Development Consent Order (dDCO):

Table 1 Issue Specific Hearings

Hearing Title	Date	EL Reference
ISH1 Social, Economic and Environmental matters	28 February 2023 and 1 March 2023	Agenda [EV-007]
		Recording [EV-011a , EV-013a , EV-015 , EV-017 , EV-019 , EV-021]
		Transcript [EV-012a , EV-014 , EV-016 , EV-018 , EV-020 , EV-022]
ISH2 draft Development Consent Order	1 March 2023	Agenda [EV-008]
		Recording [EV-023]
		Transcript [EV-024]
ISH3 Proposed Change Request, Social, Economic and Environmental matters	26 April 2023	Agenda [EV-029]
		Recording [EV-031 , EV-033 , EV-035 , EV-037]
		Transcript [EV-032 , EV-034 , EV-036 , EV-038]
ISH4 draft Development Consent Order	27 April 2023	Agenda [EV-012]
		Recording [EV-039 , EV-041]
		Transcript [EV-040 , EV-042]
ISH5 draft Development Consent order and Environmental Matters	27 June 2023	Agenda [EV-015a]
		Recording [EV-052 , EV-054]
		Transcript [EV-053 , EV-055]

- 1.4.18. All IPs were provided with an opportunity to be heard.
- 1.4.19. The ExA held two Compulsory Acquisition Hearings (CAHs) during the Examination, at Kingsland Church. A further CAH (CAH3) was held virtually, with all attendees joining the hearing via Microsoft Teams or via a phone link.
- 1.4.20. All parties affected by CA and TP proposals were provided with an opportunity to be heard. The ExA also used these Hearings to examine the Applicant's case for CA and TP in the round.

Table 2 Compulsory Acquisition Hearings

Hearing Title	Date	EL reference
CAH1	1 March 2023	Agenda [EV-009]
		Recording [EV-025 , EV-027]
		Transcript [EV-026 , EV-028]

CAH2	27 April 2023	Agenda [EV-013]
		Recording [EV-043, EV-045]
		Transcript [EV-044, EV-046]
CAH3	27 June 2023	Agenda [EV014a]
		Recording [EV-048, EV-050]
		Transcript [EV-049, EV-051]

- 1.4.21. Two OFHs (OFH1 and OFH2) were held under s93 of PA2008 at Witham Public Hall, Collingwood Road, Witham CM8 2DY. All IPs were provided with an opportunity to be heard on any important and relevant subject matter that they wished to raise.

Table 3 Open Floor Hearings

Hearing Title	Date	EL Reference
OFH1	2pm, 12 January 2023	Recording [EV-003]
		Transcript [EV-004]
OFH2	6.30pm 12 January 2023	Recording [EV-005]
		Transcript [EV-006]

- 1.4.22. All in-person hearings (ISH1, ISH2, ISH3, ISH4, CAH1, CAH2, OFH1 and OFH2) were held as 'blended events' allowing attendance either in person or virtually, via Microsoft Teams.
- 1.4.23. All hearings, including those held virtually, were also livestreamed and recorded.

Written Processes

- 1.4.24. Examination under PA2008 is primarily a written process, in which the ExA has regard to written material forming the Application and arising from the Examination. All of this material is recorded in the Examination Library (Appendix B) and published online. Individual document references to the Examination Library in this report are enclosed in square brackets [] and hyperlinked to the original document held online. For this reason, this Report does not contain extensive summaries of all documents and representations, although full regard has been had to them in the ExA's conclusions. The ExA has considered all important and relevant matters arising from them.

Relevant Representations

- 1.4.25. 223 RRs were received by the Planning Inspectorate [\[RR-001 to RR-223\]](#). All makers of RRs received the Rule 6 Letter and were provided with an opportunity to become involved in the Examination as IPs. All RRs have been fully considered by the ExA.
- 1.4.26. The ExA also exercised their discretion to accept Additional Submissions (AS) [\[AS-001 to AS-116\]](#) during the Examination, from several parties, including the Applicant.

Written Representations and Other Examination Documents

1.4.27. The Applicant and IPs and Other Persons were provided with opportunities to:

- make written representations (WR) (DL2);
- comment on WRs made by the Applicant and other IPs (DL3);
- summarise their oral submissions at hearings in writing (DL1, DL3, DL5 and DL7);
- make other written submissions requested or accepted by the ExA; and
- comment on documents issued for consultation by the ExA including:
 - A commentary on the dDCO [\[PD-015\]](#) published on 22 May 2023 by DL6.

1.4.28. All WRs and other examination documents have been fully considered by the ExA and reported in this Recommendation Report.

Local Impact Reports

1.4.29. A Local Impact Report (LIR) is a report made by a relevant Local Authority (LA) giving details of the likely impact of the Proposed Development on the authority's area (or any part of that area) that has been invited and submitted to the ExA under s60 of the PA2008.

1.4.30. LIRs were received by the ExA from the following relevant LAs:

- Essex County Council [\[REP2-055\]](#);
- Braintree District Council [\[REP2-041\]](#);
- Chelmsford City Council [\[REP2-106\]](#);
- Colchester City Council [\[REP2-045a\]](#); and
- Maldon District Council [\[REP2-068\]](#).

1.4.31. The LIRs have been taken fully into account by the ExA in all relevant Chapters of this Report.

Statements of Common Ground

1.4.32. A Statement of Common Ground (SoCG) is a statement agreed between the Applicant and one or more IPs, recording matters that are agreed between them.

1.4.33. By the end of the Examination, the following bodies had concluded SoCGs with the Applicant:

- Essex County Council [\[REP7-027\]](#);
- Braintree District Council [\[REP7-029\]](#);
- Colchester City Council [\[REP7-024\]](#);
- Chelmsford City Council [\[REP7-025\]](#);
- Maldon District Council [\[REP8-008\]](#);
- Natural England [\[REP7-019\]](#);
- Environment Agency [\[REP7-020\]](#);
- Historic England [\[REP7-074\]](#);
- Boreham Town Council [\[REP7-030\]](#);
- Hatfield Peverel Parish Council [\[REP7-034\]](#);
- Witham Parish Council [\[REP7-031\]](#);
- Essex Police [\[REP7-035\]](#);
- National Farmers Union [\[REP7-037\]](#);
- Cadent Gas [\[REP7-028\]](#);
- Anglian Water [\[REP7-033\]](#);

- Essex Waterways Limited [\[REP7-021\]](#);
- Network Rail [\[REP7-022\]](#);
- Crown Estate [\[REP7-075\]](#); and
- Brice Aggregates Limited [\[REP7-023\]](#).

1.4.34. A draft SoCG with MIAG and Messing and Inworth Parish Council was submitted at DL2 [\[REP2-012\]](#). However, this process was halted and, as a result, no further SoCG was submitted. As this SoCG remained incomplete at the close of the Examination, the ExA have attributed limited weight to the submission.

1.4.35. As well as the SoCGs, to provide an overview, the Applicant submitted the following:

- Statement of Commonality [\[REP8-009\]](#); and
- List of matters not agreed where a SoCG could not be finalised [\[REP8-010\]](#).

1.4.36. In relation to the final document listed above, this was a document the ExA requested in our Rule 6 letter [\[PD-005\]](#) and provides a summary list of those matters that were still indicated as being 'under discussion' in the final SoCGs, as opposed to any new issues.

1.4.37. The SoCGs (other than the incomplete one referred to above) have been taken fully into account by the ExA in all relevant Chapters of this Report.

Written Questions

1.4.38. The ExA asked three rounds of written questions.

- First written questions (ExQ1) [\[PD-008a\]](#) issued on 20 January 2023.
- Second written questions (ExQ2) [\[PD-009\]](#) issued on 20 March 2023.
- Third written questions (ExQ3) [\[PD-014\]](#) issued on 22 May 2023.

1.4.39. The ExA invited comments on its proposed changes to the dDCO [\[PD-015\]](#) on 22 May 2023.

1.4.40. All responses to the ExA's written questions have been fully considered and taken into account in all relevant Chapters of this Report.

Requests to Join and Leave the Examination

1.4.41. The following persons who were not already IPs requested that the ExA should enable them to join the Examination at or after the PM:

- Ms Allie Webster [\[PD-012\]](#) was accepted due to becoming a new person with a legal interest in land which the Applicant wish to acquire as part of the Proposed Development.
- Mr Mark Rivers [\[PD-018\]](#) was accepted as an Interested Party.

1.4.42. Requests were also accepted from Sue Russell and India Jayatilake on behalf of Kelvedon Parish Council.

1.4.43. A request from Essex Area Ramblers to become and IP under S102a of the PA2008 was reject on the basis that they did not appear to fall within any of the categories listed in s102b.

1.4.44. During the Examination, as a consequence of discussions at hearings and/or discussions between relevant IPs/APs/Other Persons and the Applicant, the

following persons wrote to the ExA to inform it that their issues were settled, and their representations were withdrawn:

- Countryside Zest (Beaulieu Park) LLP withdrew its objection [[AS-033](#)] and left the Examination [[REP8-032](#)] following confirmation and agreement with the Applicant that there would be no conflict between the proposed DCO (Development Consent Order) plans and the ongoing delivery of Beaulieu Outline Planning Permission.
- National Grid Electricity Transmission plc withdrew their objection and left the Examination [[AS-107](#)] following agreement of Protective Provisions (PP) with the Applicant.

1.5. ENVIRONMENTAL IMPACT ASSESSMENT

1.5.1. The Proposed Development is development for which an Environmental Impact Assessment (EIA) is required (EIA development).

1.5.2. On 28 October 2020, the Applicant submitted a Scoping Report to the SoS under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations) in order to request an opinion about the scope of the Environmental Statement (ES) to be prepared (a Scoping Opinion). It follows that the Applicant is deemed to have notified the SoS under Regulation 8(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the Project.

1.5.3. On 7 December 2020 the Planning Inspectorate provided a [Scoping Opinion](#). This was subsequently republished on 15 March 2021 with an errata sheet. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development was determined to be EIA development, and the application was accompanied by an ES.

1.5.4. On 7 November 2022 the Applicant provided the Planning Inspectorate with certificates confirming that s56 and s59 of PA2008 and Regulation 16 of the EIA Regulations had been complied with [[OD-002](#)].

1.5.5. Consideration is given to the adequacy of the ES and matters arising from it in Chapter 4 of this Report.

1.6. HABITATS REGULATIONS ASSESSMENT

1.6.1. The Proposed Development is development for which a Habitats Regulations Assessment (HRA) Screening Report has been provided [[APP-201](#)].

1.6.2. Consideration is given to the adequacy of the HRA Report, associated information and evidence and the matters arising from it in Chapter 6 of this Report.

1.7. UNDERTAKINGS, OBLIGATIONS AND AGREEMENTS

1.7.1. By the end of the Examination, no separate undertakings, obligations or agreements between the Applicant and IPs had been submitted to the Examination. The ExA understands that the Applicant is negotiating side agreements with LAs, Statutory Undertakers, and landowners on matters such as detrunking, PPs and lease arrangements. However, these side agreements were not submitted into the Examination and have not been given any weight in the ExA's considerations.

1.8. OTHER CONSENTS

1.8.1.

The Applicant has identified the following consents that the Proposed Development has obtained or must obtain, in addition to Development Consent under PA2008. The latest position on these is recorded below and also described in the Applicant's Consent and Agreements Position Statement [[REP8-007](#)].

Table 4 Other Consents

Issuing Body	Consent/Licence/Permit	Position at end of Examination
Protected Species		
Natural England	Great crested newts: Conservation of Habitats and Species Regulations Licence under Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.	Licence to be issued post DCO
Natural England	Bats: Conservation of Habitats and Species Regulations Licence Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019	Discussions on-going
Natural England	Badgers: licence to interfere with setts (dens) under Protection of Badgers Act 1992, s. 10	LONI secured, licence to be issued post DCO
Environment Agency	Environmental Permits for Fish Consent to move live fish to or from fisheries (rivers, canals, drains and still waters) under Salmon and Freshwater Fisheries Act 1975, s. 30	Discussions on-going
Environmental/water/waste/drainage		
Environment Agency	Agreement to use herbicides in or near water under the Food and Environment Protection Act 1985 Control of Pesticides Regulations 1986, as amended	To be discussed if required
Environment Agency	Environmental Permit - standard facilities permit/bespoke permit for discharge of secondary treated domestic sewage under Environmental Permitting (England and Wales) Regulations 2016	Discussions to take place as part of detailed design
Anglian Water	Section 106 of The Water Industry Act 1991	Discussions to take place as part of detailed design
Anglian Water	Water Industry Act 1991 (Section 119) Consent to discharge trade effluent	Discussions to take place as part of detailed design

Environment Agency	Environmental Permit - Flood Risk Activity - standard permit/bespoke permit for temporary flood risk associated with the construction of the proposed scheme under Environmental Permitting (England and Wales) Regulations 2016	Discussions to take place as part of detailed design
Essex County Council Local Flood Authority (LLFA)	Ordinary Watercourse Consent for temporary changes including for discharge to Ordinary Watercourse during construction under Water Resources Act 1991 Land Drainage Act 1991	Discussions to take place as part of detailed design
Environment Agency	Water abstraction: application for a consent to investigate a groundwater source under Water Resources Act 1991 (as amended by the Water Act 2003) Water Abstraction and Impounding (Exemptions) Regulations 2017 Environment Act 1995	Discussions to take place as part of detailed design
Environment Agency	Abstraction Licence - Full or Temporary Licence during construction under Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003) Water Abstraction and Impounding (Exemptions) Regulations 2017	Discussions to take place as part of detailed design
Environment Agency	Abstraction Licence - Full Licence for permanent works under Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003) Water Abstraction and Impounding (Exemptions) Regulations 2017	Discussions on-going
Environment Agency	Transfer Licence during construction under Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003) Water Abstraction and Impounding (Exemptions) Regulations 2017	Discussions on-going
Environment Agency	Transfer Licence during operation under Section 24 of the Water Resources Act 1991 (as amended by the Water Act 2003) Water Abstraction and Impounding (Exemptions) Regulations 2017	Discussions on-going
Environment Agency	Environmental Permit - bespoke water discharge activity and groundwater (point source) environmental permit during construction under Environmental Permitting (England and Wales) Regulations 2016	Discussions to take place as part of detailed design
Minerals and Waste		
Environment Agency	Waste exemption under Environmental Permitting (England and Wales) Regulations	Discussions to take place as part of detailed design

	2016 Pollution Prevention and Control Act 1999	
Local Authority	Environmental Permit under Local Authority Pollution Prevention and Control I Act, 1999 Environmental Permitting (England and Wales) Regulations 2016	Discussions to take place as part of detailed design
Environment Agency	Environmental Permit - Mobile Treatment Plant Permit and Deployment under Environmental Permitting (England and Wales) Regulations 2016 Pollution Prevention and Control Act 1999	Discussions to take place as part of detailed design
Environment Agency	Environmental Permit - Waste operation under Environmental Permitting (England and Wales) Regulations 2016 Pollution Prevention and Control Act 1999	Discussions to take place as part of detailed design
Environment Agency	Environmental Permit may be required if the borrow pits cannot be restored under the CL:AIRE Definition of Waste: Development industry Code of Practice.	Remain under review during detailed design.
Health and Safety Executive	Licence to work with Asbestos under the Control of Asbestos Regulations 2012	Discussions to take place as part of detailed design
Noise and Vibration		
Braintree District Council/Colchester City Council/Chelmsford City Council/Maldon Borough Council	Consent under Section 61 of the Control of Pollution Act 1974.	Discussions on-going
Trees		
Local Authority/Forestry Commission	Felling Licence under The Forestry Act 1967.	Discussions to take place as part of detailed design
Others		
Home Office and LA	Licence for removal of human remains or burial grounds effected under Disused Burial Grounds (Amendment) Act 1981	To be submitted if required
Department for Transport	Consent for disposal of NH land acquired for the Witham Bypass scheme under Crichel Down Rules (2015)	Application being prepared.

1.8.2.

In relation to the outstanding consents recorded above, the ExA has considered the available information bearing on these and, without prejudice to the exercise of

discretion by future decision-makers, has concluded that outstanding matters do arise in relation to Flood Risk Activity Permits (FRAP) and these are addressed in Section 5.16.

1.8.3. Letters of no impediment were submitted to the Examination in relation to protected species, the detail of which is addressed in Section 5.4.

1.9. STRUCTURE OF THIS REPORT

1.9.1. The structure of this Report is as follows:

- **Chapter 1** introduces the reader to the Application, the legal framework, policy and processes used to carry out the Examination and prepare this Report.
- **Chapter 2** describes the site and its surrounds, the Proposed Development, its planning history and that of related projects.
- **Chapter 3** records the legal and policy context for the SoS's decision.
- **Chapter 4** sets out the adequacy of the ES and associated information relating to the Proposed Development and planning issues that arose during the Examination.
- **Chapter 5** deals with findings and conclusions in relation to the main issues in the Examination.
- **Chapter 6** considers the effects on European Sites and HRA.
- **Chapter 7** sets out the balance of planning considerations arising from Chapter 5, in light of the factual, legal and policy information in Chapters 1 to 3.
- **Chapter 8** sets out the ExA's examination of CA and TP proposals.
- **Chapter 9** considers the implications of the matters arising from the preceding chapters for the DCO.
- **Chapter 10** summarises all relevant considerations and sets out the ExA's recommendation to the SoS.

1.9.2. This Report is supported by the following Appendices:

- **Appendix A** – Examination Method, Procedure and Events.
- **Appendix B** – the Examination Library.
- **Appendix C** – List of Abbreviations.
- **Appendix D** – the Recommended Order.

2. THE PROPOSAL AND THE SITE

2.1. THE APPLICATION AS MADE

- 2.1.1. The Applicant, National Highways, applied under section (s) 37 of the Planning Act 2008 (PA2008) for an Order granting development consent for what was described as the A12 Chelmsford to A120 widening scheme [\[APP-003\]](#). The Proposed Development includes widening the existing A12 to three lanes throughout in each direction, where it is not already three lanes.
- 2.1.2. The draft Development Consent Order (dDCO) includes principal powers that relate to the Compulsory Acquisition (CA) of land; the creation of new rights in land; the interference with or extinguishment of existing rights in land. Temporary Possession (TP) of land is also proposed. The Order Land includes areas of Common Land or public open space. The Statement of Reasons (SoR) explains the need for the Proposed Development and offers a public interest case for the land to be acquired compulsorily [\[APP-042\]](#).
- 2.1.3. Chapter 2 of the Environmental Statement (ES) provides a full description of the Proposed Development [\[APP-069\]](#). The main works are summarised below.

The Application Site

- 2.1.4. Consideration of the details of the Proposed Development and its effects are set out in relevant Chapters below. However, what follows is a broad introductory overview of the application site and the proposal. The Works Plans [\[APP-006\]](#) show the main features.
- 2.1.5. The Proposed Development lies within Essex, mainly passing through the administrative areas of Braintree District Council (BDC) and Colchester City Council (CoCC), as well as parts of the administrative areas of Chelmsford City Council (CCC) and Maldon Borough Council (MDC). Chelmsford is located to the south-west of the Proposed Development and Colchester to the north-east. The settlements of Boreham, Hatfield Peverel, Witham, Little Braxted, Rivenhall End, Kelvedon, Feering, Inworth, Messing, Easthorpe and Marks Tey are along the route. There are also individual businesses and residential properties which front directly onto the A12.
- 2.1.6. The A12 runs in parallel and to the south of the Great Eastern Main Line (GEML) railway for most of its length between junctions 19 and 25. Major connecting roads include the A130 which joins the A12 at J19 and the A120 which joins the A12 at J25. The B1018 and the B1019 link Maldon to Witham and Hatfield Peverel respectively. The B1023 links Kelvedon and Tiptree.
- 2.1.7. The existing A12 between junctions 19 and 25 is predominantly a dual two-lane carriageway, with a limited length of dual three-lane carriageway between junctions 19 (Boreham interchange) and 20a (Hatfield Peverel South interchange). There are a number of direct accesses onto the carriageways, particularly between junctions 22 (Colemans interchange) and 23 (Kelvedon South interchange) and between junctions 24 (Kelvedon North interchange) and 25 (Marks Tey interchange).
- 2.1.8. The Proposed Development involves widening the existing A12 to three lanes throughout in each direction, where it is not already three lanes. This would mainly

involve online² widening of the carriageway, with offline³ bypasses created between junctions 22 and 23 (Rivenhall End Bypass) and between junctions 24 and 25 (Kelvedon to Marks Tey). This would be accompanied by junction improvements (junctions 19 and 25), construction of new junctions catering for traffic movements both north and southbound (junctions 21, 22 and 24), and removal of existing junctions (junctions 20a, 20b and 23).

- 2.1.9. Existing structures (mainly bridges, underpasses and culverts) would be affected, as well as new bridges built. The proposals also include safety improvements, including closing off existing private and local direct accesses onto the main carriageway, and alterations and improvements for walkers, cyclists and horse riders (WCH) to existing non-vehicular routes along the A12.
- 2.1.10. The Proposed Development also includes a gas main diversion, which meets the criteria to be considered a Nationally Significant Infrastructure Project (NSIP) in its own right under s20 of PA2008. More detail on this is provided in Section 5.17.

The Principal Works

- 2.1.11. The Applicant provides a detailed Description of the Scheme in ES Chapter 5 [\[APP-069\]](#). A summary of the Proposed Development is provided at 1.1.3 above.

Other Works Within the Order Limits

Walkers, Cyclists and Horse Riders

- 2.1.12. Section 5 of the Design and Access Statement [\[APP-268\]](#) provides information on the WCH proposals for the Proposed Development, including existing or impacted Public Rights of Way (PRoW), and new or enhanced PRoWs. Proposals are also shown on the Streets, Rights of Way and Access Plans [\[REP4-003\]](#) and [\[REP4-004\]](#).

Detrunked A12 Sections

- 2.1.13. The Proposed Development includes two sections of offline widening. Thus, the existing sections of the A12 in the vicinity of Rivenhall End, and between Feering and Marks Tey will no longer form part of the A12. These existing sections are proposed to be detrunked (trunk road status removed) and to become part of the local highway network. Essex County Council (ECC) would become the responsible highway authority. Details are contained in Detrunking and Stopping Up Plans [\[APP-025\]](#) and [\[APP-026\]](#).

Replacement Land

- 2.1.14. The Proposed Development requires a number of areas of open space land. Replacement land would be provided for the open space that is to be acquired (or would no longer be as advantageous to its owners and the public when new rights are imposed on it) that is equivalent in terms of size, usefulness, attractiveness, quality and accessibility.

² 'Online' works relate to highway development proposed along, or on the line of, an existing road, for example road widening.

³ 'Offline' works relate to highway development on land under non-highway use, for example a new dual carriageway constructed on agricultural land.

- 2.1.15. The areas of open space land that would be lost, as well as the locations for replacement land, are shown on the Special Category Land Plans [\[APP-015\]](#) and described in the Replacement Land Statement [\[APP-279\]](#).

Coleman's Farm Quarry

- 2.1.16. Part of the proposed offline A12 alignment at J22 passes over Coleman's Farm Quarry, which is an existing operational minerals site within the local Minerals Safeguarding Area for sands and gravels. The site is currently owned and operated by Brice Aggregates. Mineral extraction has commenced within the proposed A12 corridor.
- 2.1.17. Brice Aggregates has submitted a planning application to ECC which allows it to change the phasing, accelerate extraction and allow import of inert material to backfill the quarry to pre-quarrying ground levels ahead of the Proposed Development works.
- 2.1.18. However, given the criticality of backfilling the quarry voids for the Proposed Development to be constructed, and the dependence on Brice Aggregates having its planning applications approved, the ES has assessed the works required to backfill voids in Coleman's Farm Quarry, within the Order Limits (OL), left unfilled after the extraction operations.

Demolition and Land-take

- 2.1.19. Land would be required both temporarily and permanently to construct, operate and maintain the Proposed Development. Permanent land-take requirements include the footprint of all the proposed highway infrastructure and associated earthworks, drainage works and access roads, together with environmental mitigation areas such as landscape planting and biodiversity habitat creation.
- 2.1.20. The total land-take within the OL is estimated to be 835ha as shown on the Land Plans [\[APP-018\]](#). There are a number of properties within the OL. It was originally proposed by the Applicant that four of these – two private residences, one barn, and one a private business – would require demolition. However, the owners of the two private residences preferred to remain in their homes and therefore the Applicant agreed to provide temporary accommodation whilst remedial works were carried out to the properties to ensure that they were safe and secure before the owners returned.

Borrow Pits

- 2.1.21. Borrow pits would be used to source the required fill material for the Proposed Development, to reduce the need to import material from external sources. Ground investigations and viability studies have been undertaken on potential borrow pit sites. These studies have resulted in a short list of four borrow pits which have been included within the OL (see Figure 2.3 of the ES [\[APP-204\]](#)).

Construction Compounds

- 2.1.22. Two main compound areas have been identified. These are located at the existing J20b and at J22 (see Figure 2.3 of the ES [\[APP-204\]](#) and the Construction Phase Plans [\[APP-037\]](#) and [\[APP-038\]](#)).

2.2. THE APPLICATION AS EXAMINED

- 2.2.1. No material changes, as determined by the Examining Authority (ExA), were made to the proposals during the course of the Examination. However, changes were made to plans and documents to reflect ongoing discussions between the Applicant and other parties, including the ExA.
- 2.2.2. On 30 May 2023 the Applicant submitted a request for six design changes to the application [\[AS-081\]](#). The Applicant noted that the need for the changes to the Proposed Development was a result of a variety of factors such as requests from Interested Parties (IP), stakeholder feedback and the identification of opportunities to further reduce the impacts of the Proposed Development.
- 2.2.3. On 9 June 2023 the ExA responded that the proposed changes are not so substantial that they would constitute a materially different project and the proposed changes are not considered to lead to the project being different in nature or substance to that which was originally applied for; the proposed changes were accepted [\[PD-017\]](#). The proposed changes sought by the Applicant were:
- re-design of the proposed north-bound on-slip road at J19;
 - the exclusion of the proposed Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel;
 - changes to the provision of proposed replacement land at Whetmead, plus additional consequential changes to reflect a change of ownership for open space in the Witham area that occurred subsequent to the submission of the Development Consent Order (DCO) application;
 - changes to the proposed drainage works associated with proposed works along the B1023 Kelvedon Road at Inworth;
 - removal of the proposed segregated left turn lane at proposed J24/Inworth Road B1023; and
 - removal of the proposed signalised crossroads and partial signalisation of the existing roundabout at J25/A120.
- 2.2.4. The current status of each document at the close of the Examination can be seen in the Application Document Tracker submitted at Deadline (DL) 8 [\[REP8-011\]](#).
- 2.2.5. A final version of the dDCO was submitted at DL8 [\[REP8-002\]](#).

2.3. RELEVANT PLANNING HISTORY

- 2.3.1. ES Chapter 2 The Proposed Scheme [paragraph 2.4.13, [APP-069](#)] states:
- “ There are several development proposals within the study area that have been considered during the proposed scheme’s development. A full list of committed developments has been produced for the cumulative effects assessment, as set out in Chapter 16: Cumulative effects assessment, of the Environmental Statement [\[APP-083\]](#)”*
- 2.3.2. Key strategic developments considered by the Applicant include:
- Beaulieu Park development – a large development, including new homes, offices, and schools, with planning permission to the north of J19;
 - Chelmsford Garden Community – Strategic Growth Site 6, located north of the Beaulieu Park development, including 3,000 new homes;
 - Chelmsford North-East Bypass, a new road scheme that ECC is promoting;

- Longfield Solar Farm – construction, operation and decommissioning of a solar photovoltaic electricity generating and storage facility with a capacity of up to 500 megawatts, on land approximately 6km north-east of Chelmsford;
- A120 Scheme between Braintree and the A12, a scheme being considered for possible inclusion within a future Road Investment Strategy (RIS) period; and
- Crown Estate land at Feering, the emerging Local Plan for Braintree allocates land south of Feering as a strategic growth location for up to 750 houses and business areas.

2.3.3. The Applicant states [paragraph 2.4.14, [APP-069](#)]

“Other committed developments included in the proposed scheme traffic model are shown in Appendix C of the Combined Modelling and Appraisal Report [[APP-264](#)].”

3. LEGAL AND POLICY CONTEXT

3.1. INTRODUCTION

- 3.1.1. This Chapter sets out the relevant legal and policy context for the application. In this Chapter, we outline the legislation and policies we have considered and applied in carrying out the Examination and in making its findings and recommendations to the Secretary of State (SoS).
- 3.1.2. The Applicant's Environmental Statement (ES) outlines the national, regional, and local legislative and policy contexts to which the Applicant has had regard within its introductory Chapters [\[APP-068\]](#) to [\[APP-085\]](#).

3.2. PLANNING ACT 2008

- 3.2.1. The Planning Act 2008 (PA2008) is the principal legislation governing the Examination of an application for a Nationally Significant Infrastructure Project (NSIP) and the decision whether to grant development consent.
- 3.2.2. The PA2008 provides different decision-making processes for NSIP applications where a relevant National Policy Statement (NPS) has been designated (s104) and where there is no designated NPS (s105). Chapter 1 of this Report identifies that the Proposed Development constitutes highway-related development falling within s22 PA2008. Consequently, it is an application to which s104 is applicable because it is subject to policy in the designated NPS for National Networks (NPSNN).
- 3.2.3. In relation to gas main diversion between Little Braxted to Springfield, Chapter 1 of this Report has identified that it should be treated as a NSIP under s20 PA2008. Consequently, it is an application to which s104 is applicable because it is subject to policy in the designated NPS for Overarching Energy (NPS EN-1), and Oil and Gas Supply and Storage (NPS EN-4).
- 3.2.4. In summary, the matters set out, as relevant to this application, include any relevant NPSs, any Local Impact Report (LIR), any matters prescribed in relation to development of the description to which the application relates, and any other matters the SoS considers are both important and relevant to the decision.
- 3.2.5. S104(3) of the PA2008 requires that the SoS must decide an application for development consent in accordance with any relevant NPS, subject to the exceptions in subsections 104(4) to (8) as follows:
- deciding the application in accordance with any relevant NPS would lead to the UK being in breach of any of its international obligations;
 - deciding the application in accordance with any relevant NPS would lead to the SoS being in breach of any duty imposed on her or him by or under any enactment;
 - deciding the application in accordance with any relevant NPS would be unlawful by virtue of any enactment;
 - the adverse impact of the proposed development would outweigh its benefits; or
 - any condition prescribed for deciding an application otherwise than in accordance with NPS is met.
- 3.2.6. S10 of the PA2008 places a statutory sustainable development duty on the SoS. The duty makes specific reference to having regard to the desirability of mitigating and adapting to climate change and achieving good design.

- 3.2.7. This Report sets out our findings, conclusions and recommendations taking these matters into account and applying the approach set out in s104 of the PA2008.

3.3. NATIONAL POLICY STATEMENTS

National Policy Statement for National Networks

- 3.3.1. The NPSNN is relevant to the application. It was designated on 14 January 2015 for roads for which the Secretary of State for Transport (SoST) is the highway authority and remains in force. It sets out the national policy for highways-related development and is relevant to this application because the Proposed Development comprises the construction and alteration of a highway where the speed limit for any class of vehicle is expected to be 50mph or greater, the area of development exceeds 12.5ha and National Highways (NH) is the highway authority.
- 3.3.2. The NPSNN sets out the need for and Government's policies to deliver development of NSIPs on the national road network in England. It states that the Government has concluded that at a strategic level there is a compelling need for the development of the national road network. It makes clear that subject to the detailed policies and protections within it, and the legal constraints set out in the PA2008, there is a presumption in favour of granting development consent for national network NSIPs that fall within the need for infrastructure established in the NPSNN.
- 3.3.3. The NPSNN also provides planning guidance for such projects and the basis for the examination by the Examining Authority (ExA) and decisions by the SoS, covering a range of relevant topics. Individual policy requirements and tests arising from the NPSNN are addressed in Chapter 5 of this Report.

Draft revised National Policy Statement for National Networks

- 3.3.4. The Department for Transport (DfT) published a draft revised NPSNN on 14 March 2023 for consultation. The consultation closed in June 2023 but since the Proposed Development had already been accepted for Examination, the 2015 NPSNN will remain in force in its entirety when it comes to the consideration by the ExA. However, it is acknowledged that the draft revised NPSNN is capable of being an important and a relevant consideration and this is considered in the draft revised NPSNN Accordance Table which was submitted at Deadline (DL) 4 [\[REP4-062\]](#).
- 3.3.5. The transitional provisions which are currently applicable are set out in paragraphs 1.16 and 1.17 of the draft revised NPSNN which provide the following:

"1.16 The Secretary of State has decided that for any application accepted for examination before designation of the 2023 amendments, the 2015 NPS should have effect in accordance with the terms of that NPS. The 2023 amendments will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of those amendments.

1.17 However, any emerging draft NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each Development Consent Order application."

- 3.3.6. Accordingly, whilst this review is undertaken, the 2015 NPSNN remains relevant government policy for the purposes of PA2008. It continues to provide a basis on which the ExA can examine applications for development consent and the SoS can make decisions on them. The draft revised NPSNN will therefore only have effect in relation to those applications for development consent accepted for examination after the designation of those amendments.

National Policy Statement for Energy

- 3.3.7. For the gas man diversion, NPS EN-1 and NPS EN-4 are of relevance.
- 3.3.8. NPS EN-1 sets out the Government's policy for the delivery of major energy Infrastructure and forms part of a suite of NPSs for the energy sector which are to be read in conjunction with NPS EN-1 where they are relevant.
- 3.3.9. In September 2021 the Government published 'Planning for New Energy Infrastructure Draft National Policy Statements for energy infrastructure' a consultation on the suite of energy NPS EN-1 to NPS EN-5. This reaffirmed that the current NPS remain relevant government policy and NPS EN-1 to NPS EN-5 have effect for the purposes of PA2008.
- 3.3.10. A further draft revised Energy (NPS EN-1) and Gas Supply National Policy Statement (NPS EN-4) were published by the Department of Energy Security and Net Zero (DESNZ) in March 2023 for consultation, with the close of consultation in June 2023. As the Proposed Development was accepted for examination before the designation of the 2023 amendments, the 2011 energy NPSs remain in force in their entirety and have effect as per the Consultation Planning for New Energy Infrastructure from DESNZ.
- 3.3.11. The draft Energy NPSs are potentially capable of being important and relevant considerations in the decision-making process and therefore, where relevant have been considered throughout this Report.
- 3.3.12. As part of its Case for the Scheme [[REP5-017](#)] Appendices H and I] the Applicant prepared Draft Energy and Gas Supply Accordance Tables.

3.4. EUROPEAN LAW AND RELATED UK REGULATIONS

- 3.4.1. The UK left the European Union (EU) as a member state on 31 January 2020 with the transition period concluding on 31 December 2020. In accordance with the European Union (Withdrawal Agreement) Act 2018 (as subsequently amended), EU derived domestic legislation, as it has effect in domestic law immediately before exit day, continues to have effect in domestic law on and after exit day with certain specific exceptions.
- 3.4.2. This Recommendation Report has been prepared on the basis of the retained law and references in it to European terms such as 'Habitats' have also generally been retained for consistency within the Examination documents. It will be a matter for the SoS to satisfy themselves as to the position on retained law and obligations at the point of decision.

The Habitats Regulations

- 3.4.3. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) transposed the Habitats Directive (Council Directive

92/43/EEC) and the Birds Directive (Council Directive 2009/147/EC) into English and Welsh domestic legislation.

- 3.4.4. The Habitats Regulations concentrates on two areas, one being a network of protected sites and the other a system of species protection. This protects over 1000 animals and plant species and over 200 habitat types which are of international importance. It requires designation of such areas as Special Areas of Conservation (SACs).
- 3.4.5. The Habitats Regulations are also a comprehensive scheme of protection for all wild bird species naturally occurring in England and Wales and places great emphasis on the protection of habitats for endangered as well as migratory species. The most suitable territories for these species are classified as Special Protection Areas (SPAs).
- 3.4.6. The relevance of these Regulations to the Proposed Development is addressed in Chapter 6 of this Report.

Ramsar Convention

- 3.4.7. The Convention on Wetlands of International Importance (Ramsar Convention), a global treaty adopted in 1971, protects wetlands of international importance especially as waterfowl habitat. This is also discussed in Chapter 6 of this Report.

The Water Framework Directive

- 3.4.8. The Water Framework Directive (WFD) 2000/60/EC established a framework for community action in the field of water policy which includes objectives such as preventing and reducing pollution, environmental protection, improving aquatic ecosystems and mitigating the effects of floods. It establishes a legislative framework for the protection of surface waters and groundwater and also provides for the production of River Basin Management Plans to provide for the sustainable management of rivers.
- 3.4.9. The WFD is transposed into law in England and Wales by The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

The Air Quality Regulations

- 3.4.10. The Air Quality Standards Regulations 2010 (as amended) (the Air Quality Regulations) transposed the Ambient Air Quality and Cleaner Air for Europe Directive (Directive 2008/50/EC) into, principally, English domestic legislation, although some provisions have UK extent.
- 3.4.11. The Air Quality Regulations sets limit values (LV) for compliance and establishes control actions where the LVs are exceeded for ambient air quality with respect to sulphur dioxide (SO₂), nitrogen dioxide (NO₂), and mono-nitrogen oxides (NO_x), particulate matter (PM₁₀ and PM_{2.5}), lead, benzene and carbon monoxide (CO).

UK Air Quality Strategy

- 3.4.12. The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (the UK Air Quality Strategy) sets out air quality objectives and policy options to further improve air quality in the UK into the long term. As well as direct benefits to public health, these options are intended to provide important benefits to quality of life and help to protect the environment.

- 3.4.13. Individual plans are prepared beneath this framework to provide more detailed actions to address LV exceedances for individual pollutants. In turn, these plans set the framework for action in specific local settings where LV exceedances are found, including the designation of Clean Air Zones and more localised Air Quality Management Areas (AQMAs), where Air Quality Management Plans are prepared by local authorities.
- 3.4.14. The Clean Air Strategy 2019 was published by the Department for Environment Food and Rural Affairs (DEFRA). It sets out how all sources of air pollution would be tackled, and action plans undertaken at the local authority level continue to be produced in accordance with the Strategy.

3.5. OTHER LEGAL PROVISIONS

United Nations Environmental Programme Convention on Biological Diversity 1992

- 3.5.1. The UK Government ratified the United Nations Environmental Programme (UNEP) Convention on Biological Diversity 1992 in June 1994. Responsibility for the UK contribution to the convention lies with DEFRA which promotes the integration of biodiversity into policies, projects and programmes within Government and beyond.
- 3.5.2. As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010 (as amended) (the Decision Regulations), the Biodiversity Convention has been taken into account in consideration of the likely impacts of the Proposed Development and of appropriate objectives and mechanisms for mitigation and compensation. The UK Environmental Impact Assessment (EIA) and Transboundary Assessment process is established to satisfy, with regard to impacts on biodiversity, the Requirements of Article 14 of the Biodiversity Convention (Impact Assessment and Minimising Adverse Impacts).
- 3.5.3. This is of relevance to the biodiversity and ecological considerations and landscape and visual impacts which are discussed in Chapter 5.4 (Biodiversity) and Chapter 5.10 (Landscape and visual) of this Report.

The Wildlife and Countryside Act 1981

- 3.5.4. The Wildlife and Countryside Act 1981 (WCA) is the primary legislation which protects animals, plants, and certain habitats in England and Wales. It provides for the notification and confirmation of SSSIs. In England, these sites are identified for their flora, fauna, geological or physiographical interest by Natural England. The WCA contains measures for the protection and management of Sites of Special Scientific Interest (SSSI).
- 3.5.5. If a species protected under the WCA is likely to be affected by development, a protected species licence will be required from Natural England (NE). Sites protected under the WCA, including SSSI, must also be considered. The effects of development on the Public Right of Way (PRoW) network are also relevant.
- 3.5.6. The WCA is relevant to the application in view of the sites and species identified in the ES, principally Chapter 9, Biodiversity [[APP-076](#)]. Relevant considerations are discussed in Chapter 5.4 of this Report.

The Environment Act 2021

- 3.5.7. The Environment Act 2021 makes provision for long-term, legally binding targets, plans and policies with the intention of improving the natural environment; for statements and reports about environmental protection; for establishing the Office for Environmental Protection; about waste and resource efficiency; about air quality; for the recall of products that fail to meet environmental standards; about water management; about nature and biodiversity; for conservation covenants; about the regulation of chemicals; and for environmental connected purposes.
- 3.5.8. The Environment Act 2021 makes provision for Biodiversity Net Gain (BNG), including in respect of NSIPs. However, the biodiversity gain statement for NSIPs is expected to be published in 2023, with the implementation of mandatory BNG for NSIPs in 2025.

Natural Environment and Rural Communities Act 2006

- 3.5.9. The Natural Environment and Rural Communities (NERC) Act 2006 makes provisions for bodies concerned with the natural environment and rural communities, including in connection with wildlife sites and SSSIs. It includes a duty that every public body must, in exercising its functions, have regard so far as it is consistent with the proper exercise of those functions, to the conservation of biodiversity (the biodiversity duty). In complying with the biodiversity duty, regard must be had to the UNEP Convention on Biological Diversity. The NERC Act also requires that the SoS must publish a list of the living organisms and types of habitat that in the SoS's opinion are of principal importance for conserving biodiversity. The ExA has had regard to the NERC Act and biodiversity duty in all relevant sections of this Report.

The Protection of Badgers Act 1992

- 3.5.10. The Protection of Badgers Act 1992 prescribes offences relating to badgers, including interfering with badger setts, together with provisions for exceptions, licences, enforcement and penalties. The implications of the Proposed Development for badgers are provided in ES Chapter 9 [[APP-076](#)] and the Confidential Badger Survey Report [[APP-126](#)] and Confidential Supplementary Badger Survey Report [[REP2-026](#)], which have been withheld from publication on the Inspectorate's National Infrastructure website.

The Hedgerow Regulations 1997

- 3.5.11. The Hedgerow Regulations 1997 (as amended) sets out the criteria for identifying important hedgerows by means of licensing, enforcement, and penalties. The effect of the Proposed Development on hedgerows is discussed in ES Chapter 9, Biodiversity [[APP-076](#)] with a Supplementary Hedgerow Survey Report being provided [[REP4-064](#)]. The implications of the Proposed Development for hedgerows are discussed in Chapter 5.4 (Biodiversity) of this Report.

Human Rights Act 1998

- 3.5.12. The Human Rights Act transposes the rights set out in the European Convention of Human Rights (ECHR) into UK law. The ratification of the ECHR is not affected by the UK's withdrawal from the EU.
- 3.5.13. The Compulsory Acquisition and Temporary Possession of land can engage various relevant Articles under the Human Rights Act 1998. Article 1 of the First Protocol

and Articles 6 and 8 are amongst the ECHR Articles that are engaged by aspects of the Proposed Development. The implications of this are considered in Chapter 8 of this Report.

Equality Act 2010

- 3.5.14. The Equality Act established a duty (the Public Sector Equality Duty) (PSED), to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share the defined protected characteristics and persons who do not. The PSED is applicable to the Applicant as a public body and also to the ExA in the conduct of this Examination and reporting to the SoST in the decision making. We had particular regard to the PSED in terms of holding and arranging hearings, ensuring participants were provided with hard copy correspondence, where requested, and in our conduct of site inspections to ensure full appreciation of the potential impacts of the Proposed Development on persons with protected characteristics.
- 3.5.15. The application was accompanied by an Equality Impact Assessment (EqIA) [\[APP-270\]](#) and the implications of the Proposed Development for the PSED are considered in Chapter 8 of this Report.

Climate Change Act 2008

- 3.5.16. S10(3)(a) of PA2008 requires the SoS to have regard to the desirability of mitigating, and adapting to, climate change in designating an NPS. This duty has been addressed in Section 5.5 of this Report. The Climate Change Act 2008 also establishes statutory climate change projections and carbon budgets.
- 3.5.17. Following the implementation of the Climate Change Act 2008 (2050 Target Amendment) Order 2019 it is the duty of the Government to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.

Planning (Listed Buildings and Conservation Areas) Act 1990

- 3.5.18. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the SoS to maintain a list of built structures of historic or architectural importance and sets out the principal statutory provisions that must be considered in the determination of any application affecting Listed Buildings and Conservation Areas.
- 3.5.19. As required by Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010, the ExA has had regard to the desirability of preserving any Listed Building and / or its setting or any features of special architectural or historic interest which it possesses.

Highways Act 1980

- 3.5.20. The Highways Act 1980 places a duty on the local Highway Authority (in this case Essex County Council) to maintain the public highway network in a condition that is safe for users. The public highway network includes all adopted roads, footpaths and verges.

New Roads and Street Works Act 1991

- 3.5.21. The New Roads and Street Works Act 1991 provides a legislative framework for street works by undertakers, including utility companies, and works for road purposes.

The Infrastructure Planning (Decisions) Regulations 2010

- 3.5.22. The Infrastructure Planning (Decisions) Regulations 2010 prescribe a list to which the SoS under s103 of the PA2008 must have regard to when taking decisions on applications for NSIPs.
- 3.5.23. Regulation 3 of the Regulations requires, when deciding an application which affects a Listed Building or its setting, the decision-maker must have regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- 3.5.24. Regulation 7 of the Regulations requires the SoS to have regard to the United Nations Environmental Programme Convention on Biodiversity of 1992 when making their decision on an application for development consent.

3.6. OTHER RELEVANT POLICY STATEMENTS

National Infrastructure Strategy

- 3.6.1. The National Infrastructure Strategy (NIS) notes that infrastructure underpins the economy. Transport, digital, energy and utility networks are vital for jobs, businesses, and economic growth. But they also have a profound impact on people's daily lives. Investment in strategic roads is particularly identified.

Road Investment Strategy 2 (2020 – 2025)

- 3.6.2. The Road Investment Strategy 2 (RIS2) was published in March 2020. It sets a long-term strategic vision for the Strategic Road Network (SRN) with the funding needed to plan ahead.
- 3.6.3. Under RIS2 the A12 Chelmsford to A120 Widening Scheme is shown as "*Committed for [Road Period] 2*" which covers the financial years 2020/21 to 2024/25.

Noise Policy Statement for England

- 3.6.4. The Noise Policy Statement for England (NPSE) seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. It applies to all forms of noise including environmental noise, neighbour noise and neighbourhood noise.
- 3.6.5. The Government's Noise Policy Vision is to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.

Net Zero Strategy: Build Back Greener

- 3.6.6. The Net Zero Strategy was published in October 2021 and updated in April 2022 and sets out the Government's aims and ambitions to end the UK's contribution to climate change.

Decarbonising Transport: A Better, Greener Britain

- 3.6.7. Known as the Transport Decarbonisation Plan, this strategy, published in July 2021, sets out the Government's commitments and the actions needed to decarbonise the entire transport system in the UK.

- 3.6.8. The ExA notes the changes made by the Government in September 2023 to the individual targets for the date of the sale of petrol and diesel vehicles. These will be matters for the SoS to satisfy themselves on at the point of decision.

3.7. NATIONAL PLANNING POLICY FRAMEWORK

- 3.7.1. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (the PPG) set out the Government's planning policies for England and guidance on how these are expected to be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. The NPPF makes clear that it does not contain specific policies for NSIPs. These are determined in accordance with the decision-making framework in the PA2008 and relevant NPSs for major infrastructure, as well as any other matters that are relevant (which may include the NPPF).
- 3.7.2. Paragraphs 1.17 to 1.20 of the NPSNN further describes the relationship between the NPPF and the NPSNN. These paragraphs confirm that the overall strategic aim of the NPPF and the NPSNN are consistent, however, the two have differing but equally important roles to play. It states that the NPPF is likely to be an important and relevant consideration in decisions on NSIPs, but only to the extent that it is relevant to that project.

3.8. LOCAL IMPACT REPORTS

- 3.8.1. Local Impact Reports (LIRs) were received from Braintree District Council [[REP2-041](#)], Colchester City Council [[REP2-045a](#)], Chelmsford City Council [[REP2-106](#)], Essex County Council [[REP2-055](#)] and Maldon District Council [[REP2-068](#)].
- 3.8.2. Where relevant considerations arising from the LIR are identified, they are dealt with in the specific chapters of this Report.

3.9. THE DEVELOPMENT PLAN

- 3.9.1. The Proposed Development passes through the administrative areas of Essex County Council (ECC) Chelmsford City Council (CCC), Colchester City Council (CoCC), Braintree District Council (BDC) and Maldon District Council (MDC).
- 3.9.2. The main planning policy issues raised by the Proposed Development across each of the 'host' local authorities relate to the need for enhancements to the Strategic Road Network (SRN) to support economic and housing growth, the management of traffic and construction impacts, and impacts on biodiversity and amenity such as noise, vibration and air quality. The Proposed Development is highlighted in most of the host authorities' Local Plans as a required piece of infrastructure to alleviate existing traffic congestion and to improve the safety of the route. It is also recognised that the Proposed Development would also result in an improvement in community connectivity across the area.
- 3.9.3. CCC adopted their Local Plan in 2020. Paragraph 2.8 of the Plan states:
- 'The Essex economy currently supports nearly 820,000 jobs and is predicted to need around 79,000 new jobs by 2036, representing growth of 10%. Due to its strategic position along the A12 corridor, existing strong local economy and highly educated population, Chelmsford is expected to accommodate a major share of the forecast new employment and retail growth.'*

3.9.4. The Local Plan identifies the A12 as one of the many principal roads that connect Chelmsford and mentions that the road is heavily used.

3.9.5. Section 2 of the CoCC Local Plan was adopted in July 2022. Paragraph 14.125 of the Plan highlights that:

“the transport in West Colchester is characterised by the A12 trunk road running east west carrying very high volumes of traffic, with access via junction 25 at Marks Tey (also giving a connection to the A120 westwards towards Braintree), junction 26 at Eight Ash Green giving access to Stanway and Tollgate. These two trunk road junctions suffer from significant peak hour queuing impacting on the village of Marks Tey and queuing back onto the A12 trunk road. The GEML runs parallel to the A12, with a station at Marks Tey with a branch line to Sudbury.”

3.9.6. BDC also adopted its Local Plan in July 2022. Paragraph 6.9 of the Plan is somewhat anticipating the outcome of this DCO Application, but the Council's position is clear when it states:

“The A12 is set to have major improvements as part of the Government's Roads Investment Strategy (RIS1 and RIS), with the aim of improving capacity and relieving congestion. The A12 is being widened between junction 19 (Chelmsford) and junction 25 (A120 interchange) to increase safety, improve journey time reliability, provide a benefit to the local road network, and in doing so support long term sustainable growth. Highways England (HE) has announced its preferred route between junction 19 and 23 (October 2019) and between junction 23 and 25 in August 2020. The A12 J19 to J25 widening scheme will go ahead as part of the Road Investment Strategy 2 (RIS2) programme, and is now a fully funded scheme. It is expected the route will be open for traffic in 2027 – 2028. RIS2 stated that the A12 scheme will need to take account of the evolving proposals for the A120 Braintree to A12 improvements, and any potential future road link to the improvements for the A120 will be incorporated into the A12 scheme.”

Local Transport Plans

Essex Transport Strategy

3.9.7. The Essex Transport Strategy (ETS) was adopted in June 2011 by ECC and is a long-term plan covering 15 years that sets out the aspirations for improving travel in the county, demonstrating the importance of the transport network to achieving sustainable long-term economic growth. The ETS seeks to achieve five broad outcomes:

- Provide connectivity for Essex communities and international gateways to support sustainable economic growth and regeneration.
- Reduce carbon dioxide emissions and improve air quality through lifestyle changes, innovation and technology.
- Improve safety on the transport network and enhance and promote a safe travelling environment.
- Secure and maintain all transport assets to an appropriate standard and ensure that the network is available for use.
- Provide sustainable access and travel choice for Essex residents to help create sustainable communities.

3.9.8. It provides a strategic context for the delivery of transport related infrastructure for Essex. The strategy states:

'Problems encountered along the A12 are well documented, having been examined in 2008 by an Essex County Council funded Public Inquiry and the 2010 DfT-led London to Haven Ports Study. Through the A12 Alliance we will continue to lobby the Highways Agency to address specific local problems along the A12 and to develop a longer-term investment plan that recognises the importance of the A12 to the Essex economy.'

- 3.9.9. Despite its age, the ETS acknowledges that at that time the A12 operated at capacity and had poor reliability and traffic delays. It states:

'The A12, in particular, has significant reliability issues which have been highlighted by the Council-commissioned A12 Inquiry. Closures are common, with the Inquiry finding that there is a 1 in 30 chance that the A12 will be closed at some point on its length during a typical day. This impacts not only on traffic on the road itself, but also on traffic levels on other roads in Essex.'

- 3.9.10. The ETS provides detail to how ECC plans to improve the strategic road corridors. It states:

'Improving the capacity and reliability of the strategic road corridors in Essex is essential to support economic growth in the county and to enable the expansion of our international gateways. Whilst out of direct Council control, we will ensure that the needs of our residents and businesses are adequately understood by Government and will continue to lobby strongly for additional investment in our trunk roads and motorways. In particular we shall continue to press for...improvements to the resilience of the A12, in accordance with the recommendations of the independent A12 Inquiry.'

- 3.9.11. Policy 3 outlines how the Council will tackle congestion and identifies the A12 as a key strategic road that requires measures be put in place to manage traffic, improve the road, and promote the use of public transport, cycling and walking to relieve the existing congestion pressure on the road.

- 3.9.12. The ETS confirms the importance of the A12 as a key strategic route and highlights its need for improvement, to address the existing congestion issues that reduce journey reliability and resilience. As part of the Strategic Highway Network, the A12 is not managed by ECC, therefore the strategy does not provide specific policies or proposals for how the route should be improved.

3.10. DESIGN MANUAL FOR ROADS AND BRIDGES

- 3.10.1. The Design Manual for Roads and Bridges (DMRB) contains information about current standards relating to the design, assessment and operation of motorway and all-purpose trunk roads in the UK. This is a NH technical document rather than forming part of national policy.

4. THE PLANNING ISSUES

4.1. MAIN ISSUES IN THE EXAMINATION

4.1.1. The Examining Authority (ExA) made an Initial Assessment of Principal Issues (IAPi) based on the application documents and the Relevant Representations (RRs). In accordance with section (s) 88 of Planning Act 2008 (PA2008) and Rule 5 of the Examination Procedure Regulations (EPR 2010). This was done within 21 days of the day after the receipt of the s58 certificate of compliance with s56(a) of the PA2008 provided by the Applicant. The IAPi was published with the Rule 6 letter on 12 December 2022 [[PD-005](#)]. The issues are not in any implied order of importance. They are as follows:

- Air Quality and Emissions;
- Biodiversity, Ecology and the Natural Environment;
- Climate Change;
- Compulsory Acquisition and Temporary Possession;
- draft Development Consent Order;
- Gas Pipeline Diversion;
- Geology and Soils;
- Good Design;
- Historic Environment;
- Land Use;
- Landscape and Visual;
- Material Assets and Waste;
- Need for Proposed Development;
- Noise and Vibration;
- Population and Human Health;
- Scope of Development and Environmental Impact Assessment;
- Socio-economic;
- Traffic and Transport; and
- Water, Drainage and Flood Risk.

4.1.2. The IAPi was raised at the Preliminary Meeting (PM) [[EV-001](#) and [EV-002](#)]. No substantive comments were made by any of the participants on this list of issues.

4.1.3. The IAPi provided a general structure for the ExA's Written Questions (ExQs) and informed the selection of topics for oral Hearings. The only exception being that matters of other projects and proposals and planning policy were considered within the other specific issues where appropriate. The structure of this Report has been broadly arranged on this basis.

4.2. ISSUES ARISING IN WRITTEN SUBMISSIONS

Introduction

4.2.1. The key events in the Examination are summarised in Chapter 1 and set out more fully in Appendix A. In total there were 223 RRs, 5 Local Impact Reports (LIR) from five Councils, 19 Statements of Common Ground (SoCG) and a number of other written submissions at the 8 Deadlines (DL) within the Examination timetable.

4.2.2. Broadly speaking, all of the issues raised fell within the IAPi set out above and the ExA go on to consider them further in Chapter 5 of this Report.

Adequacy of Pre-application Consultation

- 4.2.3. There was some criticism of the Applicant's pre-application consultation process from a few Interested Parties (IP), [RR-007, RR-100 and RR-168] who commented that they considered that the pre-application consultation undertaken by the Applicant to have not been sufficient or effective. This was on the basis that they felt the Applicant had failed to address what they considered to be legitimate concerns and had therefore not engaged constructively. Submissions principally related to a perceived lack of engagement around closure of J20a and b, and the proposed impact of new J24.
- 4.2.4. From our reading, these specific criticisms were principally about the approach taken by the Applicant to the development of options and their approach to consultation on these, rather than the principle of development.
- 4.2.5. From the ExA's review of the Applicant's submissions, we consider the level and amount of pre-application consultation appears to be adequate. We also note that the suitability of the consultation was considered as part of the acceptance process, where it was deemed to be sufficient to enable the application to be accepted for Examination. On this basis, we have therefore not considered the matter any further.

Need for Separate DCO Application

- 4.2.6. Messing and Inworth Action Group (MIAG) made submissions [REP2-084] that they disagreed that the whole Proposed Development was an alteration proposal under s22(1)(b) of the PA2008, as applied for by the Applicant. They referred to the section to the south of Feering running north to Marks Tey, which in their view consisted of the construction of a new highway, which would satisfy the definition of s22(1)(a) of the PA2008. In their view [REP2-084] this section contained little, if any, 'alteration' to the existing A12 and therefore it did not satisfy s22(1)(b), but was a new highway, details of which were clearly shown on sheets 13-18 of the Detrunking and Stopping-Up Plans [APP-026]. As such, MIAG considered that the new sections of the Proposed Development should be treated as a separate Nationally Significant Infrastructure Project (NSIP) for which the Applicant had not applied for consent.
- 4.2.7. We raised the matter at Issue Specific Hearing 2 (ISH2) [EV-023], where we provided MIAG the opportunity to explain their point and for the Applicant to provide us with their view.
- 4.2.8. MIAG restated their position and referred to sections 15 and 19 of the PA2008, where they argued that construction and alterations were separated and the PA2008 treats them as separate options. They provided highway examples with the A428 Black Cat to Caxton Gibbet Road Improvement Scheme being a construction scheme and the A38 Derby Junctions being the alteration of an existing highway. In their view [EV-023], alteration involved dealing with something of similar alignment.
- 4.2.9. In response, the Applicant stated [REP3-009]:

....the Applicant submits the criteria for construction or alteration in S22 of the 2008 Act are essentially the same. The Proposed scheme would meet the thresholds for either (or both) of construction or alteration. Once one of the thresholds is met then an application is an NSIP. There is no need nor purpose to either sub-divide the application in to separate highway related NSIPs or to make a separate application for each limb of S22 of the 2008 Act. This would be confusing for the public and

interested parties and would make for an unnecessarily complex application or set of applications. The Applicant has intentionally not sought to divide the works description between the NSIP element and associated development because of the scheme being a single comprehensive scheme and it believes the same approach is justified in respect of the separate limbs of S22.

ExA Considerations

- 4.2.10. Having considered the submissions made by the parties on the matter and reviewed the wording contained within PA2008, the ExA considers the Proposed Development to be a single scheme, which, whilst containing elements of both alteration and construction, meets the required thresholds to be considered as an NSIP, under s22. In this respect, we therefore do not see the fact that the application was made under s22(1)(b) as being a particular problem. In fact, given the linear nature of the Proposed Development we consider that should the scheme have been split as advocated by MIAG, this would have created a confusing position for stakeholders and local residents, who would have likely struggled to interpret and fully understand the proposal and its related effects. Furthermore, such an approach of artificially dividing a scheme could potentially be at odds with the Environmental Impact Assessment (EIA) Regulations.
- 4.2.11. On this basis, the ExA agrees with the submissions of the Applicant and concludes the application to have been duly made.

4.3. ISSUES ARISING IN LOCAL IMPACT REPORTS

4.3.1. All five Local Authorities (LA) submitted LIRs as listed below:

- Braintree District Council (BDC) [[REP2-041](#)];
- Chelmsford City Council (CCC)[[REP2-106](#)];
- Colchester City Council (CoCC) [[REP2-045a](#)];
- Essex County Council (ECC) [[REP2-055](#)]; and
- Maldon District Council (MDC) [[REP2-068](#)].

4.3.2. All relevant individual LIR issues arising are taken into account in Chapter 5 within each specific topic section. However, in general terms the LAs stated the following.

4.3.3. BDC stated that:

“The Development Plan is supportive of the general principle of new and improved road infrastructure and strategic highway connections, specifically the A12 and capacity of its junctions.”

4.3.4. CCC observed that:

“The A12 is at capacity and there a recognised need for capacity improvements and Chelmsford City Council support in principle its upgrading and improvement.”

4.3.5. CoCC stated that:

“The A12 is a key strategic route currently operating at capacity and there is a recognised need for upgrading and improvement works which is supported by Colchester City Council in principle.”

4.3.6. ECC noted that:

“... the council supports the principle of the A12 widening scheme and is actively engaging with NH on the project. ... There is a lot about the scheme to be commended. It is expected to bring considerable benefits to users of the A12 in terms of congestion relief, more reliable journeys and improved road safety.”

4.3.7. MDC stated:

“... the Council supports the principle of the Project and its established aims and objectives to widen the north and south bound carriageways. It is considered that the proposed upgrade to the SRN would bring some benefits to the businesses, residents and visitors of the Maldon District.”

4.4. CONFORMITY WITH NATIONAL POLICY STATEMENTS

4.4.1. As set out in Chapter 3 of this Report, the Proposed Development falls to be considered against the National Policy Statement National Networks (NPSNN). For the gas main diversion, the National Policy Statement for Overarching Energy (NPS EN-1) and the National Policy Statement for Oil and Gas Supply and Storage (NPS EN-4) are also of relevance. Conformity with National Policy Statements (NPS) is a principal matter for consideration in the Examination and this is discussed in further detail in Section 5, with our conclusions provided in Section 7.

4.5. CONSIDERATION OF ALTERNATIVES

4.5.1. Regulation 14 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations) requires an Environmental Statement (ES) to include at least:

“... a description of the reasonable alternatives studied by the applicant, which are relevant to the Proposed Development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.”

4.5.2. ES Chapter 3: Assessment of Alternatives [\[APP-070\]](#) outlines the alternative design options that were considered by the Applicant during the preparation of the application.

4.5.3. Further consideration of alternatives is contained within the Traffic and Transport section of Chapter 5.

4.6. CONFORMITY WITH DEVELOPMENT PLANS

4.6.1. The Applicant submitted Local Planning Policy Accordance Tables [\[APP-252\]](#). The responses provided in this Appendix refer to local policies which are contained within the Local Planning Authorities' (LPA) Development Plans.

4.6.2. The affected LPAs produced LIRs, see paragraph 4.3, which provide details of the likely impacts the Proposed Development would have with reference to the Development Plans.

4.7. ENVIRONMENTAL IMPACT ASSESSMENT

Policy Context

4.7.1. Paragraph 4.15 of the NPSNN states that:

“All proposals for projects that are subject to the European Union’s Environmental Impact Assessment Directive and are likely to have significant effects on the environment, must be accompanied by an environmental statement, describing the aspects of the environment likely to be significantly affected by the project”. Paragraph 4.16 deals with significant cumulative effects and advises that “any environmental statement should provide information on how the effects of the Applicant’s proposal would combine and interact with the effects of other existing or consented development.”

Environmental Statement

- 4.7.2. As set out in Section 1.5 above, the application was supported by an ES, the scope of which had previously been agreed via a Scoping Opinion issued by the Planning Inspectorate (PINS) on 7 December 2020. The ES comprises 18 Chapters [[APP-068](#) to [APP-085](#)] together with supporting Figures [[APP-203](#) to [APP-248](#)] and Appendices [[APP-092](#) to [APP-182](#)]. A Non-Technical Summary is also provided [[APP-183](#)].
- 4.7.3. In preparing the ES, the Applicant has confirmed that all assessments were undertaken following the most recent and relevant advice, guidance and best practice available. Where specific issues were raised by IPs in relation to the approach, we have considered these against the relevant topic in Section 5.
- 4.7.4. An ES Addendum [[AS-098](#)] was submitted by the Applicant in conjunction with their Change Request to present an assessment of any new or different significant effects that were likely to result from the proposed changes.
- 4.7.5. An ES errata document was submitted at DL8 [[REP8-012](#)].

Rochdale Envelope

- 4.7.6. As discussed in Section 4.1.5 above, the Proposed Development has not yet been fully designed. As a result, to address these design uncertainties, the approach of the assessments within the ES was to use the Rochdale Envelope approach. This involved setting Limits of Deviation (LoD) for both the horizontal and vertical alignment of the proposed carriageways.
- 4.7.7. In response to our ExQ1 [[REP2-025](#)], the Applicant provided details of the parameters against which the various ES Chapters had assessed the Proposed Development and its effects. The Applicant confirmed that the ES assumes a worst-case scenario for environmental effects within these limits. Conformity of the scheme with the LoD would be secured through the recommended Development Consent Order (rDCO) (Appendix D).

Adequacy of the ES

- 4.7.8. Dr Andrew Boswell of Climate Emergency Planning and Policy (CEPP) [[REP2-044](#)] made submissions to the effect that the ES was unlawful due to a lack of a cumulative assessment of carbon emissions. Dr Boswell requested that the ExA should give consideration to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) which provides the option to ‘suspend consideration of the application’ if it is necessary for the ES to contain further information. Dr Boswell also made reference to an ongoing legal case where similar matters were being pursued in relation to three highway NSIP decisions.

- 4.7.9. On 7 July 2023, prior to the close of the Examination, judgement on the legal case referred to by Dr Boswell was handed down (R (Boswell) v Secretary of State for Transport [2023] EWHC 1710 (Admin)). Details of the judgement were submitted to the Examination by the Applicant [[REP8-016](#)]. The judgement confirmed that the approach taken to the assessment of cumulative impact of carbon emissions in all three decisions did not breach the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and was lawful.
- 4.7.10. On this basis, given that the approach taken by the Applicant mirrored those considered as part of the judgement, the ExA considered the ES to be adequate in this respect. Our consideration of climate change effects is provided in Section 5.5.

Conclusion on the EIA and ES

- 4.7.11. We are content that the ES, together with the other information submitted by the Applicant during the Examination, is adequate and meets the requirements under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- 4.7.12. Full account has been taken of all environmental information in the assessment of the application and in the recommendation to the Secretary of State for Transport (SoST).
- 4.7.13. Considering the EIA process, the submitted and updated ES, the Works Plans and Environmental Masterplans, the ExA concludes that:
- the Proposed Development is EIA development;
 - the submitted documents, as supplemented by the subsequent submissions, provide an adequate assessment of the environmental effects of the Proposed Development;
 - the Rochdale Envelope has been properly defined and considered in the ES; and
 - the ES gives enough consideration to alternatives to the Proposed Development.

4.8. HABITATS REGULATIONS ASSESSMENT

- 4.8.1. Under Regulation 63 of the Habitats Regulations, the Competent Authority must consider whether a development will have Likely Significant Effects (LSE) on a European site, either alone or in combination with other plans or projects. The purpose of the LSE test is to identify the need for an Appropriate Assessment (AA) and the activities, sites or plans and projects to be included for further consideration in the AA.
- 4.8.2. In Chapter 6 we find that LSE on the European sites from the Proposed Development when considered alone or in combination with other plans or projects can be excluded for the impact-effect pathways assessed. We therefore conclude that an AA of the Proposed Development is not required to be undertaken by the Secretary of State (SoS) to fulfil their duty under the Habitats Regulations.

4.9. TRANSBOUNDARY EFFECTS

- 4.9.1. On behalf of the SoS, PINS carried out a screening exercise to determine whether the Proposed Development would result in any LSEs on the environment in a European Economic Area State [[OD-005](#)].

- 4.9.2. Under Regulation 32 of the EIA Regulations and based on the information provided by the Applicant, PINS considered that the Proposed Development would be unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State.
- 4.9.3. In reaching this conclusion PINS identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts. PINS considered that the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant completion of a formal transboundary screening matrix.
- 4.9.4. The ExA has had regard to the ongoing duty of the SoST under Regulation 32 to have regard to transboundary matters throughout the Examination. No new information or evidence has come before this Examination which gives rise to the need to reconsider the transboundary screening decision.

4.10. OUTSTANDING MATTERS AT THE CLOSE OF THE EXAMINATION

- 4.10.1. At the close of the Examination, there were very few matters which were either not resolved or where the ExA considers additional or updated information is required. These are discussed further in the relevant sections in Chapter 5 of the Report.
- 4.10.2. Where we consider the SoS may wish to consider seeking updated or additional evidence from IPs, these are reported in the relevant sections. For ease of reference, they have also been set these out in our overall conclusions in Chapter 10 of this Report.

5. FINDINGS AND CONCLUSIONS IN RELATION TO THE PLANNING ISSUES

5.1. INTRODUCTION

5.1.1. This Chapter contains a number of sections, each of which deals with a significant topic that was assessed during the Examination. These are based upon the Initial Assessment of Principal Issues (IAP I) and other issues which were important and relevant that were raised during the course of the Examination. The issues are dealt with alphabetically and should not be taken to imply any order or merit.

5.1.2. The sections all follow a common structure:

- *Introduction*: detailing what issues will be considered in each section;
- *Policy Background*: which identifies the main policy against which the issue has been examined, principally from the National Policy Statement for National Networks (NSPNN);
- *Applicant's Approach*: which summarises the main features of the approach that the Applicant has undertaken, as described in the application documents, notably the Environmental Statement (ES);
- *Planning Issues/Issues Arising During the Examination*: which identifies matters that arose in the course of the Examination;
- *ExA Considerations*: reasoning in respect of the above issues; and
- *Conclusions*: which sets out conclusions on each issue to be carried forward to Chapter 7.

5.1.3. To aid the Secretary of State for Transport (SoST) in their consideration of the various matters, in our conclusions, the Examining Authority (ExA) has come to a view, using professional judgement, as to whether the effect of those matters weigh for or against the making of the Development Consent Order (DCO). To ensure a consistency of approach, we have used the following terminology:

- has negative weighting against making the DCO; or
- has positive weighting in favour of making the DCO; or
- weighs neither for nor against making the DCO.

5.1.4. Having identified whether the effect of that matter weighs in favour or against the making of the DCO, we have then considered what weighting should be attributed to that conclusion in the overall planning balance. To ensure a consistent approach, the ExA has adopted the following terminology:

- neutral weight; or
- limited weight; or
- moderate weight; or
- substantial weight.

5.1.5. When combined, this provides the ExA's overall weighting on the matter. For example, it weighs in favour of making the DCO, and has been attributed limited weight in the planning balance; or the matter weighs neither for nor against the making of the DCO and has been attributed neutral weight in the planning balance.

5.2. THE NEED FOR THE PROPOSED DEVELOPMENT

Policy

- 5.2.1. The NPSNN establishes the importance of the national road network and identifies that they provide critical links between cities, join up communities, and connect ports, airports and rail terminals. They play a vital role in people's journeys, along with driving prosperity by supporting new and existing development, encouraging trade and attracting investment (paragraph 2.13).
- 5.2.2. Paragraph 2.21 and Table 1 of the NPSNN advises that whilst there are a number of options to meet identified need, such as maintenance and asset management or demand management and modal shift, relying solely on these alternatives is not a viable or desirable means of managing need.
- 5.2.3. Without improved road networks, including performance, paragraph 2.22 identifies that it will be difficult to support further economic development, employment and housing. On this basis, the Government concludes that, at a strategic level, there is a compelling need for development of the national road network. Development of the national road network (paragraph 2.23) may take the form of improvements to trunk roads, such as dualling of single carriageways or additional lanes on existing dual carriageways to increase capacity, at the same time as delivering improved performance and resilience.
- 5.2.4. To meet this, NPSNN recognises (paragraph 2.27) that simply expanding capacity on the existing network may not be sufficient. In these circumstances it identifies that new alignments and corresponding links, including alignments which cross a river or estuary, may be needed to support increased capacity and connectivity.
- 5.2.5. Paragraph 4.2 identifies that:
- “Subject to the detailed policies and protections in this NPS, and the legal constraints set out in the Planning Act, there is a presumption in favour of granting development consent for national networks NSIPs that fall within the need for infrastructure established in this NPS. The statutory framework for deciding NSIP applications where there is a relevant designated NPS is set out in Section 104 of the Planning Act.”*

Applicant's Case

- 5.2.6. The Applicant's Case for the Scheme [\[APP-249\]](#) sets the policy context for the Proposed Development. Chapter 7 of the Case for Scheme [\[APP-249\]](#) relates the benefits and disbenefits of the scheme to the NPSNN and these are emphasised in other application documents including the Statement of Reasons [\[APP-042\]](#), Chapter 2 The Proposed Scheme [\[APP-069\]](#), Chapter 3 Assessment of Alternatives [\[APP-070\]](#), Case for the Scheme [\[APP-249\]](#), Transport Assessment Report [\[APP-253\]](#) with supporting detail [\[APP-254 to 260\]](#), and the Combined Modelling and Appraisal Report and following Appendices [\[APP-261\]](#) with Appendices from [APP-262 to 267](#).
- 5.2.7. The Applicant considered that the NPSNN and Road Investment Strategy 2 (RIS2) strongly support the delivery of national networks that meet the country's long-term needs, while helping to facilitate a prosperous and competitive economy and improving the quality of life for all.

- 5.2.8. Currently, traffic on the A12 between Chelmsford and Colchester (J19 to J25) is extremely high for a two-lane dual carriageway and is close to or exceeds the maximum recommended limit for a road of this type [APP-249]. As an important commuter link between Chelmsford and Colchester, this leads to average speeds being particularly slow at peak times in both directions.
- 5.2.9. Traffic modelling shows that, without intervention, congestion, journey times, delays and accidents currently experienced on the route would increase in future years, as would 'rat running' on local roads. The Proposed Development is forecast to reduce congestion related delay, improve journey time reliability, and increase the overall transport capacity of the A12.
- 5.2.10. The Proposed Development would improve performance and safety, solve strategic traffic problems arising from inadequate and varying route standards, and reduce congestion and delay, which will collectively increase resilience along this key route. This would be in line with the Department for Transport's (DfT) strategic objectives and RIS2 strategic outcomes. The improved connections to nearby local roads and the wider Strategic Road Network (SRN) would improve connections for users, therefore having wider economic benefits.
- 5.2.11. In addition, the Applicant highlights [APP-249] that the Proposed Development would play an important role in facilitating planned growth (including housing and business growth) throughout central and north Essex and beyond. In particular it would facilitate improved connectivity for Felixstowe and the Haven Ports with the south-east of England and the wider motorway network.
- 5.2.12. In relation to road safety, the Applicant assessed the current situation using local observed Personal Injury Accident (PIA) data from a nine-year period (from 2011 to 2019), (see below Table 5) which showed that the fatal and slight casualty rates for the A12 are comparable with the COBALT default rates, but the observed rate for serious casualties to be much higher. Overall, the total casualty rate is higher on the A12 than the national default.

Table 5 PIA Data

Item	Fatal	Serious	Slight	Total
Collisions (2011–2019)	4	36	206	246
Casualties (2011–2019)	7	68	304	379

- 5.2.13. With the Proposed Development in place, using industry-standard COBALT software, it showed there to be a predicted increase of 262 accidents over the 60-year appraisal period. However, in terms of the number of the severity of casualties, there would be two fewer fatal, 200 fewer serious and 496 more slight casualties [APP-253]. An overall increase in accidents is predicted in the wider study area. The Applicant noted however, that whilst the COBALT assessment can be used to support the overall economic assessment of the Proposed Development, it is based mainly on accident parameters that reflect national average conditions for different broad categories of road.
- 5.2.14. The Applicant undertook an Economic Assessment (EconA), that considered the economic, environmental and social benefits and disbenefits of the Proposed Development [APP-249].

- 5.2.15. The Proposed Development has an adjusted Benefit to Cost Ratio (BCR) of 1.7 when compared to a Present Value of Costs of £452.1 million. Impacts which cannot be monetised have also been considered. These include adverse effects on landscape, the historic environment and biodiversity, and beneficial impacts from improved journey quality, security and severance [APP-249].
- 5.2.16. Overall, considering the monetised and non-monetised benefits, as well as various sensitivity tests, the Applicant concluded [APP-249] that the Proposed Development was considered to represent medium value for money.

Need for Gas Main Diversion

- 5.2.17. The construction of the new road impacts on the route of an existing gas main which, as a result is proposed to be re-routed. The Applicant treated this element as a Nationally Significant Infrastructure Project (NSIP) as it meets the thresholds set out in the Planning Act 2008 (PA2008). The existing pipeline runs parallel to and close to the existing A12 alignment. The gas main diversion is expected to be constructed by Cadent Gas Limited (the current operator of the gas pipeline to be diverted who holds a licence under the Gas Act 1986).
- 5.2.18. The Proposed Development is to be built where the current gas main is located. The current gas main runs parallel along the southbound carriageway of the A12 and runs under residential back gardens and the adjoining nature reserve that is a historical landfill site. 11kV cables also run directly above the pipeline. The Proposed Development cannot widen to the north as it would impact on Witham residential and business properties and the scale of the proposed earthworks and piling activities to construct retaining walls would not be safe or permissible if the gas main remained sited as at present. All of these constraints raised the need for the gas main to be diverted.
- 5.2.19. Details of the options considered are in Assessment of Alternatives [APP-070] where the Applicant compared five possible alternative routes for the pipeline before reaching a conclusion as to the preferred route. Our consideration of the gas main diversion, including a consideration of the alternative routes, and our conclusions on the issues is contained at Section 5.17.

Matters Arising During the Examination

- 5.2.20. In relation to the monetised benefits of the Proposed Development, the ExA sought further clarification on these and whether these had been reviewed in light of changes to the economic climate [PD-008a].
- 5.2.21. The Applicant confirmed, [REP2-025] that there had been no updates to the economic appraisal. They clarified that the appraisal uses economic parameters supplied in the Department for Transport's Transport Analysis Guidance (TAG), which includes parameters such as fuel costs, tax rates and proportions of petrol/diesel/electric vehicles on the roads. Monetised benefits are calculated for a 60-year period, starting in the expected opening year of 2027. Therefore, rather than just looking over the past 18 months, the economic parameters supplied in TAG are based on longer term predictions of the future.
- 5.2.22. In terms of ensuring the appraisal remains up to date, the Applicant highlighted [REP2-025] that TAG release updates to these parameters once or twice per year and that the economic appraisal used the most recent set of parameters at the time it was undertaken. Ahead of final funding approval, the Business Case will be updated, and this will use the latest economic parameters available at that time.

- 5.2.23. We also sought [\[PD-008a\]](#) further justification following the publication of a National Audit Office report in November 2022 which indicated that the cost of delays and inflation would prevent many highways projects being delivered within budget.
- 5.2.24. In response [\[REP2-025\]](#), the Applicant confirmed that it was aware of the inflationary and planning challenges to delivering the RIS2 enhancement portfolio, as reported, and was working with the DfT to put in place plans to manage these challenges, including actions to balance risks and ensure contingencies to resolve these issues.
- 5.2.25. In their Local Impact Reports (LIRs) [\[REP2-041\]](#), [\[REP2-045a\]](#), [\[REP2-055\]](#), [\[REP2-068\]](#) and [\[REP2-106\]](#), all the host authorities, whilst raising a number of concerns in relation to particular elements of the Proposed Development, all confirmed that they supported the principle of the widening of the A12. They highlighted traffic related benefits, along with the economic benefits that they considered the Proposed Development would bring.
- 5.2.26. In relation to the Applicant's economic case, no substantive comments were received from any of the statutory parties or the host authorities in relation to the Applicant's economic assessment.
- 5.2.27. The majority of representations expressed issues with specific elements of the Proposed Development (such as increased traffic through Boreham, the Applicant's junction strategy, traffic through Messing and Inworth or effects from Compulsory Acquisition (CA)/Temporary Possession (TP), for example), however despite these concerns, they pre-dominantly supported the overall principle of the Proposed Development, subject to the resolution of their location specific concerns. Benefits that were highlighted related mainly to relieving congestion, supporting economic growth and development and improvements to highway safety.
- 5.2.28. A number of Interested Parties (IPs) cast doubts on the need for additional road building, highlighting that it went against recent Government announcements in relation to the climate emergency, along with contrasting with Government policy towards achieving a modal shift away from the car. These policies suggested alternatives to building new roads which, in their view, would generate additional traffic.

ExA Considerations

- 5.2.29. On the basis of the evidence, the ExA is satisfied that the Proposed Development would be likely to result in a reduction to delays and congestion that currently occurs along the existing A12, especially at peak times. As such, these benefits would, in turn, add additional highway network capacity that would help to support housing and economic development, along with providing improved links within the wider region and beyond. These are benefits of the Proposed Development.
- 5.2.30. There is evidence that there is currently a safety issue along the existing A12. Whilst the Proposed Development would result in an increase in slight casualties, it would seek to address overall highway safety issues, delivering fewer fatal and serious casualties. Furthermore, the Proposed Development would apply a consistent standard of design along the route, with a three-lane all-purpose road throughout, along with the removal of direct accesses onto the road, which would reduce risks to road users, road workers and local residents. Therefore, on balance, the ExA considers that the Proposed Development would serve to improve highway safety in general and this is a benefit of the Proposed Development.

- 5.2.31. The ExA notes that there have been changes to the economy since the application was submitted, including from the residual effects of the Covid-19 pandemic, increases in energy prices, and the continued rise in cost and availability of some commodities. We consider the implications of increased cost in Chapter 8, and we consider monetarised benefits in this section and in Chapter 5. From the evidence before us, we are satisfied that these events would be addressed within the parameters of the sensitivity testing. We are therefore satisfied that the approach taken to the economic assessment is consistent with paragraph 4.5 of the NPSNN. We leave submissions in relation to value for money for the SoST to consider as necessary.
- 5.2.32. The ExA is satisfied that the evidence before us is sufficient to assess the need and benefits of the Proposed Development and that the Applicant has followed national adopted guidance in the modelling of the forecast BCR for the Proposed Development. The ExA is therefore satisfied that the modelled BCR is an accurate assessment of the likely benefits and costs to wider society and demonstrates that the Proposed Development would deliver an economic benefit.
- 5.2.33. In terms of the concerns expressed by a number of IPs with regards to the general principal of new road building proposals, the ExA is mindful of the guidance contained at Paragraph 4.6 of the NPSNN, which clearly identifies that the ExA and the SoST do not need to be concerned with the national methodology and national assumptions around the key drivers of transport demand.
- 5.2.34. Issues in relation to climate and carbon emissions from the Proposed Development are considered in Section 5.5.

Conclusion

- 5.2.35. The ExA concludes that the need for the Proposed Development has been established in accordance with the requirements of the NPSNN and the presumption in favour of development is engaged. This carries positive weight in favour of making the DCO and has been attributed substantial weight in the planning balance.

5.3. AIR QUALITY AND EMISSIONS

Introduction

- 5.3.1. This section deals with the effects of the Proposed Development on air quality. It considers:
- Nitrogen Oxide (NO_x) and particulate emissions (PM₂ and PM₁₀); and
 - Construction emissions with a bearing on air quality including dust.
- 5.3.2. Air quality effects in relation to biodiversity and designated sites are considered in Section 5.4. Climate change, Carbon Dioxide (CO₂) and other greenhouse gas (GHG) emissions are considered within Section 5.5. Health effects are considered in Section 5.13 and traffic in Section 5.15.

Policy and Legal Context

NPSNN

- 5.3.3. The NPSNN identifies that traffic congestion causes environmental problems, with more emissions per vehicle and greater problems of blight and intrusion for people nearby (paragraph 2.16).

- 5.3.4. Paragraphs 3.6 to 3.8 consider the contribution of transport to the meeting of legally binding environmental targets, identifying that the Government is committed to supporting the switch to ultra-low emission vehicles (Paragraph 3.7). Paragraph 3.8 states that the impact of road developments on aggregate emission levels is likely to be very small and that they need to be seen in the context of policies to meet legally binding air quality targets. In relation to PM₁₀ and NO_x, whilst levels may be expected to increase slightly in the short-term, they are expected to decrease in the medium term due to tighter vehicle emission standards, then flatten, with further falls in the long-term due to greater levels of electric and other ultra-low emission vehicles.
- 5.3.5. Paragraph 4.50 states that in assessing proposals, the ExA and the SoS should consider the potential impacts of processes, emissions or discharges to inform decision making. However, this should be on the assumption that, in terms of the control and enforcement, the relevant pollution control regime would be properly applied and enforced.
- 5.3.6. Paragraph 4.55 refers to a need to ensure that the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework. It states that it is important to ensure that the pollution released from a development would not make it unacceptable, particularly in relation to statutory environmental quality limits. Paragraph 4.56 states that consent should not be refused based on regulated impacts unless there is good reason to believe that relevant control permits, licenses or other consents will not subsequently be granted.
- 5.3.7. Paragraph 5.3 of the NPSNN identifies that increases in pollutants during construction or operation phases can result in the worsening of local air quality, with increased emissions contributing to adverse impacts on human health, on protected species and habitats.
- 5.3.8. In making a decision on any application, paragraph 5.10 requires the SoS to consider air quality impacts over the wider area likely to be affected, as well as in the near vicinity of the scheme. Account must be taken of air quality thresholds in domestic and European legislation. Paragraph 5.11 explains that air quality considerations are likely to be particularly relevant where schemes are proposed within or adjacent to an Air Quality Management Area (AQMA).
- 5.3.9. Paragraph 5.12 identifies that the SoS must give air quality considerations substantial weight where, after taking into account mitigation, the proposal would lead to a significant air quality impact in relation to Environmental Impact Assessment (EIA) and/or where they lead to a deterioration in air quality in an identified area.
- 5.3.10. Paragraph 5.13 states that the SoS “*should refuse consent where, after taking into account mitigation, the air quality effects of the scheme will:*
- *result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant; or*
 - *affect the ability of a non-compliant area to achieve compliance within the most recent timescales reported to the European Commission at the time of the decision.”*

Draft NPSNN

- 5.3.11. The policy requirements of draft NPSNN at the close of the Examination in respect of air quality was largely consistent with those policy requirements of the extant NPSNN. However, relevant additions/amendments identify that:
- the most significant air pollutants from the road transport sector are nitrogen oxides and particulate matter, but that air pollutants from transport have decreased since 1990, largely because newer vehicles emit less nitrogen oxide, with exhaust particulate matter emissions having also decreased since 1996 due to stricter vehicle emissions standards (paragraph 2.32);
 - emissions are also dependent on vehicle type: in the decade 2009 to 2019, cars reduced nitrogen oxide emissions by 19% despite increases in car mileage, while total nitrogen oxide emitted by vans increased by 59% alongside increases in van mileage (paragraph 2.33); and
 - non-exhaust particulate matter from brake and tyre wear has increased by 35% since 1990, and non-exhaust particulate matter from road abrasion has increased by 34% in the same period (paragraph 2.34).

5.3.12. In relation to decision making the draft NPSNN states:

- The Secretary of State should give air quality considerations substantial weight where a project would lead to a deterioration in air quality in an area or leads to a new area where air quality breaches any national air quality limits or statutory air quality objectives (paragraph 5.18);
- Air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits or statutory air quality objectives (paragraph 5.18);
- in all cases the Secretary of State must take account of any relevant statutory air quality limits or statutory air quality objectives and be content that all reasonable steps to reduce emissions in the construction and operational stage of the development (paragraph 5.19); and
- where the increase in air pollutant emissions resulting from the proposed scheme would significantly impact the government's ability to comply with a statutory limit or statutory air quality objective, the Secretary of State should refuse consent (paragraph 5.20).

Other Legislation and Policies

5.3.13. The Air Quality Directive (AQD), Air Quality Standards (AQS) and the Clean Air Strategy 2019 (DEFRA) are described in Chapter 3 of this Report. The AQD sets Limit Values (LVs) for compliance and control actions in case of exceedance, including for NO₂ and PM₁₀ and PM_{2.5}. The AQS sets objectives for key pollutants and sets the framework for detailed local plans to address exceedances, including the designation of Clean Air Zones and AQMAs.

5.3.14. During the course of the Examination the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 was published. The ExA sought the views of the Applicant on compliance with this. Details of this and the legislation is therefore provided in the sections below as it formed a key part of our examination of the issue.

The Application

Relevant Parts of the Application

- 5.3.15. The main sections of the application relevant to air quality matters considered here are:
- ES Chapter 6, Air Quality [\[APP-073\]](#);
 - Appendix 6.1: Air Quality Monitoring Results [\[APP-100\]](#);
 - Appendix 6.2: Traffic Data for the Affected Network [\[APP-101\]](#);
 - Appendix 6.3: Dispersion Modelling Process [\[APP-102\]](#);
 - Appendix 6.4: Verification of Dispersion Model Results [\[APP-103\]](#);
 - Appendix 6.5: Air Quality Modelling Results [\[APP-104\]](#);
 - Appendix 6.6: Project Air Quality Action Plan [\[APP-105\]](#);
 - Figure 6.1 Air Quality Assessment Area [\[APP-205\]](#);
 - Figure 6.2 Air Quality Baseline Conditions [\[APP-206\]](#);
 - Figure 6.3 Background NO₂ Concentrations [\[APP-207\]](#);
 - Figure 6.4 Construction Dust Assessment Sensitive Receptors [\[APP-208\]](#);
 - Figure 6.5 Modelled NO₂ Concentrations Do Something Scenario Human Health Receptors [\[APP-209\]](#);
 - Figure 6.6 Modelled Change In NO₂ Do Minimum And Do Something Scenarios Human Health Receptors [\[APP-210\]](#);
 - Figure 6.7 Modelled Ecology Receptors [\[APP-211\]](#);
 - Figure 6.8 Modelled Compliance Risk Assessment Receptors [\[APP-212\]](#);
 - Figure 6.9 Modelled NO₂ Concentrations Do Something Scenario Human Health Receptors [\[APP-213\]](#); and
 - Figure 6.10 Environmental Statement Modelled Change in NO₂ [\[APP-214\]](#).

Overall Approach

- 5.3.16. ES Chapter 6 [\[APP-073\]](#) provides the Applicant's assessment of potential air quality effects during the construction and operational phases and compliance with the AQD. It states that the methodology for the air quality assessment follows the guidance set out in the Design Manual for Roads and Bridges (DMRB) LA 105 Air Quality and associated Interim Advice Notes.

Baseline and Study Area

- 5.3.17. Sensitive human receptors and designated sites within 200m of the road links, triggered by the screening criteria, were selected to be included in the air quality assessment. Sensitive receptors included residential properties, schools and hospitals closest to the road, junctions and roads anticipated to experience highest pollutant concentrations.
- 5.3.18. The Applicant obtained additional baseline data from air quality information in annual status reports, published by the relevant Local Authorities (LAs). Information provided in these reports includes historic monitoring data and current air quality concerns, such as pollution hotspots and reporting of any exceedance of NO₂ and PM₁₀ annual mean objectives. This information was used to map the current baseline pollutant concentrations.
- 5.3.19. Within the study area, two monitoring sites were measured to have NO₂ concentrations above the annual mean Air Quality Objectives (AQO) (40µg/m³) in 2019. These were Foxden, Rivenhall and Coggeshall Road, Colchester. There is one AQMA within the air quality study area, Lucy Lane North AQMA, located in Colchester. According to the latest Colchester AQ Status Report (2020) annual mean NO₂ recorded was 27.6 µg/m³.

- 5.3.20. Project specific monitoring was undertaken by the Applicant across 11 sites between May 2017 and July 2018. Eight of the 11 sites were within 200m of the Affected Road Network (ARN) and therefore considered to be appropriate for application in the air quality assessment. None of the survey sites were found to exceed the level of the annual mean AQO.
- 5.3.21. In accordance with DMRB LA 105, using the baseline conditions to define the receiving environment sensitivity, the Applicant considered on balance it to be 'medium'.
- 5.3.22. A construction dust assessment was undertaken in accordance with DMRB LA 105, which identified all sensitive receptors (human health and designated ecological sites) within 50m, 50–100m and 100–200m of all construction activity bounded by the Order Limits (OL).
- 5.3.23. In accordance with DMRB LA 105, as the construction programme would last more than 2 years, the impact of construction activities on vehicle movements was assessed by the Applicant. The construction traffic assessment year was 2025 as the Applicant considered this to be representative of the year when construction activity is likely to be greatest. The study area was limited to the A12 and interconnecting roads (e.g. the A130), with traffic movements estimated between junctions 15 and 29 of the A12 and interconnecting roads.
- 5.3.24. All designated sites which include Special Areas of Conservation (SACs), Ramsar sites and Special Protection Areas (SPAs), Local Wildlife Sites (LWS), ancient woodland and veteran trees within 200m of the triggered links were identified.

Construction Effects

- 5.3.25. In relation to construction impacts, the Applicant confirmed that this was based on the year 2025, which is when construction activity is likely to peak and therefore the construction traffic assessment is considered to represent a worst-case.
- 5.3.26. In relation to construction activities, the Applicant would adopt best practice measures. In specific relation to dust, prior to commencing, the Principal Contractor would, through discussions with affected LAs, agree appropriate mitigation measures as outlined in the Register of Environmental Actions and Commitments (REAC). Measures would include the dampening down of surfaces, planning the site layout so that machinery and dust-causing activities occur as far from receptors as practicable, erecting screens or barriers around the dust-causing activities or the site boundary, and the covering or dampening down of stockpiles to prevent or minimise entrainment by wind.

Operational Effects

- 5.3.27. The Applicant assessed a total of 260 human health receptors across the air quality study area for levels of NO₂, PM₁₀ and PM_{2.5}. Of these, 253 receptors were below 10% of the annual mean NO₂ standard of 40 µg/m³. Four properties were within 10% of the standard, with three properties predicted to be in exceedance of the standard. All exceeding properties are adjacent to the A12 corridor. One property in Boreham was assessed to exceed the standard with the Proposed Development in place, with the other two exceedances, both located east of J25 assessed as exceeding the standard in both the do minimum and do something scenarios.
- 5.3.28. In terms of the predicted level of change, for the property in Boreham, the Applicant assessed the magnitude of change to be 'medium' (4µg/m³ or less). For the

remaining two exceedances, the magnitude of change was predicted to be 'small' ($2\mu\text{g}/\text{m}^3$ or less). When assessed against the guideline number of properties provided in DMRB LA 105 to inform the risk of significant effect, the Applicant concluded that the risk to human receptors is 'not significant'.

- 5.3.29. The Applicant's modelling also predicted an improvement of air quality for those receptors where the offline sections were proposed, principally along the existing London Road west of J25 and in the villages of Kelvedon and Ferring. In addition, benefits were also predicted to properties on The Street in Hatfield Peverel, properties on Braxted Park Road and on the B1022.
- 5.3.30. Overall, the Applicant concludes that there would be no likely significant effect for human health during the operation of the Proposed Development [APP-073]. Similarly, the Applicant concludes that the construction local air quality assessment and construction dust assessment shows that there would be no likely significant air quality effect for human health during construction of the Proposed Development [APP-073]. It is also the view of the Applicant that the Proposed Development would not affect the UK's reported ability to comply with the AQD in the shortest timescale possible due to either the construction or operation of the Proposed Development [APP-073].

Planning Issues

- 5.3.31. Air quality matters considered during the Examination included:
- baseline conditions, assessment methodology, modelling and legislative changes;
 - construction effects; and
 - operational effects.

Baseline Conditions, Assessment Methodology, Modelling and Legislative Changes.

- 5.3.32. In relation to the identified receptors, through our ExQ1 [PD-008a] we requested further justification and further detail of how these had been identified. In terms of the Applicant's modelling, we sought clarification and explanation [PD-008a] in relation to the Applicant's position that it represented a worst-case scenario. We also sought an explanation and justification [PD-008a] in relation to the Applicant's NO₂ diffusion survey that was undertaken between May 2017 and July 2018 and whether the approach had been agreed with the Local Planning Authorities (LPAs), along with its overall robustness, given the age of the data.
- 5.3.33. The matter was further discussed at Issue Specific Hearing 1 (ISH1) [EV-015], where we sought further clarification and explanation in relation to the overall methodology adopted by the Applicant.
- 5.3.34. At the ExA's second round of further written questions (ExQ2) [PD-009], we requested further detail in relation to World Health Organisation Guidance (WHO) which we had been referred to by Mr Mark East [AS-039], along with clarification of the impacts of the recently published Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 and the associated Environmental Improvement Plan.
- 5.3.35. In relation to Government policy and the shift towards the increased use of electric vehicles, we requested information on how the phasing out of petrol and diesel vehicles had been factored into the Applicant's assessment [PD-009], along with

details of what the predicted effects of these changes may be and what assumptions the Applicant had made with regards to their uptake and usage.

- 5.3.36. Maldon District Council (MDC) [REP2-068] referred to their recently adopted (July 2020) Maldon 2020-2025 Air Quality Action Plan. In terms of the Applicants' approach, they highlighted that the assessment did not include ecological features at Blue Mills Nature Reserve.
- 5.3.37. Mr Mark East [REF4-085] considered that WHO guidance should be given significant weight, with DMRB being out of date, as it does not recognise the WHO guidance or contribute in a positive way to meeting the Department for Environment, Food and Rural Affairs' (DEFRA) Clean Air Strategy 2019. Mr East was also of the view that the Environment Act 2021 also requires full consideration, plus, should the draft Development Consent Order (dDCO) be approved, he was of the view that it would be contrary to Committee on the Medical Effects of Air Pollution (COMEAP) reports.
- 5.3.38. Mr Mark East [REP4-085] submitted that the Applicant's assumptions had been generated on data and past trends, which given the economic forecast for the UK over the next 5 years were unreliable. In relation to assumptions around electric vehicles, Mr East [REP4-085] considered that this should be limited and any modelling factoring in the benefits of electric vehicles should be rerun taking into account the present economic outlook and likely affordability of such vehicles to the wider public.
- 5.3.39. In response to our questions about the identification of receptors, the Applicant confirmed [REP2-025] that the identified 267 receptors were primarily worst-case, but also included receptors where air quality was predicted to improve. The placement of human health receptors was generally focused on areas near the Affected Road Network (ARN), where traffic modelling indicated that emissions were likely to increase or where the highest concentrations were expected to occur. Equally, receptors were selected to indicate where air quality was likely to improve. The Applicant also confirmed [REP2-025] that receptors were also specifically located where residents raised concerns during consultation events held before the modelling was undertaken. Inworth Road was highlighted [REP2-025] as one such location.
- 5.3.40. With regards to the assumptions made on the use of electric vehicles, the Applicant [REP4-055] clarified that the vehicle mix with the air quality modelling, which is taken from DEFRA's Emission Factor Toolkit (EFT) does allow for projected changes to the composition of the vehicle fleet over time, including changes to the proportions of electric vehicles, based largely on policy and economic factors prevailing at that time. However, the Applicant identified [REP4-055] that the latest projections (EFTv10) do account for the ban on sales of petrol and diesel cars / large good vehicles (LGVs) by 2030, (announced in November 2020) as this commitment was made after EFTv10 was published. Therefore, the Applicant's view was that the modelling was likely to underestimate their use and the outcomes of the air quality assessment [APP-073] likely to be conservative as a result.
- 5.3.41. In terms of assessment data, the Applicant confirmed [REP2-025] that air quality monitoring was undertaken between May 2017 and July 2018 at 11 locations between J19 and J25 of the A12. This was done for two reasons, first to indicate the status of air quality and secondly to verify any subsequent modelling work undertaken by a pollution dispersion model. The Applicant identified [REP2-025] that it had originally proposed to undertake additional air quality monitoring to

support the dDCO revised baseline year 2019, with monitoring deployed in January and February 2020, however due to Covid-19 restrictions the monitoring was abandoned on health and safety grounds and because the resulting traffic activity was considered to be unrepresentative.

- 5.3.42. Further to the ExA question and the submission of Mr Mark East with regards to WHO guidelines, the Applicant acknowledged [\[REP4-055\]](#) that the target values are lower than current AQS in England. However, the view of the Applicant was that they are guidelines only and are not currently part of UK legislation or policy requirements. The Applicant has assessed air quality impacts against the legally binding UK Standards, which are set for the protection of human health and the environment. As the WHO guidelines are not part of UK legislation or policy, the NPSNN requires no assessment against them. The Applicant was of the view that they therefore carry little weight in decision making.
- 5.3.43. In response to the publication of the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023, the Applicant acknowledged [\[REP4-055\]](#) that they set a new PM_{2.5} Annual Mean Concentration Target (AMCT) of 10 µg/m³ to be met by 2040 in England. Their view however was that this target was aspirational and not legally binding [\[REP5-002\]](#), and in particular, the AMCT is not a target which is legally required to be met in 2040 at locations other than at a relevant monitoring station. The Applicant identified [\[REP5-002\]](#) that the nearest such monitoring station is in Southend-on Sea and would not be affected by emissions associated with the Proposed Development.
- 5.3.44. The view of the Applicant [\[REP4-055\]](#) was that the UK Air Quality Standards for particulates (i.e. 40 µg/m³ and 20 µg/m³ for PM₁₀ and PM_{2.5} respectively) were still applicable and had been used by the Applicant in their assessment [\[APP-073\]](#) for the determination of significant effects. On this basis, the Applicant was of the view [\[REP4-055\]](#) that the SoS can be satisfied that the 2023 Regulations and the interim PM_{2.5} target do not have any material implications their decision making.

Construction Effects

- 5.3.45. We sought clarification from the LPAs [\[PD-008a\]](#) as to whether the Applicant's construction dust assessment had been undertaken in accordance with the latest guidance and whether they were satisfied with the proposed Dust Management Plan as a means of mitigation.
- 5.3.46. In response, all the host authorities confirmed [\[REP2-040\]](#), [\[REP2-045\]](#), [\[REP2-054\]](#), [\[REP2-067\]](#) and [\[REP2-107\]](#) that they had no objection in principle to the use of a Dust Management Plan (DMP) to ensure the appropriate monitoring of dust deposition and that it complied with the latest guidance and included all necessary measures to monitor mitigation effectiveness.
- 5.3.47. Braintree District Council (BDC) [\[REP2-040\]](#) considered that the DMP would need to be submitted to and approved by the host authorities at the appropriate time and that it may be more appropriate for the DMP to be a freestanding document rather than being incorporated within a wide-ranging Construction Environment Management Plan (CEMP). They also considered that the wording should also be changed to 'should' rather than 'may' to make the required detail of the DMP more robust.
- 5.3.48. MDC in its LIR [\[REP2-068\]](#) raised concerns that vehicles seeking alternative routes to avoid construction works, would have the potential to impact on existing poor air

quality in Maldon and Danbury AQMAs and contribute to poor air quality in Hatfield Peverel and potentially in Boreham. At ISH4 [\[REP5-044\]](#), MDC considered that there should be further monitoring of air quality as a result, along with provision of a funding mechanism to benefit each of the relevant LAs, to be used to support air quality related improvements in those areas.

- 5.3.49. The ExA also questioned the Applicant at ISH1 and ISH4 on the matter of the effects upon the existing AQMAs.
- 5.3.50. In their responses [\[REP3-012\]](#) and [\[REP5-020\]](#), the Applicant acknowledged the concern raised that some traffic is likely to flow via the A414 to bypass the construction works around J20a and J20b. The Applicant confirmed that J20b would be operational until it is connected to the new J21 in Quarter Four of 2025 and that J20a would be operational until Quarter One 2026, when the new J21 would be complete in all directions. Therefore, their view was that if traffic emissions and subsequent concentrations did change as a result of construction activities, the temporary nature of the construction phase would not significantly affect air quality within the Maldon and Danbury AQMAs.
- 5.3.51. Catherine Gaywood [\[RR-074\]](#) considered that construction vehicles servicing the project should all be of a minimum of Euro 6 standard, with a percentage of construction vehicles and machinery required to be electric. In response [\[REP1-002\]](#), the Applicant confirmed that where practicable, it would seek to use heavy goods vehicles (HGVs) of a Euro 6 standard, although there may be instances of certain specialised vehicles and plant where this may not be possible. The Applicant, where reasonably practicable, would also seek to use sustainably powered plant and vehicles.
- 5.3.52. In their submissions, the National Farmers Union (NFU) [\[RR-024\]](#) noted that within the First Iteration Environmental Management Plan (FIEMP), dust would be controlled during construction, but sought clarification as to how it would be controlled in relation to impact upon arable crops. During the Examination, discussions took place between the parties and as a result, a number of mitigation measures, including the role of the Agricultural Liaison Officer (ALO) were agreed [\[REP7-037\]](#).

Operational Effects

- 5.3.53. In ExQ1 [\[PD-008a\]](#), we sought further justification in relation to receptors R189, R193 and R225 and the Applicant's overall conclusions with regards to the impact of the proposed development upon them. We also questioned [\[PD-008a\]](#) the Applicant's conclusions in relation to significant effects, especially given that the predicted levels could be in excess of AQS.
- 5.3.54. As these receptors fell within Chelmsford City Council (CCC) and Colchester City Council (CoCC), the matter was raised by both LPAs within their LIRs [\[REP2-106\]](#) and [\[REP2-045a\]](#), with both Councils seeking further detail on the Applicant's assessment and questioning whether the effects should be significant and therefore trigger the need for an AQMA at these locations. CCC [\[REP2-106\]](#) considered that an additional package of mitigation measures, including monitoring was needed for Boreham. A similar request for monitoring at Boreham, but also including locations at Hatfield Peverel, was made by Essex County Council (ECC) [\[REP2-055\]](#) in recognition of the modelling uncertainty and the fact that forecast NO₂ concentrations are close to the air quality objective levels.

- 5.3.55. In relation to these receptors, we also sought further clarification [\[PD-009\]](#) from the Applicant as to why an AQMA and associated Project Air Quality Action Plan (PAQAP) was not triggered at these locations, given that in both instances the levels are predicted to exceed AQS.
- 5.3.56. In response, the Applicant considered that the most appropriate way to proceed would be to undertake monitoring of NO₂ at the three locations to determine the actual NO₂ concentrations and compare them with the Annual Mean AQO of 40µg/m³. At ISH3 [\[EV-033\]](#), we questioned the Applicant on how they envisaged this monitoring working and how it would be secured through the DCO. We also sought the views of the LPAs [\[EV-033\]](#) on the Applicants proposal. By the end of the Examination, the Applicant agreed to undertake monitoring at these locations and these commitments formed part of the Statement of Common Grounds (SoCGs) [\[REP7-024\]](#) and [\[REP7-025\]](#).
- 5.3.57. At ISH1 [\[EV-015\]](#) we sought further clarification in relation to the Applicant's assessment in relation to PM_{2.5} and PM₁₀.
- 5.3.58. MDC in its LIR [\[REP2-068\]](#) confirmed that the two AQMAs at Maldon and Danbury on the A414 have been declared due to transport related pollutants from traffic congestion (mainly NO₂). They expressed a concern that additional traffic flows from vehicles seeking alternative routes to connect to the SRN had the potential to cause further exceedances. MDC were also of the view [\[REP2-068\]](#) that the potential for increased congestion and air quality from queuing traffic at the Duke of Wellington mini roundabout/Maldon Road junction could have an adverse effect upon air quality in the immediate vicinity.
- 5.3.59. BDC in its LIR [\[REP2-041\]](#) submitted that they found the operational air quality assessment to be thorough and to follow the correct guidance.
- 5.3.60. The impact of the Proposed Development upon air quality was raised by several IPs throughout the Examination, at ISH1, ISH3, OFH1, OFH2 and in numerous Relevant Representations (RRs) and Written Representations (WRs). The concerns expressed focused primarily either upon a common location, or to specific receptors within these locations. The main areas of concern were:
- Boreham;
 - Hatfield Peverel;
 - Rivenhall End;
 - Inworth Road;
 - Messing and Inworth; and
 - Tiptree.
- 5.3.61. The concerns raised focused around the potential for increases in pollution arising from additional traffic, either along the A12 or as a consequence of additional traffic travelling through these locations [\[RR-075, RR-097, RR-132, RR-091, RR-055, RR-094, RR-144\]](#). Concern was raised about the adverse effects of air pollution and particulate matter, including PM₁₀ and PM_{2.5} on health.
- 5.3.62. In specific relation to Messing, Messing and Inworth Action Group (MIAG) [\[RR-168\]](#) questioned why no modelling for specific receptors was undertaken for properties within Messing. The group were concerned about the projected increase in traffic through the Village and its effect, in particular upon the local Primary School. The matter was also raised at ISH1 and the ExA visited both the Village and the Primary School during our ASI [\[EV-010\]](#).

- 5.3.63. With regards to Hatfield Peverel, substantial detail was submitted by Mr Mark East throughout the Examination [[RR-212](#), [AS-039](#), [REP1-038](#), [REP2-073](#), [REP2-074](#), [REP4-085](#), and [REP7-067](#)]. In relation to operational impacts, Mr East expressed concern about the effect of increased traffic through the village and the health impacts of this. Mr East also expressed a view that DEFRA, as the Government Department with overall responsibility for the achievement of air quality standards, should have been consulted and been part of the Examination to provide their expert view on the subject. Without this, Mr East raised doubts over the adequacy of the results.
- 5.3.64. In relation to the role of DEFRA, Mr East [[REP6-118](#)] submitted a copy of a letter he had received on the matter from Rt Hon Priti Patel [[REP6-117](#)] (in her role as the constituency Member of Parliament) stating that she would be taking up the issue with the Applicant and SoS for Environment, Food and Rural Affairs. Hatfield Parish Council have also pursued a similar line [[REP7-034](#)].
- 5.3.65. Boreham Parish Council (BPC) [[RR-023](#)] expressed the view that the development would increase air pollution within the Village. However, by the end of the Examination, following agreement from the Applicant to install three NO₂ diffusion tubes within the Village, the issue was an agreed matter in the SoCG between the parties [[REP7-030](#)].
- 5.3.66. In relation to his property, Mr Roger Wacey [[RR-061](#) and [REP1-063](#)] raised concerns about the effect upon air quality from the Proposed Development, especially as the re-aligned route would bring the road considerably closer to his property. Mr Wacey was also concerned about dust during construction [[REP1-063](#)].

Applicant's Response

- 5.3.67. Overall, the Applicant's position was that whilst there would be an increase in annual mean NO₂ and PM_{2.5} and PM₁₀ at a number of locations across the study area, with the exception of three exceedances (one in Boreham and two in Colchester), all others would fall below UK AQS. As a result, the Applicant concluded there would be no significant effects to human health during the construction and operation of the Proposed Development.
- 5.3.68. In relation to the receptors predicted to record an exceedance, the Applicant's view [[REP1-002](#)] was that in all cases, the assessment was undertaken conservatively, through the application of long-term trends which addresses uncertainty in vehicle emissions performance. By the close of the Examination, the Applicant had agreed additional monitoring at these locations with the relevant LPAs [[REP7-024](#) and [REP7-030](#)].
- 5.3.69. In relation to the issue of whether the identified exceedances should trigger the declaration of an AQMA, the position of the Applicant was [[REP4-055](#)] that whilst an exceedance of the AQO was predicted, it did not trigger a significant effect. As a result, a PAQAP was not required and an AQMA would not need to be declared, nor was any mitigation required.
- 5.3.70. The Applicant highlighted that there were a number of locations where air quality would be improved [[REP4-055](#)], due to either changes in traffic flows or as a result of the re-alignment of the main carriageway.
- 5.3.71. In relation to questions raised with regards to a lack of receptors within Messing, the Applicant submitted [[REP3-012](#)] that its assessment includes a prediction of air

quality impacts, in line with the criteria provided in DMRB LA 105. Where an area does not coincide with the LA 105 triggering criteria, there is no possibility of a significant effect in that area, so it is effectively scoped out of the assessment. This was the case with Messing, therefore the Applicant confirmed that it did not anticipate air quality issues in the area [REP3-012].

- 5.3.72. In relation to the submissions of Mr Wacey, the Applicant accepted [PDA-004] that the new offline section of the Proposed Development would pass relatively close to his property. Occupants would therefore be likely exposed to an increased level of road traffic emissions compared with the current situation, however this increase would fall within air quality standards and its effect was not assessed as being significantly adverse.

ExA Considerations

- 5.3.73. We have had particular regard to the policies set out in the NPSNN in our consideration of the effects of the Proposed Development in relation to air quality. Consideration has been given to the relevant sections of the AQD, the AQS, the Clean Air Strategy and to relevant local plans and policies.
- 5.3.74. We received no substantive concerns from relevant pollution control authorities about their ability to regulate potential releases, neither did UK Health Security Agency make any comments or observations in relation to the issue. We are therefore content that paragraph 4.55 of the NPSNN is satisfied. Given the lack of comments, for the purposes of paragraph 4.56, it follows that we have no reason to believe that any relevant control permits, or licences or other consents should they be required, would not subsequently be granted.

Approach and Methodology

- 5.3.75. As required by paragraphs 2.16, 3.6-8, and 5.10-12 of the NPSNN, the Applicant has considered vehicle emissions, how tighter emission standards are expected to reduce PM₁₀ and NO₂ emissions, air quality effects over the wider area and relevant statutory air quality thresholds. No substantive evidence has been presented to the Examination that gives us any reason to doubt the suitability of the study area, the identification of receptors, the identified baseline conditions, the assumptions to changes to vehicle emission rates, factors considered for the assessment of significant effects, or the overall assessment methodology.
- 5.3.76. We note the comments made by a number of IPs in relation to the uptake of the low-emission vehicles and how the current economic climate may impact upon their uptake, however we have no reason to disagree with the Applicant's response that they have adopted a cautious approach and not sought to overly rely upon assumptions with regards to future uptake. In this respect therefore, we find that the assessment is likely to represent a conservative scenario.
- 5.3.77. Whilst concerns were expressed by a number of IPs in relation to the Applicant's use of DMRB, especially its relationship to the more recently published guidance, such as that from WHO, no substantive evidence was presented to the Examination to bring the Applicant's approach into doubt. Furthermore, the ExA notes that this was agreed as a suitable approach with the relevant LPAs. The ExA does however recognise the aims of both WHO guidance and Government working groups to delivering significant improvements to air quality over the lifetime of the Proposed Development.

- 5.3.78. During the Examination further guidance in the form of the Environment Act 2021 and the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 were published. These were published at a relatively early stage in our Examination and as a result we were able to question the Applicant upon their implications for the Proposed Development. There was also sufficient time to allow IPs to both make their own comments, but to also respond to the views of the Applicant. Overall, therefore we feel that we have had sufficient time to consider the implications of these.
- 5.3.79. The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 sets out lower thresholds with regards to particulates than those which are currently in place through the AQS. To our mind these Regulations set out a clear future direction of travel for air quality thresholds in relation to particulates, setting lower targets to drive further improvements to air quality and ensure that new developments are delivering against these standards. That said, we note the submission of the Applicant in relation to their legal status and the nature of the overall targets set out within them.
- 5.3.80. Therefore, the ExA finds that the appropriate test for the determination of this application are those prescribed within the NPSNN, which refers to the AQS. We have therefore attached limited weight to Environmental Targets (Fine Particulate Matter) (England) Regulations 2023. That said, we find that the overall aim of reducing target levels and delivering overall improvements to air quality to be an important and relevant consideration.

Construction Effects

- 5.3.81. We are content that appropriate consideration has been given to the likely construction programme and predicted emissions from construction machinery. We are satisfied that suitable measures have been secured in the recommended Development Consent Order (rDCO) (Appendix D) and Environmental Management Plan (EMP) [\[REP7-015\]](#). We consider these measures are adequate to address unforeseen construction related events, on-going consultation, dust mitigation, along with monitoring for the duration of the construction phase. We also consider that adequate consideration has been given to the use of low-emission vehicles during the construction of the Proposed Development.
- 5.3.82. During construction, there would be the potential for dust to affect a number of receptors. With the implementation of appropriate management regimes including best practice methods, to be secured via the EMP [\[REP7-015\]](#) and Requirement 4 of the rDCO, we are satisfied that this could be mitigated to an acceptable level. This includes AQ1 from the REAC [\[REP7-015\]](#), which commits the Applicant to the preparation of a Dust Management Plan that will manage the risks to air quality, limit and control emissions to air during construction on sensitive receptors.
- 5.3.83. We agree that, during the construction stage, it is possible that some drivers may seek to find alternative routes to avoid construction activity and potential delays. Given the length of the construction programme and the nature of it, we consider this to be likely and to be at its greatest during particular intensive or disruptive stages of construction. However, we find that such activity is likely to be temporary and most probably undertaken by those with local knowledge. Therefore, whilst this could result in additional traffic seeking to access the A12 via Dansbury, there is no robust evidence before us to suggest that this would be of such a significant level as to have any adverse effect upon the designated AQMA. Furthermore, the Applicant is proposing mitigation through the Outline Construction Traffic Management Plan

(oCTMP) that would seek to keep such movements to a minimum, ensuring the majority of drivers remain on the designated routes.

Operational Effects

- 5.3.84. We are content with the Applicant's overall approach for air quality assessment and mitigation and for NO₂ monitoring during the operational phase.
- 5.3.85. From the evidence, we find that there would be an increase in both NO₂ and particulates at a number of locations throughout the study area. These appear to be in locations where vehicular traffic is forecast to increase or where the carriageway has been re-aligned and, as a result, is closer to receptors. For all but three of the identified receptors the evidence indicates that, despite predicted increases, the limits for NO₂ and particulates would fall within the identified thresholds. We have been presented with no evidence to dispute these conclusions.
- 5.3.86. With regards to the three areas where an exceedance is predicted, we note the Applicant's position and their conclusion that despite the exceedance, the increase is not sufficient in any instance to result in a significant air quality effect in relation to EIA. We also note the position at the end of the Examination and the agreement between the relevant LPAs and the Applicant to undertake further monitoring at these locations.
- 5.3.87. We also note that there are a number of locations where air quality is predicted to improve and consider that this is a benefit of the Proposed Development.
- 5.3.88. In relation to Messing, from the evidence before us, we find that, whilst air quality may decline as a result of additional traffic once the Proposed Development is operational, these effects would not be significant.
- 5.3.89. We have already concluded that the relevant targets against which to assess the application are AQS and the test as established by the NPSNN.
- 5.3.90. On the basis of the above, the ExA finds that, whilst there will be a worsening of air quality during operation at some locations, the Proposed Development will not give rise to any significant effects upon air quality, we therefore find that operational effects to be acceptable. As no significant effects have been identified, the ExA is content that no further mitigation measures are required.

Conclusions

- 5.3.91. Taking into account all relevant documents and policies, we conclude that:
- The construction phase will result in localised, limited negative air quality effects, but these would be mitigated, and the mitigation is secured via the rDCO (Appendix D) and the EMP, in particular AQ1 of the REAC [\[REP7-015\]](#).
 - During the operational phase, there would be localised net worsening in local air quality within the study area.
 - The Proposed Development would result in three new exceedances of the NO₂ annual mean air quality objectives, although from an EIA perspective these are not considered to be significant effects.
- 5.3.92. Whilst we have attributed limited weight to the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023, we find that direction of travel towards achieving further improvements to air quality is an important and relevant consideration.

- 5.3.93. We therefore conclude that air quality issues have a negative weighting against the making of the DCO. However, given the limited and localised nature of the impact, we consider that this harm has limited weight to be taken forward into the planning balance.

5.4. BIODIVERSITY AND THE NATURAL ENVIRONMENT

Introduction

- 5.4.1. This Section considers the effect of the Proposed Development on biodiversity and the natural environment in relation to policy requirements and the EIA Regulations. It deals with:

- international/national (Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar Sites) and local protected habitats (including designated Local Wildlife Sites (LWSs));
- ancient woodlands and protected trees; and
- protected species.

- 5.4.2. Issues relating to Habitats Regulation Assessment (HRA) are addressed in Chapter 6. Issues relating to the gas main diversion are considered in Section 5.17.

Policy and Legal Context

NPSNN

- 5.4.3. Paragraph 5.25 identifies that developments should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. Where significant harm cannot be avoided or mitigated, as a last resort, appropriate compensation measures should be sought.
- 5.4.4. The SoS should attach appropriate weight to designated sites of international, national and local importance, protected species, habitats and other species of principal importance for the conservation of biodiversity, and to biodiversity and geological interests within the wider environment (Paragraph 5.26). Paragraph 5.29 presumes against development which is likely to have an adverse effect on SSSIs either individually or in combination with other developments.
- 5.4.5. At paragraph 5.31, the NPSNN recognises that sites of regional and local biodiversity interest, including LWSs, have a fundamental role to play in meeting overall national biodiversity targets and in contributing to the quality of life and the wellbeing of the community. Nevertheless, whilst due consideration should be attached to such designations, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent.
- 5.4.6. Paragraph 5.32 is clear that the SoS should not grant development consent where it would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the Applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this.

5.4.7. Paragraph 5.33 says that proposals may provide opportunities for building in beneficial biodiversity features as part of good design and the SoS should consider whether the Applicant has maximised such opportunities. Requirements or planning obligations can be used to deliver such beneficial features.

5.4.8. Many wildlife species receive statutory protection under a range of legislative provisions, whilst other species and habitats have been identified as being of principal importance for the conservation of biodiversity. Proposals should take measures to protect these species and habitats from any adverse effects. Where appropriate, requirements or planning obligations may be used in order to deliver this protection. Consent should be refused where there would be harm to these habitats or species and their habitats, unless the benefits of the development (including need) clearly outweigh that harm (paragraphs 5.33 and 5.34).

5.4.9. Paragraph 5.36 of the NPSNN states that appropriate mitigation measures should be an integral part of the proposals, and that applicants should identify where and how these will be secured. It goes on to state:

“the applicant should demonstrate that:

- *during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works;*
- *during construction and operation, best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised (including as a consequence of transport access arrangements);*
- *habitats will, where practicable, be restored after construction works have finished;*
- *developments will be designed and landscaped to provide green corridors and minimise habitat fragmentation where reasonable;*
- *opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals, for example through techniques such as the 'greening' of existing network crossing points, the use of green bridges and the habitat improvement of the network verge.”*

5.4.10. Paragraph 5.38 advises that the SoS will need to take account of what mitigation measures may have been agreed between the applicant and Natural England (NE) and whether NE has granted or refused, or intends to grant or refuse, any relevant licenses, including protected species mitigation licenses.

5.4.11. NE should be consulted regarding the assessment of noise on designated nature conservation sites, protected landscapes, protected species or other wildlife (paragraph 5.192).

Draft NPSNN

5.4.12. The policy requirements of draft NPSNN at the close of the Examination in respect of bio-diversity was largely consistent with those policy requirements of the extant NPSNN. However, relevant additions/amendments include the following:

- in taking decisions, the Secretary of State should ensure that appropriate weight is attached to: designated sites of international, national, and local importance; irreplaceable habitats; protected species habitats; other species of principal importance for the conservation of biodiversity; local nature recovery strategies; and to biodiversity and geological interests within the wider environment (paragraph 5.52);

- the Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and ancient or veteran trees unless there are wholly exceptional reasons (for example, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists (paragraph 5.58); and
- the Secretary of State should give due consideration to any such harm to the detriment of biodiversity features of regional or local importance which it considers may result from a proposed development, however, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent, nevertheless the mitigation hierarchy applies to these sites (paragraph 5.60).

Other Legislation and Policy

5.4.13. Other legislation and guidance relevant to Biodiversity includes:

- the Wildlife and Countryside Act 1981;
- the Infrastructure Planning (Decisions) Regulations 2010; and
- the Environment Act 2021.

5.4.14. Other legislation and guidance relevant to the Proposed Development is set out in Chapter 3 of this Recommendation Report.

5.4.15. The National Planning Policy Framework 2021 (NPPF) is a relevant consideration for NSIPs development proposals in respect of Biodiversity, in particular Chapter 15 – Conserving and enhancing the natural environment.

United Nations Convention on Biological Diversity 1992

5.4.16. As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010, we have had regard to this Convention in our consideration of the likely impacts of the Proposed Development and appropriate objectives and mechanisms for mitigation and compensation. In particular, we find that compliance with the UK provisions on EIA and transboundary matters (referred to below) satisfy the requirements of Article 14 with regard to impacts on biodiversity.

The Application

Relevant Parts of the Application

5.4.17. The main parts of the application relevant to biodiversity matters considered here are:

- ES Chapter 9 Biodiversity APP-076 [[APP-076](#)];
- Appendix 9.1: Aquatic Ecology Survey Report [[APP-125](#)];
- Appendix 9.2: Badger Survey Report [[APP-126](#)];
- Appendix 9.3: Barn Owl Survey Report [[APP-127](#)];
- Appendix 9.4: Bat Survey Report [[APP-128](#)];
- Appendix 9.5: Breeding Bird Survey Report [[APP-129](#)];
- Appendix 9.6: Dormouse Survey Report [[APP-130](#)];
- Appendix 9.7: Hedgerow Survey Report [[APP-131](#)];
- Appendix 9.8: Phase 1 Habitat Survey Report [[APP-132](#)];
- Appendix 9.9: Reptile Survey Report [[APP-133](#)];
- Appendix 9.10: Riparian Mammal Survey Report [[APP-134](#)];
- Appendix 9.11: Terrestrial Invertebrate Survey Report [[APP-135](#)];
- Appendix 9.12: Wintering Bird Survey Report [[APP-136](#)];

- Appendix 9.13: Great Crested Newt Survey Report [\[APP-137\]](#);
- Appendix 9.14: Biodiversity Net Gain Report [\[APP-138\]](#);
- Appendix 9.15: Assessment of Air Quality Impacts on Ecology Receptors [\[APP-139\]](#);
- Appendix 9.16: Draft Bat Licence [\[REP7-014\]](#);
- Appendix 9.17: Draft Badger Licence [\[APP-141\]](#);
- Figure 9.1 Biodiversity Designated Sites Sheet 1 of 1 [\[APP-222\]](#);
- Figure 9.2 Biodiversity Important Habitats Sheet 1 of 2 [\[APP-223\]](#); and
- Figure 9.3 Biodiversity Results For Protected Species Surveys Sheet 1 to 9 [\[APP-224\]](#).

5.4.18. During the Examination additional information was submitted by the Applicant to either provide updated species survey results or further clarification and explanation on matters already submitted. This included:

- Supplementary Bat Survey Report [\[AS-032\]](#);
- Dormouse Survey Report [\[AS-036\]](#);
- Technical Note on Ecological Mitigation [\[REP3-010\]](#); and
- Biodiversity Net Gain (BNG) Metric [\[REP3-022\]](#).

Ecological Assessment

5.4.19. The Applicant identified [\[APP-076\]](#) that the assessment methodology is based on guidance contained within DMRB LA 104 Environmental Assessment and Monitoring (Highways England, 2020b), DMRB LA 108 Biodiversity (Highways England, 2020c) and Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM 2018, Version 1.1 updated September 2019).

5.4.20. The Applicant undertook species-specific and habitat surveys in 2016 and 2021 [\[APP-076\]](#) Table 9.7] to inform the design and assessment. At the time the application was submitted, surveys were still ongoing in relation to:

- bats - summer climbing and/or emergence/re-entry surveys of trees of moderate or higher bat roost potential along Inworth Road and the gas main diversion corridor; and
- dormouse surveys of the gas main diversion corridor.

5.4.21. These outstanding surveys were submitted as noted above.

5.4.22. The Applicant confirmed [\[APP-076\]](#) that the assessment was based on a construction phase lasting approximately four years, with main works commencing in 2024 [\[APP-069\]](#). Some mitigation areas would need to be created as part of advanced works to allow time for the establishment of habitats.

Nature conservation designations

5.4.23. There are no confirmed or potential SPAs, SACs, or Ramsar sites located within 2km of the OL or within 200m of the ARN. There are no SACs designated for bats within the 30km study area [\[APP-222\]](#).

5.4.24. There are five designated sites beyond 2km from the Proposed Development that are hydrologically linked to it and are designated for Annex I habitats:

- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar;
- Essex Estuaries SAC; and
- Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar.

- 5.4.25. There are fifteen sites where there is possible interaction between the Proposed Development and bird species associated with those designated sites:
- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar;
 - Abberton Reservoir SPA and Ramsar;
 - Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar;
 - Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar;
 - Dengie (Mid-Essex Coast Phase 1) SPA and Ramsar;
 - Outer Thames Estuary SPA;
 - Stour and Orwell Estuaries SPA and Ramsar; and
 - AldeOre Estuary SPA and Ramsar.
- 5.4.26. Marks Tey Brickpit SSSI, which is designated for geological reasons is located approximately 80m beyond the OL. The River Ter SSSI (geological designation) is located approximately 8km upstream. Tiptree Heath SSSI, designated for heathland habitats, located to the south, is within 200m of the ARN [[APP-222](#)].
- 5.4.27. Two Local Nature Reserves (LNRs), Whetmead LNR, and Brockwell Meadows LNR, are located within 2km of the Proposed Development [[APP-076](#) Table 9.10]. A further three LNRs, Hilly Fields LNR, Spring Lane Meadows LNR and Galleywood Common LNR, are located within 200m of the construction or operational ARN [[APP-076](#) Table 9.11].
- 5.4.28. There are 37 LWSs within 1km of the Proposed Development [[APP-076](#) Table 9.12]. Of these, four are partially within or adjacent to the OL. There are 11 LWSs within 200m of the construction ARN and 27 LWSs within 200m of the operational ARN.
- Habitats
- 5.4.29. The Phase 1 habitat survey [[APP-132](#)] found the area to be a predominantly farmed landscape, with most land given over to arable cultivation. Other land uses within the surveyed area were localised, comprising pasture; forestry and woodlands; residential and industrial areas; amenity areas in built-up areas; and quarries. Within the area it found seven priority habitats [[APP-076](#) Table 9.13].
- 5.4.30. The Proposed Development crosses seven Main Rivers:
- Boreham Brook;
 - River Ter;
 - River Brain;
 - Rivenhall Brook;
 - River Blackwater;
 - Domsey Brook; and
 - Roman River.
- 5.4.31. Six are designated Water Framework Directive (WFD) waterbodies and they currently all achieve overall Moderate classification. River habitat surveys of these watercourses found that the River Ter, River Brain and River Blackwater achieved a habitat modification score of 'severely modified', predominantly due to extensive artificial modification and re-sectioning. The Domsey Brook achieved a habitat modification score of 'significantly modified' and the Roman River received a habitat modification score of 'predominantly unmodified'. The rivers were assessed but found not to be UK Biodiversity Action Plan (BAP) habitat.

- 5.4.32. Fifteen Ancient Woodland Inventory sites are located within the 1km study area [\[APP-223\]](#) and include both ancient semi-natural woodland and ancient replanted woodland habitat types. The closest Ancient Woodland Inventory site (Perry's Wood) is directly adjacent to the Proposed Development along Inworth Road. In addition, there are 36 veteran trees and seven ancient trees within 1km of the Proposed Development, with three veteran trees and no ancient trees within the OL [\[APP-076\]](#). Thirteen other areas of potentially ancient woodland that are not identified in the inventory were recorded during field surveys [\[APP-076\]](#).
- 5.4.33. There is one Ancient Woodland Inventory site and 32 potential and verified veteran and ancient trees within 200m of the construction ARN, seven Ancient Woodland Inventory sites, and 65 verified and potential veteran and ancient trees within 200m of the operational ARN [\[APP-223\]](#).
- 5.4.34. Within 15m of the OL (extending to 30m where there were trees that could be assigned as a potential veteran/ancient tree) the Applicant's survey identified a further 33 trees which met the veteran tree criteria, along with two trees which met the ancient tree criteria.
- 5.4.35. Of the hedgerows that were surveyed, 12 were species-rich, 250 qualified as priority habitat and 53 were important under the wildlife and landscape criteria of The Hedgerows Regulations 1997 [\[APP-076\]](#). Of these, 81 showed a diversity of features indicating that they were long-established, likely ancient habitats and landscape features predating 18th and 19th century agricultural enclosures.
- 5.4.36. Two areas of wet woodland priority habitat were identified, one located along the River Ter and one along the River Blackwater [\[APP-223\]](#). Within the corridor for the gas main diversion the presence of priority habitats including reedbed and wet woodland, and two very old black poplars (*Populus nigra*) estimated to be several hundred years old were also identified.

Statutory protected and other notable fauna species

- 5.4.37. In preparing the Assessment, the Applicant undertook surveys for a number of statutorily protected and other notable fauna species, including:
- terrestrial invertebrates;
 - Great Crested Newt (GCNs);
 - reptiles;
 - breeding birds;
 - wintering birds;
 - Barn Owls;
 - bats;
 - otters;
 - Water Vole;
 - badgers;
 - Dormice;
 - other mammals – brown hare, hedgehog;
 - other amphibians;
 - freshwater fish;
 - freshwater macro-invertebrates; and
 - freshwater macrophytes.

Potential impacts

- 5.4.38. In terms of the potential impacts from the construction stage of the Proposed Development, the Applicant has identified the following [APP-076]:
- temporary and permanent loss of terrestrial and aquatic habitats, including those located within designated sites;
 - loss of features directly used by protected and notable species for shelter;
 - habitat fragmentation resulting in severance of linear habitat features such as hedgerows, lines of trees and riparian corridors;
 - construction of new or modified watercourses could lead to habitat fragmentation for riparian or aquatic species;
 - utilities and gas main diversion, site clearance, earthworks, excavations, watercourse realignments, extensions of existing culverts, creation of new culverts, and various other works could potentially result in mortality and injury of species;
 - disturbance to protected species from changes in noise, light, vibration or visual stimuli, construction, reinstatement and other works;
 - air quality changes through changes in nitrogen oxide (NO_x) and ammonia emissions caused by construction traffic, causing changes in nitrogen (N) deposition and potential effects on sensitive designated sites and habitats; and
 - hydrological change where works would directly or indirectly affect watercourses or groundwater.
- 5.4.39. With regards to the impacts associated with the operational stage of the Proposed Development, the Applicant considers these to include:
- permanent fragmentation of habitats south of the existing A12, with new section of road acting as a barrier;
 - increased mortality of species;
 - habitat degradation as a result of road noise;
 - impact of road lighting affecting bats, birds, invertebrates and certain mammals, such as otter and badger;
 - air quality changes, causing changes in N deposition and potential effects on sensitive designated sites and habitats; and
 - pollution of surface water due to contamination and from unexpected pollution events due to accidental spillage.

Design of the Proposals, Mitigation Measures and Residual Effects

- 5.4.40. The Proposed Development includes a number of measures to avoid or mitigate potential adverse impacts on biodiversity. The mitigation is proposed to be detailed and implemented through the REAC [REP7-015]. With regards to newly created or enhanced habitats, the Applicant proposes that these will be managed and monitored for a period of five years after planting. Future management requirements are set out in the EMP [REP7-015]. These measures would be secured through Requirements 3 and 4 of the dDCO.
- 5.4.41. The Applicant considered that embedded mitigation measures incorporated into the design of the Proposed Development, including environmental working practices to ensure adequate pollution control measures are implemented and use of precautionary methods of working during construction to minimise risks to protected species where licences would not be required, would avoid and prevent adverse effects.

Residual Effects

- 5.4.42. Overall, the Applicant found that there would be temporary adverse effects on several biodiversity features during construction, however with the implementation of mitigation measures the significance of effects would be neutral to slight adverse and therefore not significant.
- 5.4.43. Moreover, with the implementation of mitigation measures, the Applicant considered that there would be potential for slight beneficial effect upon other habitats, species of principal importance, brown owls, reptiles, GCNs and terrestrial invertebrates. In relation to habitat gain for Water Voles, the Applicant considered the effect to be moderate beneficial, and therefore significant (beneficial).
- 5.4.44. The Applicant considered that the Proposed Development would result in an increase in notable habitats in terms of area and quality to ensure that sufficient and increased habitat is provided across the Proposed Development. Further, the Applicant considered that mitigation would be provided for protected species through increased breeding opportunities, including a range of bat/bird nesting boxes and several crossing points to aid connectivity across the Proposed Development. Mitigation measures under licence, for bats and badgers, would be required due to the legal protection afforded to these species. Improved crossing points for mammals would also be provided.
- 5.4.45. During the operational phase, a significant adverse effect impact is predicted upon Perry's Wood LWS and on Perry's Wood Ancient Woodland due to an increase in nitrogen deposition. As more than 20% of the site would be affected and the exceedance is predicted to persist for 11 years, the Applicant's assessment concluded that there is considered to be an effect on site integrity. There would be a moderate adverse level of impact on a County level important receptor, and therefore the significance of effect is large adverse.
- 5.4.46. Slight adverse effects are predicted on Whetmead LWS and LNR, Braxted Park LWS and Boreham Road Gravel Pits LWS. The Applicant also considered that the Proposed Development would have a slight adverse effect upon veteran, potential veteran and ancient trees. These effects were not considered to be significant.
- 5.4.47. In summary, the Applicant considered that the mitigation and compensation proposals demonstrated compliance with the requirements to create new habitats, minimise habitat fragmentation, and provide sufficient essential mitigation for protected species.

Local Impact Reports

- 5.4.48. In its LIR, ECC [\[REP2-055\]](#) was of the view that the Proposed Development had the potential to create a sizable adverse impact upon local habitats and species, but considered that insufficient information had been provided to demonstrate that all impacts could be adequately mitigated and compensated. ECC considered that a wider range of habitats might provide long term biodiversity benefits. ECC were also of the view that insufficient consideration had been given to veteran and potential veteran trees. The Council were also unclear on the impact of the Proposed Development on the restoration of Coleman's Farm Quarry.
- 5.4.49. In its LIR, CCC [\[REP2-106\]](#) deferred to ECC as the lead authority in respect of biodiversity and tree matters as well as guidance from other statutory consultees including NE.

- 5.4.50. CoCC expressed the view [\[REP2-045a\]](#) that the methodology adopted for assessment was generally sound and in accordance with the latest best practice guidance for ecological impact assessment and the ecological assessment of road schemes. They also welcomed the Applicant's approach to seeking to maximise biodiversity delivery, along with the overall approach adopted towards mitigation.
- 5.4.51. MDC in its LIR [\[REP2-068\]](#) made a number of comments in relation to the diversion of the gas pipeline. These are considered in Section 5.17.
- 5.4.52. In its LIR, BDC [\[REP2-041\]](#) supported the comments of ECC. They also shared concerns about impacts on protected species and considered it uncertain whether the mitigation is deliverable or appropriate and stated that development proposals must mitigate or compensate adverse impacts on biodiversity. Furthermore, the mitigation must be deliverable to the satisfaction of the Council to be considered compliant with the Local Plan.

Statutory Consultees

- 5.4.53. NE [\[RR-184\]](#) confirmed that they had no objection to the Proposed Development. This was further supplemented in their submission [\[REP2-091\]](#) where they confirmed that they were satisfied that there were no areas of concern regarding internationally and nationally designated sites. A SoCG [\[REP7-019\]](#) was submitted.

Planning issues

- 5.4.54. The main biodiversity and nature conservation issues considered during the Examination included:
- assessment methodology and overall approach;
 - effect of Proposed Development upon flora and fauna; and
 - BNG.

Assessment Methodology and Overall Approach

- 5.4.55. In our ExQ1 [\[PD-008a\]](#), we sought the views of NE and the LPAs on the Applicant's overall approach and conclusions, along with seeking confirmation that all relevant policy and legislation had been considered. We also [\[PD-008a\]](#) asked whether the LPAs and NE were satisfied with the Applicant's approach towards mitigation.
- 5.4.56. NE [\[REP2-091\]](#) confirmed that they were generally satisfied that legislation and national policy relating to biodiversity had been identified, and where relevant, their Standing Advice had been followed.
- 5.4.57. ECC [\[REP2-054\]](#) referred to the Natural Environment and Rural Communities (NERC) Act 2006 and a need to ensure that non-significant impacts were mitigated, as required under Section (s)40 of the Act. They also expressed concerns in relation to the survey data for bats and Hazel Dormouse.
- 5.4.58. By the end of the Examination, matters in relation to the NERC Act had been resolved and formed part of the SoCG [\[REP7-027\]](#).
- 5.4.59. The Applicant confirmed that Dormouse surveys were completed in 2022 [\[AS-036\]](#). No records of Hazel Dormice were returned from the desk study, nor were any Hazel Dormice found during the surveys.

- 5.4.60. With regards to the restoration of Coleman's Farm Quarry, the Applicant [REP3-021] confirmed that detailed landscape design would take account of, and seek to dovetail with, the latest approved restoration plan for Coleman's Farm Quarry.
- 5.4.61. We questioned [PD-008a] the Applicant's reference in ES Chapter 9 [APP-076] to the assessment being a worst-case scenario approach and sought clarification as to how this related to specific species and habitats.
- 5.4.62. The Applicant [REP2-025] confirmed that the approach to the ES was to assess the Proposed Development design based on the realistic worst-case scenario afforded by the limits of deviation and that this was reflected in the Applicant's biodiversity assessment [APP-076]. Further examples were provided such as the assumption by the Applicant [REP2-025], that all vegetation shown to be at risk of removal [APP-035] was assumed for assessment purposes to be lost.

Effect upon Flora and Fauna

- 5.4.63. We questioned the Applicant's approach towards the impact upon Whetmead LNR and LWS and sought [PD-008a] further detail and explanation about their proposed off-setting measures. At the same time, we also asked NE and the LPAs if they were satisfied with the approach adopted by the Applicant.
- 5.4.64. The Applicant [REP2-025] acknowledged that there would be a loss of 0.89ha of semi-natural broadleaved woodland habitats on the western boundary of Whetmead LNR and LWS to enable carriageway widening. However, due to previous use as a landfill, land within the LNR was unsuitable for wet habitats or creation of new habitats. Therefore, approximately 2ha of new habitat within an ecological mitigation area immediately south-west of the LNR/LWS was proposed, which would include species rich grassland, ponds and a ditch complex. Further woodland planting would be created, along with wet woodland around the proposed attenuation pond.
- 5.4.65. Witham Town Council [RR-084] raised concerns in relation to the loss of land within the Whetmead LNR Reserve, submitting that the proposed replacement land was inadequate. Discussions took place during the Examination and, as a result the matter was agreed [REP7-031].
- 5.4.66. ECC [REP2-054] raised a number of concerns about the impacts on flora and fauna, however by the end of the Examination, these matters had been resolved and formed part of the SoCG [REP7-027].
- 5.4.67. In relation to bats, we sought [PD-008a] further evidence from the Applicant to support their reasoning for deviating from best practice guidance. With regards to bat connectivity across the Proposed Development, we sought further explanation [PD-008a] of the bat crossing points, along with how their effectiveness would be monitored once the Proposed Development was operational.
- 5.4.68. ECC raised concerns with regards to the effectiveness of the proposed planting and possible bat hop-overs, however by the end of the Examination this was an agreed matter, along with the importance to be attributed to barbastelle bats [REP7-027].
- 5.4.69. The Applicant confirmed [REP2-025] that discussions had taken place with key stakeholders with regards to bat survey work. The Applicant confirmed that whilst comments had been made during these discussions, no objections were raised in relation to the deviation from the guidance offered by the Bat Conservation Trust.

- 5.4.70. In terms of retained connectivity for bats, the Applicant considered [\[REP2-025\]](#) that connectivity across the landscape would be maintained in several ways. This included the retention of unaffected bridges, provision of widened bridges and retention of linear navigational features either side of the A12. In addition, bats would benefit from mitigation and enhancements in the long-term including the creation of new habitats within landscape and ecology mitigation areas, with these features re-connecting severed commuting and foraging routes and increasing foraging and roosting resources for bats, once habitats have matured [\[APP-076\]](#).
- 5.4.71. Bat crossing points would be monitored during and post-construction, as per commitment BI22 in the REAC [\[REP7-015\]](#), with monitoring proposals being developed further for the second and third iteration EMP. The Applicant confirmed [\[REP2-025\]](#) that NE would be consulted on monitoring and reporting arrangements.
- 5.4.72. The potential impact of the Proposed Development upon biodiversity was raised in a number of RR and WRs [\[RR-002, RR-053, RR-060, RR-084, RR-086, RR-089\]](#) and [\[RR-092\]](#), with the following issues highlighted:
- it would destroy woodland, potential veteran trees, and hedgerows;
 - it would adversely impact ancient woodland, including Perry's Wood nature reserve;
 - it would adversely affect protected species, including bats, badgers, otters, brown hare, hedgehogs, barn owls, breeding and wintering birds, common reptiles, and GCNs;
 - habitats will take many years to recover to their natural state, further details needed around mitigation; and
 - new J24 would have an adverse effect upon existing hedgerows which have biodiversity value.
- 5.4.73. In their submissions at ISH1 [\[REP3-059\]](#), MIAG referred to the presence of numerous wildlife species within close proximity of Messing, in particular protected bird and animal species it considered would be harmed by the development of J24. Further detail [\[REP3-060\]](#) was also provided in relation to recent bat surveys carried out by the Essex Bat Group in 2021 in and around The Church of All Saints, Messing.
- 5.4.74. In response, the Applicant [\[REP1-002\]](#) highlighted that the submitted EMP [\[APP-086, APP-087\]](#) and [\[APP-088\]](#) identified the particular areas that would be landscaped, along with those areas that would be used to provide ecological mitigation. In respect of significant residual effects, the Applicant confirmed that its assessment [\[APP-079\]](#) concluded that during the construction phase, there would be no significant adverse effects and there would be a moderate beneficial (significant) effect on Water Vole due to habitat gain. During operation [\[APP-079\]](#) there would be a large adverse (significant) effect on Perry's Wood Local Wildlife Site and ancient woodland. No other significant residual adverse effects on biodiversity receptors were identified.
- 5.4.75. The Applicant acknowledged [\[REP1-002\]](#) that there would be habitat losses during construction, however it considered that the landscape proposals would mitigate the impacts for most habitats. The loss of 44.78ha of lowland mixed deciduous woodland would be mitigated through the planting of replacement woodland, resulting in an overall net gain of 42.52ha of woodland and forest. The loss of 15.81km of hedgerows would be mitigated through the creation of 42.15km of new hedgerow, resulting in an overall net gain of 26.34km of hedgerows.

- 5.4.76. The Applicant [\[REP1-002\]](#) considered that it was not possible to avoid the loss of five potential veteran trees through route refinement and, due to their characteristics, their loss cannot be mitigated, however the REAC [\[REP7-015\]](#) included compensatory measures. The Applicant assessed their loss as slight adverse (not significant) given that 93% of all potential and verified veteran and ancient trees identified would be retained.
- 5.4.77. In the case of nature reserves [\[REP1-002\]](#), it was not possible to mitigate the effect upon Perry's Wood LWS, therefore the Applicant proposed offsetting the effect through the creation of 7.4ha of broadleaved woodland habitat as part of the restoration of borrow pit F [\[APP-086\]](#). The proposed species composition would reflect the species typical of Perry's Wood and other ancient woodlands in the local area.
- 5.4.78. In relation to protected species, the Applicant committed (BI11 of the REAC [\[REP7-015\]](#)) to undertake pre-construction surveys for bats, badger, barn owl, otter, water vole and reptiles.
- 5.4.79. The Applicant confirmed [\[REP7-078\]](#), that it had been working with NE to agree draft licences for bats and badgers, and to agree use of NE's District Level Licence for GCNs. By the end of the Examination, the following position had been reached [\[REP7-019\]](#):
- GCNs: an 'Impact Assessment and Conservation Payment Certificate' obtained to use the District Level Licensing;
 - Badgers: a Letter of No Impediment issued by NE [\[REP7-019\]](#) Appendix A]; and
 - Bats: a Letter of No Impediment issued by NE [\[REP7-019\]](#) Appendix B].

Biodiversity Net Gain

- 5.4.80. In relation to the Applicant's approach toward BNG, we sought clarification [\[PD-008a\]](#) from the relevant LPAs on whether they were satisfied with the approach and the Applicant's conclusion and position.
- 5.4.81. In response to our question [\[REP2-054\]](#) ECC raised a number of concerns in relation to BNG. These were also raised and explored at ISH3. However, by the close of the Examination, BNG was agreed with ECC [\[REP7-027\]](#). The matter was also agreed with NE [\[REP7-019\]](#).
- 5.4.82. In its submissions [\[REP5-043\]](#), MDC considered that BNG should be calculated at a district level, as opposed to a wider project level. In response [\[REP6-090\]](#), the Applicant indicated that it did not propose to undertake the calculations at a district level. Furthermore, it was not considered possible to achieve further net gain within Maldon without further permanent land take.
- 5.4.83. The Environment Agency (EA) questioned the Applicant's approach towards calculating BNG in relation to rivers, streams and ditches. The EA considered [\[REP7-059\]](#) that any BNG calculations should be led by a detailed on-site River Condition Assessment (RCA), as opposed to the use of aerial photos and other second-hand information.
- 5.4.84. The matter was raised by a number of IPs who considered that the Proposed Development included excessive land for biodiversity off setting and that measures within the Landscape Masterplan could be scaled back to return arable farmland to cultivation, whilst still achieving net gain [\[RR-021\]](#), [\[RR-024\]](#), [\[RR-038\]](#), [\[RR-050\]](#), [\[RR-051\]](#) and [\[RR-052\]](#).

- 5.4.85. The Applicant [REP7-078] confirmed that it had sought to meet the aspirations for BNG [APP-138, REP6-083 and AS-098], but overall, there was no requirement in law or policy for promoters of NSIPs to deliver BNG.
- 5.4.86. In terms of the overall BNG predictions, the Applicant [AS-098] expected to achieve 28.4% for habitats, 34.49% for hedgerows and 156.73% for rivers. In the Applicant's view [REP7-078] the predicted BNG for all habitat types would be substantially greater than the provision for the anticipated mandatory requirement to provide a 10% BNG (Environment Act). The Applicant also committed [REP7-078] to undertake interim BNG calculations throughout detailed design and continue to seek opportunities to maximise BNG.
- 5.4.87. In response to matters raised by the EA, the Applicant submitted [REP3-009] that Biodiversity Metric 3.0 is designed to include both rivers and ditches in the rivers and streams metric, rather than separating them. They are both individual habitat types in the rivers and streams metric and distinctiveness multipliers are assigned as such to account for that. There is no statement in the user guide to separate those habitat types defined as 'other rivers and stream' and those defined as 'ditches' into separate metrics. Therefore, to do as such would deviate from the methodology for assessing biodiversity units in the rivers and streams metric.
- 5.4.88. The Applicant confirmed [REP1-002] that no land within the OL was to be acquired purely for the purposes of BNG. Land which would be acquired for other purposes such as ecological mitigation for protected species, landscape mitigation for screening of visual impacts and verges, would however have a secondary benefit of contributing towards BNG.

ExA Considerations

- 5.4.89. Our consideration of this topic has had careful regard to the policies of the NPSNN on biodiversity and ecological conservation. We have also considered the NPPF and development plan policies insofar as they are applicable to an NSIP.
- 5.4.90. The Applicant's overall approach to this topic, including the scope and content of baseline surveys, was agreed by NE and the relevant planning authorities. By the end of the Examination no substantive concerns were raised with regards to the Applicant's approach and it was a matter of common ground with NE [REP7-019] and ECC [REP7-027].
- 5.4.91. We find that the Applicant has undertaken a thorough and detailed assessment of biodiversity matters that would be affected by the Proposed Development, both directly and indirectly. Therefore, we consider that the application accords with paragraph 5.22 of the NPSNN in its consideration of sites, habitats, species and potential impacts.
- 5.4.92. We also find that the Applicant's assessment considers the possible air quality and noise effects of the Proposed Development on biodiversity during the construction and operational phases. We note that neither NE nor ECC raise any concerns in this regard. We are therefore satisfied that the Proposed Development would accord with paragraph 5.192 of the NPSNN.
- 5.4.93. In relation to Perry's Wood LWS and Perry's Wood Ancient Woodland, the ExA note the conclusions of the Applicant. No evidence has been presented that lead the ExA to disagree with the identified significant effect. Whilst compensation would be provided, the ExA finds that this harm weighs against the Proposed Development.

- 5.4.94. The Proposed Development will result in the loss of five veteran trees. We accept the position of the Applicant, that it is not possible to provide mitigation for their loss and agree that compensation should be provided. The ExA notes that the Applicant does not consider that this effect to be significant, principally due to the retention of the majority of identified ancient and veteran trees. Whilst we agree that the overall amount and percentage of veteran trees to be lost is small, the ExA finds that, given the nature of such features, their loss weighs against the Proposed Development.
- 5.4.95. During construction the Proposed Development would have an effect upon woodland, hedgerows and other habitats. Given the size of the loss, the ExA find that, in the short term, the loss of this habitat is adverse, however we are satisfied that, over time the proposed mitigation measures would provide more than sufficient compensatory habitat of equal, or potentially better quality.
- 5.4.96. Little evidence was presented to the Examination to support the concerns with regards to the effect of the Proposed Development upon specific species. By the end of the Examination, there were no substantive issues in relation to bats, badgers or GCNs. The ExA welcomes the commitment from the Applicant to undertake pre-construction surveys, as secured through the REAC [\[REP7-015\]](#).

Biodiversity Net Gain

- 5.4.97. The NPSNN is the primary source of policy guidance for the Proposed Development and provides clear guidance on the approach to biodiversity enhancement.
- 5.4.98. Paragraph 5.23 requires the Applicant to show how the proposal takes advantage of opportunities to enhance, as well as conserve biodiversity interests. Paragraph 5.33 requires the SoS to consider whether the Applicant has maximised opportunities to build in beneficial biodiversity features in and around developments.
- 5.4.99. We note the submission of the Applicant that there is currently no requirement in law or policy for promoters of NSIPs to deliver BNG. Nevertheless, such assessments have been undertaken for a number of recent road NSIPs. However, in this instance, we find that s104(2)(a) and s104(3) of PA2008 are clear, that the guidance contained within the NPSNN provides the framework for the consideration of this application.
- 5.4.100. That said, we find that the Proposed Development would deliver enhancements in biodiversity, with predicted net gain being substantially above the 10% requirement. Furthermore, the Applicant has given an undertaking to look for opportunities to further improve biodiversity through the design stages. The mitigation measures necessary to achieve those enhancements are clearly set out in the EMP [\[REP4-022\]](#), which we consider to be both achievable and deliverable.
- 5.4.101. In undertaking their BNG Assessment, the Applicant undertook it using Biodiversity Net Gain Metric 3.0. In this respect, we note that NE raised no issues in relation to the Applicant's approach and that the matter was part of the SoCG between the parties [\[REP7-019\]](#). Whilst EA did raise some concerns with regards to the overall approach and the methodology, given the fact that there is no legal requirement to provide BNG for NSIPs, we have attributed limited weight to these comments.

Conclusion

- 5.4.102. In relation to biodiversity, we find that the following have negative weight against the making of the Order:

- construction effects on hedgerows, woodland and other habitats – limited negative;
- loss of five veteran trees – moderate negative; and
- significant adverse effects upon Perry's Wood LWS and Perry's Wood Ancient Woodland – moderate negative.

5.4.103. In relation to protected species, significant beneficial effects are predicted for Water Voles during construction. No other significant effects are predicted. We conclude that this weighs neither for nor against the making of the DCO.

5.4.104. We note the achievement of BNG, along with the legal position set out by the Applicant. However, the Proposed Development would deliver biodiversity and habitat improvements, which the ExA consider to be a benefit of the Proposed Development. To that extent, the Proposed Development would comply with paragraphs 5.23, 5.26, 5.29, 5.31, 5.33 and 5.34 of the NPSNN on conserving and enhancing biodiversity conservation interests and paragraphs 5.36 and 5.38 regarding the mitigation measures.

5.4.105. In summary, the ExA are satisfied opportunities for promoting biodiversity have been identified through the Proposed Development. Whilst there would be positive effects on certain habitats and species, the ExA notes that there would be adverse effects on other types of habitat. Taking all the matters reported above into account, the ExA therefore considers the matter has negative weight against making the DCO. Considering the biodiversity benefits that would also be delivered, this harm has been afforded limited weight in the planning balance.

5.5. CLIMATE CHANGE

Introduction

5.5.1. This section considers the effects of the Proposed Development in relation to climate change.

Policy Background

UK Legislation

5.5.2. Section 104(3) of the PA2008 states that the SoS must decide an application for a national networks NSIP in accordance with the NPSNN unless any of the sub-sections PA2008 104 (4) to (8) apply. These include where the SoS is:

- satisfied that the adverse impact of the Proposed Development would outweigh its benefits; and
- satisfied that deciding the application in accordance with the NPSNN would: lead to the UK being in breach of any of its international obligations; lead to the SoS being in breach of any duty imposed on the SoS by or under any enactment; be unlawful by virtue of any enactment.

5.5.3. The Applicant has considered the Carbon Budget Delivery Plan (CBDP) issued by Government on 30 March 2023 (Department for Energy Security and Net Zero, 2023). The CBDP sets out Government's detailed proposals to enable the delivery of the fourth, fifth and sixth carbon budgets (i.e. to the end of 2037) in accordance with the UK's net zero carbon commitment under the Climate Change Act 2008 (2050 Target Amendment Order 2019).

- 5.5.4. In relation to the Paris Agreement 2015, this provides a framework for keeping global warming well below 2°C and was ratified by the UK Government in November 2016, after the NPSNN was designated in December 2014.

NPSNN

- 5.5.5. The policy tests for climate change adaptation are given in NPSNN paragraphs 4.40-44. In particular these state:

“4.40... applicants must consider the impacts of climate change when planning location, design, build and operation...”

4.41 Where transport infrastructure has safety-critical elements and the design life of the asset is 60 years or greater, the applicant should apply the UK Climate Projections 2009 ...

4.42 The applicant should take into account the potential impacts of climate change using the latest UK Climate Projections available at the time and ensure any environment statement that is prepared identifies appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure.

4.43 ... demonstrate that there are no critical features of the design of new national networks infrastructure which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections.

4.44 ... adaptation measures should be based on the latest set of UK Climate Projections, the Government’s national Climate Change Risk Assessment and consultation with statutory consultation bodies. Any adaptation measures must themselves also be assessed as part of any environmental impact assessment and included in the environment statement, which should set out how and where such measures are proposed to be secured.”

- 5.5.6. The policy tests for carbon emissions are given in NPSNN paragraphs 5.17-19.

“5.17 ... applicants should provide evidence of the carbon impact of the project and an assessment against the Government’s carbon budgets ...

5.18... any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets.

5.19 Evidence of appropriate mitigation measures (incorporating engineering plans on configuration and layout, and use of materials) in both design and construction should be presented.”

- 5.5.7. Chapter 1: Introduction, of the Environmental Statement [[APP-068](#)], the Applicant’s assessment has considered the Overarching National Policy Statement for Energy (NPS EN-1) and National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (NPS EN-4) (Department of Energy and Climate Change, 2011a; 2011b) in relation to the diversion of the existing high-pressure gas main owned and operated by Cadent Gas Limited. Draft versions of the updated NPS EN-1 and NPS EN-4 have also been considered (BEIS, 2021b; 2021c).

- 5.5.8. The Applicant’s review of the relevant requirements of NPS EN-1 and NPS EN-4 (including the draft updated versions), relating to the EIA of gas main diversion

works, identified that the requirements are not materially different to those set out in the NPSNN.

Draft NPSNN

5.5.9. The dNPSNN provides an updated position on wider Government policy and initiatives aimed at reducing the emission of Greenhouse Gases from the transport sector:

- through the Transport Decarbonisation Plan (TDP), the Government is ensuring the fastest possible transition to a zero-emission vehicle fleet (paragraph 2.19) and the TDP demonstrates how the Government will deliver transport's contribution to emissions reductions in line with net zero (paragraph 2.21);
- in June 2021, the Government set the sixth carbon budget covering 2033-37, setting a level representing an approximate 77% reduction in greenhouse gas emissions (including international aviation and shipping) compared to 1990. These are set to ensure the UK keeps to a trajectory consistent with meeting its 2050 net zero emissions target as set out in the Climate Change Act 2008 (as amended) (paragraph 2.20);
- the government is already taking action to tackle road emissions at the tailpipe with its Zero Emission Vehicle Mandate, by setting targets requiring a percentage of manufacturers' new car and van sales to be zero emission each year from 2024, along with a phase-out date for the sale of new, non-zero emission of certain Heavy Goods Vehicles. This will guarantee a greater number of zero emission vehicles on our roads, addressing the largest source of transport greenhouse gas emissions (paragraph 2.22); and
- the government has published its electric vehicle infrastructure strategy, "Taking Charge" with significant investment in zero emission vehicle grants and EV Infrastructure, as well as using the Automotive Transformation Fund to support the electrification of UK vehicles and their supply chains (paragraph 2.23).

5.5.10. Whilst the overall policy requirements of draft NPSNN at the close of the Examination in respect of climate change was largely consistent with those policy requirements of the extant NPSNN, further clarity was provided on the expectation of applications;

- the SoS must be satisfied that the applicant has as far as possible assessed the greenhouse gas emissions at all stages of the development (paragraph 5.34);
- the Climate Change Act 2008 reflects and puts into effect the UK's Nationally Determined Contributions as set out in the Paris Agreement and sets out that the carbon budgets are the mechanism by which the net zero target is to be achieved (paragraph 5.35);
- an applicant who assesses the carbon impacts of its scheme against the carbon budget is to be taken also to have assessed the carbon impacts of the scheme against the net zero target in the Climate Change Act 2008 and the UK's Nationally Determined Contributions (paragraph 5.35);
- the SoS should be content that the applicant has taken all reasonable steps to reduce the total greenhouse gas emissions from a whole life carbon perspective and should give positive weight to projects that embed nature-based or technological processes to mitigate or offset the emissions of construction and within the proposed development (paragraph 5.36).
- given the important role national network infrastructure plays in supporting the process of economy wide decarbonisation, the Secretary of State accepts that there are likely to be some residual emissions from construction of national network infrastructure. Draft National Policy Statement for National Networks (paragraph 5.36);

- operational greenhouse gas emissions from some types of national network infrastructure cannot be totally avoided. Given the range of non-planning policies aimed at decarbonising the transport system, government has determined that a net increase in operational greenhouse gas emissions is not, of itself, reason to prohibit the consenting of national network projects or to impose more restrictions on them in the planning policy framework (paragraph 5.37); and
- operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments. Therefore, approval of schemes with residual carbon emissions is allowable and can be consistent with meeting carbon budgets, net zero and the UK's Nationally Determined Contribution (paragraph 5.37).

5.5.11. In relation to climate change adaption the dNPSNN states:

- the SoS should be satisfied that there are no features of the infrastructure critical to its safety or operation which may be seriously affected by more radical changes to the climate (paragraph 4.38); and
- the SoS should also be satisfied that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime (paragraph 4.38).

Applicant's Approach

5.5.12. The relevant parts of the application are:

- ES Chapter 15 Climate [[APP-082](#)] sets out the Applicant's assessment methodology;
- Figure 15.1: Study Area for Road User GHG Emissions [[APP-245](#)];
- Figure 15.2: Construction Areas Used for Land Use Change GHG Emissions Calculations [[APP-246](#)];
- Figure 15.3: Operational Areas Used for Land Use Change GHG Emissions Calculations [[APP-247](#)];
- Appendix 15.1: Greenhouse Gas Emissions Methodology [[APP-180](#)]; and
- Appendix 15.2: Vulnerability Assessment [[APP-181](#)].

5.5.13. Chapter 15 sets out the information that the Applicant is required to provide in the ES in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, which state that an ES should consider both:

- the impact of the proposed scheme on climate (for example the nature and magnitude of greenhouse gas (GHG) emissions); and
- the vulnerability of the proposed scheme to climate change.

5.5.14. This assessment has been undertaken in accordance with the DMRB LA 114 Climate Version 0.0.1 standard (Highways England, 2021a), hereafter referred to as DMRB LA 114.

5.5.15. Chapter 15 Climate [[APP-082](#)] sets out the Applicant's assessment methodology at paragraph 15.5. This assessment provides an assessment of both the impact of the Proposed Development on climate and the vulnerability of the Proposed Development to climate change.

5.5.16. The GHG assessment detailed in Appendix 15.1 [[APP-180](#)] included an estimation of GHG emissions associated with the following activities:

- construction and operational maintenance;
- operational energy consumption;

- operational road users; and
- land use change and forestry.

5.5.17. In terms of baseline, the climate assessment looked at the potential impact of the Proposed Development on climate by estimating changes in GHG emissions. This included embodied carbon within the materials used, carbon used in transport during construction and operation, and changes in land use affecting the storage of carbon.

5.5.18. The Applicant then compared the estimated GHG emissions against the UK carbon budgets, refer to Table 15.23 [APP-082] and shown below. Each carbon budget provides a five-year, statutory cap on total UK GHG emissions. This cap should not be exceeded if the UK is to achieve its commitments to reduce emissions.

Table 6 Estimated GHG Emissions Compared to UK Carbon Budgets [APP-082]

Project stage	Estimated total GHG emissions over carbon budget periods (tCO ₂ e) (Do-Something scenario)	Net change in GHG emissions with proposed scheme over carbon budget periods (tCO ₂ e)	Net change in GHG emissions with proposed scheme within relevant carbon budget period (tCO ₂ e) (and as % of relevant carbon budget)		
			4 th carbon budget (2023–2027)	5 th carbon budget (2028–2032)	6 th carbon budget (2033–2037)
Construction	427,801	428,626 ^a	428,626 ^a (0.022%)	-	-
Operation	7,577,097	318,195	30,209 (0.002%)	147,364 (0.009%)	140,622 (0.015%)
Total	8,004,897	746,820	458,835 (0.024%)	147,364 (0.009%)	140,622 (0.015%)

^a Including construction phase GHG emissions and changes in carbon sequestration due to woodland being removed during construction phase (prior to replanting).

5.5.19. The Applicant assessed the potential vulnerability of the Proposed Development to future changes in climate, such as from flooding. Features that are potentially vulnerable to climate change include the Proposed Development itself (e.g. pavements, structures, earthworks, drainage and technology) but also operational road users, including the public and commercial operators, who may be affected by disruption.

5.5.20. The Applicant contends that the largest proportion of construction phase GHG emissions would be from the production of materials used in construction. This is predicted to be about 55% of the total GHGs for the construction stage. Other sources of construction emissions are identified as being from the transport of materials to site, the transport and treatment of waste, employee transport, construction and installation processes, and changes in land use and forestry during the construction phase.

5.5.21. Operational phase GHG emissions would mainly be from vehicles using the road.

5.5.22. Regarding GHG emissions the Applicant's assessment at paragraph 15.13 [APP-082] stated the following conclusions:

*"... the proposed scheme is estimated to result in an increase in GHG emissions during both its construction and operation. The impact of the proposed scheme on climate (i.e. GHG emissions) is, however, considered to be **not significant** as it is considered unlikely to have a material impact on the ability of UK Government to meet its carbon reduction targets".*

5.5.23. Regarding GHG emissions associated with the gas main diversion:

"The GHG emissions associated with the gas main diversion, which have not been considered within this assessment, are likely to be negligible in comparison to those associated with the proposed scheme itself."

5.5.24. In summary regarding GHG emissions:

"As such, no significant residual effects are expected to occur, and the proposed scheme is considered to comply with the relevant requirements of the NPSNN and energy NPS".

5.5.25. Regarding vulnerability to changes in climate:

*"The assessment indicates that, with embedded and standard mitigation measures in place, it is unlikely the potential climate-related hazards identified would result in significant impacts during the construction or operational phases of the proposed scheme. Therefore, **no significant residual effects** are deemed likely during construction and operation due to vulnerability to changes in climate and the proposed scheme is considered to comply with the relevant requirements of the NPSNN."*

Issues Arising During the Examination

5.5.26. The key issues raised during the Examination were:

- the approach to assessment of emissions;
- the ability of the Government to meet its carbon reduction targets;
- assessment of cumulative impact of carbon emissions; and
- measures for mitigation of emissions.

5.5.27. In ExQ1 [PD-008a: Q.4.01 – Q.4.03] the ExA requested:

- any aspects of the Proposed Development which are unlikely to comply with the draft NPSNN, and the draft Energy NPSs;
- updated benefit cost ratio calculations to include construction and operational stage carbon emissions; and
- with regard to introducing new construction and operational carbon emissions into Essex, an update on the ability of the Government to meet its carbon reduction targets.

5.5.28. At Issue Specific Hearing 1 [EV-019] the ExA requested:

- a summary of the approach to assessment of emissions (in response to DL2 points);
- and further information regarding:
 - assessment of cumulative impact of carbon emissions;
 - the Road Investment Strategy (RIS); and

- assessment of local areas meeting carbon targets.
- how measures for mitigation of construction emissions will be carried forward.

Matters Raised in LIRs

5.5.29. ECC Local Impact Report [[REP2-055](#)] Section 9.3 Climate Change, identifies four main issues:

- the impact of the Proposed Development on emissions within the county and potential impact on the target for Essex to be net zero by 2050;
- any requirement for the Proposed Development to be 'net zero';
- the appropriateness of proposed mitigation measures; and
- the assessment of cumulative impacts.

Matters Raised by IPs

5.5.30. Dr Boswell of Climate Emergency Planning and Policy (CEPP) objected to the Proposed Development [[RR-156](#)]. The main points of objection are summarised below.

“(1) Chapter 15 of the ES presents estimates of the GHG emissions for the assessment of significance of the scheme against .. carbon budgets. Only “scheme-only” estimates are given and assessed ... this does not comply with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. ... the applicant must provide an ES including the cumulative impacts of the project and other existing and/or approved projects on climate change.

(2) The ... “TDP Sensitivity Test” ...is not based on any standard, documented or official guidance.

(3) The Institute of Environmental Management & Assessment (IEMA) “Assessing greenhouse gas emissions and evaluating their significance” guidance (February 2022) states that best EIA practice for GHGs is to use sectoral, regional and local carbon budgets ... Chapter 15 does not follow this guidance, and instead makes a sole assessment of significance against the entire UK economy carbon budget.

(4) The very large construction stage emissions ... have been omitted from the cost side of the BCR. These would amount to over £100,000,000 at the 2025 government carbon valuation increasing the cost side. The value of cumulative operational carbon emissions from the scheme has not been used in the benefit side of the BCR calculations, because no cumulative assessment has been done.

(5) ... Essex already has much greater emissions for transport ... than the East of England or the UK. The scheme has large construction emissions ... and introduces new emissions into Essex from 2027 These new emissions are so significant that they would have material impact on the ability of the Government to meet its carbon reduction targets (NPSNN 5.18 significance test).

(6)... No scheme increasing carbon emissions on this scale, having a material impact of meeting UK carbon budgets, can be justified within the planning balance.

5.5.31. CEPP submitted a WR at DL2 concerning how the significance of the climate change impacts of carbon emissions associated with the Proposed Development are assessed [[REP2-044](#)].

5.5.32. CEPP submitted a placeholder that further material and submissions would be delayed to enable analysis of the Government’s Net Zero Strategy, published on 31 March 2023, which would enable CEPP to integrate its response to [REP2-032](#) and

[REP3-009](#) from the Applicant with consideration of the new policy material [\[REP4-073\]](#).

- 5.5.33. No further submissions were received from CEPP during the Examination.
- 5.5.34. Transport Action Network (TAN) submitted a closing submission on Climate Change Committee's 2023 Progress Report [\[REP8-036\]](#). For the A12 scheme, TAN asked the ExA to note:
- *“the proposed scheme would lock in unsustainable levels of traffic growth;*
 - *that the proposed scheme would increase traffic growth, not reduce it.”*

Applicant’s Response to the Matters Raised

- 5.5.35. The Applicant's response to RRs [\[REP1-002\]](#) responds to CEPP’s RR-156 on pages 958 to 967. The following summarises the response.
- 5.5.36. With regard to point (1) the need for the ES to include the cumulative impacts of the project and other existing and/or approved projects on climate change. The Applicant provided justification for the approach adopted in the ES and noted that this matter was being tested in the High Court relating to improvements to the A47. The judgement in this matter is dealt with below.
- 5.5.37. With regard to point (2) the Transport Decarbonisation Plan (TDP) sensitivity test the Applicant responded that:
- “12. It should also be noted that the results of the sensitivity test presented in Table 15.24 of Chapter 15: Climate [\[APP-082\]](#) are provided as contextual information and have not been used as the basis for the assessment of the significance of the impact of the proposed scheme on climate.”*
- 5.5.38. With regard to point (3) carbon targets the Applicant responded that:
- “13. ..., the only statutory carbon targets are the carbon budget targets and the Net Zero 2050 target that are set at a national level ... There are no sectoral targets (e.g., for transport), nor any targets set at a subnational geographic scale. This means that, for the purposes of assessing the likely significance of the effects of the proposed development in accordance with the IEMA guidance, the only available trajectory is that contained in the national carbon budgets.”*
- 5.5.39. With regard to point (4) construction stage emissions the Applicant responded that:
- “16. The predicted construction stage emissions have not been included in the monetised assessment of benefits used to inform the Benefit Cost Ratio (BCR). ... in line with the guidance at the time the assessment was undertaken. However, the impact of the emissions was taken into account as a “non-monetised impact” when assessing the proposed scheme’s overall value for money position.*
- 17. When the proposed scheme’s economic assessment is next updated as part of the Government’s funding approval process, the monetised impact of construction stage emissions will be included In the interim, a technical note which describes the impact of monetising construction carbon on the BCR will be submitted to the Examination”*
- 5.5.40. With regard to point (5) emissions into Essex the Applicant responded that:

“19. ... road transport is estimated to make a much greater contribution ... to GHG emissions within Essex However, this is considered to reflect the fact that Essex is a rural county ... meaning that emissions from road transport make a larger relative contribution compared to within more urban areas,

21. It is considered that this magnitude of emissions ... would not have a material impact on the ability of the UK Government to meet its carbon budgets, ..., in line with the position set out within paragraph 5.18 of the NPSNN.”

5.5.41. With regard to point (6) increasing carbon emissions justification within the planning balance the Applicant responded:

“22. ... whilst the proposed scheme will result in an increase in GHG emissions, the magnitude of this increase is considered to be not significant.”

5.5.42. The Applicant responded to ExQ1 [\[REP2-025\]](#) regarding the under review NPSs, BCR calculations to include construction and operational stage carbon emissions; and the ability of the Government to meet its carbon reduction targets. In summary:

- an updated version of the NPSNN is yet to be published;
- a review of the relevant requirements of the draft updated versions of the energy NPSs, relating to the EIA of gas main diversion works, identified that the requirements are not materially different to those set out in the NPSNN;
- the Applicant has submitted a technical note where construction and operational maintenance-related GHG emissions in the BCR (see below for details); and
- the Applicant concluded that whilst the Proposed Development would result in an increase in GHG emissions, the magnitude of this increase is considered to be not significant as it is considered unlikely to have a material impact on the ability of UK Government to meet its carbon reduction targets.

5.5.43. The Applicant submitted a technical note describing a sensitivity test undertaken for the Proposed Development, where estimated construction and operational maintenance-related GHG emissions were monetised and included in the BCR [\[REP2-032\]](#). It concluded that this does not change the overall value for money conclusions, and that the Proposed Development is still considered to represent medium value for money.

5.5.44. The Applicant responded to CEPP’s DL2 submission concerning how the significance of the climate change impacts of carbon emissions are assessed [\[REP3-009\]](#) pages 39 to 82 refer.

5.5.45. The Applicant notes that many of the points raised in this WR have previously been addressed within the Applicant’s response [\[REP1-002\]](#) to [RR-156](#). The Applicant summarises these responses as follows, along with additional information where relevant:

- *“The assessment ... has been undertaken with reference to relevant guidance (namely DMRB LA 114 Climate). However, the assessment is also considered to be in accordance with IEMA guidance Therefore further contextualisation is not considered necessary to inform the assessment of significance.*
- *The Interested Party’s comments on the lack of a cumulative ... is founded on a mis-reading of the 2017 Regulations, as explained in the response at [\[REP1-002\]](#);*
- *The Interested Party’s argument that there is a legal duty to assess carbon impacts at a less than national scale was refused permission on the basis that it was not arguable by Holgate J in an order dated 21 December 2022 in relation*

to the Interested Party's High Court proceedings challenging the making of two of the A47 DCOs.

- *... the future trends in road user greenhouse gas (GHG) emissions are uncertain, hence the Transport Decarbonisation Plan (TDP) sensitivity test results presented ... are provided for information only ... and have not been used to inform the assessment of significance set out in the ES.*

Therefore, the Environmental Statement as presented is lawful, no data are missing and the assessment of significance presented has been undertaken in accordance with relevant guidance.

As such, the Applicant maintains that the impact of the proposed scheme on climate change is not significant as it is considered unlikely to have a material impact on the ability of UK Government to meet its carbon reduction targets.”

- 5.5.46. The Applicant submitted comments on ECC's LIR [\[REP3-021\]](#), pages 43 to 52 respond to Section 9.3 Climate Change. In summary the Applicant states:

“By 2050 therefore, the date by which ECC has committed to achieve net zero, both operational maintenance and road user emissions on the strategic road network (including the A12) will be substantially reduced and are planned to be net zero

Mitigation measures have therefore been proposed ... in order to minimise GHG emissions associated with the proposed scheme so that they are not unnecessarily high and on net zero trajectory, rather than being ‘net zero’. ...

Comments made by ECC relating to proposed embedded, standard and additional mitigation measures and potential enhancements are discussed below in turn.

... the focus of an environmental statement is upon whether the proposed development is likely to have a significant effect upon the environment of itself and/or in combination with other existing and/or approved projects.”

- 5.5.47. At ISH1 the Applicant provided a summary of the approach to assessment of emissions (in response to DL2 points) and further information regarding: cumulative assessment; RIS; local areas meeting carbon targets; and mitigation measures of construction emissions at ISH1 [\[REP3-012\]](#); pages 82 to 87].

- 5.5.48. At DL8 the Applicant submitted ‘Judgement *Boswell v Secretary of State for Transport and National Highways*’ [\[REP8-016\]](#). The judgment is in respect of three separate judicial reviews that were joined. All three claims were brought by Dr Boswell and asserted that the cumulative assessments of carbon emissions in the EIA process in three applications by National Highways (NH) for DCOs for road schemes on the A47 were unlawful and contrary to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

- 5.5.49. The Court confirmed that the approach taken to the assessment of cumulative impact of carbon emissions in all three decisions did not breach the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and was lawful.

- 5.5.50. The applications for three judicial reviews were raised in the DL2 submission written representations of CEPP [\[REP2-044\]](#). Those alleged that the assessment of cumulative carbon emissions undertaken by the Applicant in the ES was in breach of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and that an absence of the assessment of cumulative carbon emissions in the way that Dr Boswell asserted should be undertaken rendered the ES unlawful.

- 5.5.51. The Applicant has taken the same approach to undertaking the assessment of likely significant climate effects in the case of the Proposed Development as in the three A47 highway schemes that were the subject of the judicial reviews.

ExA Considerations

- 5.5.52. Section 104(4) of the PA2008 identifies that the SoST must decide the application in accordance with any relevant NPS, except where they are satisfied that deciding the application in accordance with any relevant NPS, would lead to the UK being in breach of any of its international obligations.
- 5.5.53. We consider that the approach to the assessment of emissions as detailed in the ES is appropriate.
- 5.5.54. We consider that appropriate measures for mitigation of emissions have been identified within the design and that these are secured through the rDCO (Appendix 4).
- 5.5.55. The Applicant has assessed the Proposed Development against the fourth, fifth and sixth carbon budgets (See Table 6 above). It is predicted that carbon emissions due to the Proposed Development in any of the five-year periods would be a maximum of 0.024% of the relevant carbon budget. On the evidence presented, we consider that the carbon emissions from the Proposed Development, on its own, would be unlikely to have a material impact on the UK Government meeting the carbon reduction targets in place at the time of the assessment. On that basis we are therefore satisfied that the Applicant has given consideration to paragraphs 5.16, 5.17 and 5.18 of the NPSNN. We therefore also conclude that in consideration of s104 of the PA2008, the Proposed Development would be unlikely to cause the UK to be in breach of its international obligations, including the Paris Agreement 2015.
- 5.5.56. *Boswell v Secretary of State for Transport* confirms that the approach taken by the Applicant is lawful in assessing cumulative carbon emissions. We therefore consider that the approach taken in the assessments of likely significant cumulative effects as part of the EIA is appropriate and in line with relevant policy and legislation including the EIA Regulations.

Achievement of net zero

- 5.5.57. Section 4 of the Climate Change Act 2008 requires the SoS to ensure attainment of the carbon budgets at the relevant carbon budget period dates. Therefore, delivery of the emissions reductions necessary to achieve net zero by 2050 is measured through the pathway provided by nationally set interim targets of the carbon budgets, with the Government's overall strategy for meeting carbon budgets, along with the net zero target, forming part of an economy-wide transition. The purpose of these budgets is to ensure that the net UK carbon account for a budgetary period does not exceed the set carbon budget. These targets are set by sector, with surface transport being specifically identified.
- 5.5.58. The Net Zero Strategy (NZS) and the Transport Decarbonising Plan (TDP) set out how the UK will deliver on Climate Change Act 2008 and on the legally binding carbon budgets. The NZS provides an indicative pathway for reductions in carbon for domestic transport. The TPD provides a projection of a range of possible outcomes of reductions in domestic transport emissions that would arise from its implementation, which it considers to be a credible pathway while setting out uncertainties about the contributions from the different measures required to achieve it. The TDP identifies that as part of the measures to reduce congestion and

the associated carbon emissions, investment in road infrastructure will be needed. As such, we find that both the NZS and TDP provide a framework to support the achievement of net zero through the use of carbon budgets.

- 5.5.59. Given that, following the publication of the NZS and the TDP, the carbon budgets remain in place, we are satisfied that assessment against the established carbon budgets remains valid. We also find that the principle of constructing new roads does not conflict with NZS or the TDP.
- 5.5.60. The SoS may wish to give consideration to the changes made in September 2023 to the 2030 targets for the sale of petrol and diesel vehicles.

Climate resilience

- 5.5.61. We note that the Applicant undertook to submit a sensitivity test to the Examination, to reflect the latest values for climate change allowances for rainfall intensity (paragraph 1.6.1 of the FRA refers [\[APP-162\]](#)). The Applicant confirmed that the results of this sensitivity test would (as necessary) be the basis on which the detailed design of the scheme would be undertaken, should the DCO be granted [\[APP-162\]](#).
- 5.5.62. This sensitivity test was not provided to the Examination. However, we note that the EA has confirmed [\[RR-011, REP2-053 and REP7-020\]](#) it is broadly satisfied with the FRA and has not raised concerns regarding the absence of this sensitivity test. We also note that the First Iteration EMP (Water Management Plan [\[REP4-029\]](#) and REAC [\[REP7-015\]](#)) contains commitments to mitigate impacts associated with high intensity rainfall events. We are therefore satisfied that the application is supported by an appropriate FRA and that measures to mitigate flood risk have been proposed and secured through the dDCO.

Conclusions

- 5.5.63. The ExA concludes that the Applicant has given consideration to possible future changes in climate over a 60-year appraisal period, and potential impacts on the Proposed Development associated with these climatic changes in compliance with paragraphs 4.40 to 4.42 and 4.44 of the NPSNN. In addition, we are satisfied that the Applicant has given consideration to potential changes to the risk of flooding should more radical changes in climate occur in compliance with paragraph 4.43 of the NPSNN.
- 5.5.64. In compliance with paragraphs 5.17 and 5.19 of the NPSNN, changes in GHG emissions associated with the construction and operation of the Proposed Development have been estimated and compared to relevant UK carbon budgets in order to assess their significance. Mitigation measures have been proposed to reduce GHG emissions in terms of its design and its construction. These measures are considered likely to substantially reduce the carbon footprint of the Proposed Development.
- 5.5.65. With regards to design and construction we conclude that the effects of the Proposed Development weigh neither for nor against making the DCO.
- 5.5.66. We agree that the relevant requirements of NPS EN-1 and NPS EN-4 (including the draft updated versions), relating to the EIA of gas main diversion works, are not materially different to those set out in the NPSNN.

- 5.5.67. The SoS may wish to give consideration to the changes made in September 2023 to the 2030 targets for the sale of petrol and diesel vehicles.
- 5.5.68. Therefore, whilst accepting that the Proposed Development would not result in significant effects in EIA terms, given that the Proposed Development would result in an increase in CO₂, taking a precautionary approach, we conclude that this weighs against making the DCO, especially given recent policy and Government proposals aim to reduce emissions. However, as emissions are likely to reduce over the lifetime (through increased use of low-emission vehicles and wider Government policy such as the Transport Decarbonising Plan and Carbon Budgets), it has been attributed limited weight in the planning balance.

5.6. GEOLOGY AND SOILS

Introduction

- 5.6.1. This Section considers the effect of the Proposed Development upon geology and soils, including agricultural land. Matters in relation to the effect of the Proposed Development upon agricultural businesses are considered in Section 5.14.
- 5.6.2. Matters in relation to the proposed borrow pits are considered in Section 5.11, Material Assets and Waste, as are issues in relation to the impact of the Proposed Development upon the Minerals Safeguarding Area and Coleman's Farm Quarry.
- 5.6.3. Contamination issues from road run-off, drainage and pollution incidents once the Proposed Development is operational are considered in Section 5.16.

Policy and legal context

NPSNN

- 5.6.4. The NPSNN seeks, as a general principle, to avoid significant harm to geological conservation interests by development, including through mitigation and consideration of reasonable alternatives (Paragraph 5.25).
- 5.6.5. NPSNN paragraph 5.31 identifies that sites of regional and local geological interest (which include Local Geological Sites) have a fundamental role to play in meeting overall national biodiversity targets, in contributing to the quality of life and the well-being of the community, and in supporting research and education. The SoST is obliged to give due consideration to such regional or local designations. However, the NPSNN advises that, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent.
- 5.6.6. Paragraph 5.168 of the NPSNN requires applicants to consider the economic and other benefits of the Best and Most Versatile (BMV) agricultural land. Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality. Applicants should also identify any effects, and seek to minimise impacts on soil quality, taking into account any mitigation measures proposed.
- 5.6.7. In determining proposals, the decision-maker should take into account the economic and other benefits of BMV agricultural land but should give little weight to the loss of agricultural land in Grades 3b, 4 and 5, except in locations where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy (Paragraph 5.176).

Draft NPSNN

- 5.6.8. The policy requirements of draft NPSNN, in respect of geology and soils, are largely consistent with the extant NPSNN, with no significant changes being identified.

The Application

- 5.6.9. The relevant parts of the application include:

- ES Chapter 10, Geology and Soils [\[APP-077\]](#);
- Appendix 10.1: Land Quality Risk Assessment [\[APP-142\]](#);
- Appendix 10.2: Agricultural Land Classification Survey Report [\[REP4-018\]](#) and [\[REP4-020\]](#);
- Figure 10.1 Geology and Soils Land Contamination Constraints Plan [\[APP-225\]](#); and
- Figure 10.2 Agricultural Land Classification [\[REP6-048\]](#).

Overall Approach

- 5.6.10. The Applicant's assessment [\[APP-077\]](#) covered geology, including bedrock geology and superficial deposits including geological designations and valuable non-designated features, soil resources and land contamination. The Applicant identifies [\[APP-077\]](#) that their assessment has been undertaken using the framework as set out in DMRB LA 109 Geology and Soils and DMRB LA 113 Road Drainage and the Water Environment in relation to land contamination issues.

- 5.6.11. In terms of the study area the following were identified for the different assessments:

- the contamination assessment considered all locations where physical works and ground disturbance would take place (the construction boundary);
- for past pollution events that may have affected geology and soils within the area and sensitive off-site receptors that could be affected by the Proposed Development, the study area extended to 1km beyond the construction boundary; and
- for agricultural land this was the construction boundary.

- 5.6.12. The assessment identified that there was a single geological SSSI, Marks Tey Brickpit, located within the study area, although it is located 115m away from the footprint of the Proposed Development.

- 5.6.13. In terms of agricultural land, the Agricultural Land Classification Survey [\[REP6-048\]](#) found land to be predominantly of Subgrade 3a and 3b quality, with local areas of Grade 2. Beyond the survey area, most of the OL comprises non-agricultural land (mostly previously developed land or woodland). Based on the survey data, the assessment considered that the 'unsurveyed agricultural land' to likely be of Grade 2 to Subgrade 3b.

- 5.6.14. In terms of contaminated land [\[APP-077\]](#), records show there to be six historical landfills within the survey area, along with a number of historical mineral extraction sites. These include brickfields, gravel pits, sand pits and quarries, some of which have been infilled with waste materials, with others redeveloped. Further identified potentially contaminated land [\[APP-077\]](#) uses included decommissioned railway

infrastructure, sewage works, rifle ranges, a malthouse and gasometer, current and former industrial areas and fuel stations.

- 5.6.15. Results from collected groundwater samples indicated that there were various contaminants in groundwater beneath the study area.

Potential Construction Impacts

- 5.6.16. In relation to Marks Tey Brickpit SSSI, given the distance between the feature and the footprint of the Proposed Development, whilst the assessment identified the potential for linkages from sources of contamination during construction, the Applicant concluded [APP-077] that these could be avoided through standard mitigation measures and, as a result, the site was scoped out of the assessment.

- 5.6.17. In relation to soils, the following construction activities were considered to have potential negative effects:

- physical removal or permanent sealing of agricultural land; and
- degradation during stripping, handling and storage, through mechanisms such as compaction and smearing.

- 5.6.18. The assessment identified the following other potential negative contamination impacts during construction:

- potential emission/pollution from construction activities;
- potential to mobilise contaminants in soils and groundwater as a result of ground disturbance, in particular de-watering associated with the proposed borrow pits;
- generation of dust;
- alteration of potential for contaminants to mobilise (leach) from soils during construction;
- increased potential for contaminants to enter surface water through drainage or surface run-off;
- introduction of fuels, chemicals and fluids relating to construction activities;
- increased potential for exposure to contaminants to human health receptors due to exposure of contaminated materials during construction; and
- creation of preferential pathways such as piles penetrating through strata or via service corridors for migration of potential contaminants to groundwater.

Potential Operational Impacts

- 5.6.19. The Applicant's assessment [APP-077] acknowledges that agricultural land would be lost permanently due to the Proposed Development, however, no additional loss is expected beyond the construction phase. Therefore, the assessment concluded that, once operational, the Proposed Development would have limited future interaction with geology and soils.

Design, Mitigation and Enhancement Measures

- 5.6.20. The assessment [APP-077] refers to the use of design and best practice techniques, and construction guidance, to mitigate and manage, as far as is practicable, potential impacts on geology and soils during construction activities. It acknowledges [APP-077] that no measures can mitigate for the permanent land take required and the permanent loss of agricultural soils associated with the Proposed Development. However, to mitigate impacts on areas of temporary land take, the Applicant proposed a number of measures, including:

- following the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (DEFRA, 2009), where possible;
- undertaking a soil resource survey prior to any soil stripping;
- completion of a Soil Resource Plan;
- supervision of soil management to ensure that soils are handled in accordance with good practice;
- stripping full depth of topsoil from areas to be disturbed by construction and from areas where topsoil would otherwise be sealed by permanent development;
- soil to be sustainably reused within the Proposed Development or elsewhere wherever practicable;
- preparation of a Soil Handling Management Plan (SHMP) [\[REP4-027\]](#) to ensure the use of best practice measures for soil handling; and
- preparation of a Materials Management Plan (MMP) [\[APP-194\]](#) to minimise over-excavation of soils and ensure that soils from permanent land take areas are reused as much as possible within the Proposed Development and that areas of temporary land take are restored back to their former condition.

5.6.21. These measures are secured through the dDCO, Requirements 3 and 4.

5.6.22. Additional monitoring of selected main rivers in close proximity to the Proposed Development and proposed borrow pits, would also be undertaken prior to construction to confirm the initial monitoring carried out in 2018 and identify any changes to water quality before, during and post construction. These measures are secured through the REAC [\[REP7-015\]](#).

Residual Effects

5.6.23. In relation to agricultural soils and agricultural land classification of farmland, the assessment [\[APP-077\]](#) concludes that during construction, approximately 471ha of agricultural land would be permanently lost, which includes over 306ha of land classed as BMV (Grade 2 and Subgrade 3a). In addition, 87ha of agricultural land would be temporarily acquired for construction. As the loss of 306ha of BMV agricultural land would be unavoidable, this is assessed as having a very large adverse effect and therefore significant.

5.6.24. The assessment [\[APP-077\]](#) identifies that the permanent sealing or wastage of topsoil would be avoided as far as practicable via identified mitigation measures. In addition, by following good practice soil management measures, degradation during stripping, handling and storage would either be avoided or would only be temporary in nature, thereby allowing re-use. Therefore, the assessment [\[APP-077\]](#) identifies a likely slight adverse effect for agricultural soil receptors during construction.

5.6.25. Moderate magnitudes of impact are predicted on soils within the majority of the affected sites of ecological importance [\[APP-077\]](#), resulting in a moderate adverse effect on Whetmead LWS and LNR, and slight adverse effects on the four types of priority habitat identified. A slight magnitude of impact is predicted on soils within Riverview Meadows LWS due to the small proportion of the site which would be affected, resulting in a slight adverse effect on this receptor [\[APP-077\]](#).

5.6.26. In terms of groundwater and surface water, with the proposed mitigation measures in place to prevent the mobilisation of contaminants to surface waters, the impact to the sensitive surface waters from the Proposed Development is negligible, resulting in a slight adverse effect.

- 5.6.27. The assessment [APP-077] concludes that the Proposed Development is unlikely to give rise to any significant effects upon geology or soils during the operational phase.

Planning Issues

- 5.6.28. We sought confirmation [PD-008a] from the LPAs that the approach taken by the Applicant towards those locations that it was unable to survey was acceptable.
- 5.6.29. In relation to BMV land, we questioned [PD-008a] the Applicant's assessment and in particular their use of a quantitative approach and sought clarification and justification as to why a qualitative approach was also not used. In relation to soils, we also sought further detail [PD-008a] in relation to the proposed mitigation measures to protect soils and how these measures would be delivered through the dDCO.
- 5.6.30. We questioned the Applicant [PD-008a] in relation to Witham Landfill and reference within the ES Chapter 10, Geology and Soils [APP-077] to additional surveys being undertaken. Confirmation was also sought [PD-008a] on the delivery of the Detailed Quantitative Risk Assessment (DQRA), and who would be consulted on the document.
- 5.6.31. At ISH1, the ExA sought clarification and further justification from the Applicant in relation to their approach towards both limiting the use of agricultural land and protecting land that was to be acquired, either permanently or temporarily.
- 5.6.32. In its LIR, CCC [REP2-106] considered that the amount of BMV land to be lost would be significant and would be of high magnitude and could not be mitigated or offset elsewhere. In their view this weighed against the proposals but should be balanced against the benefits in easing congestion and improving the highway network. CCC also acknowledged the inclusion by the Applicant of a number of mitigation measures. On balance, CCC submitted that these measures were likely to outweigh the loss of BMV land, particularly when considered in the wider context of the benefit of the proposal in its totality. On this basis, CCC raised no objection to the loss of agricultural land in principle.
- 5.6.33. BDC in its LIR [REP2-041], agreed with the Applicant's assessment, and considered due to the presence of BMV land in the Braintree District, any alternative route options would likely result in a similar loss. They were therefore of the view that mitigation efforts should focus on embedded mitigation such as the restoration to agricultural use of temporary BMV land-take, further consolidating development/construction footprints or improving on the sustainable use of soils.
- 5.6.34. No specific comments on the topic were made by CoCC [REP2-045a], MDC [REP2-068] or ECC [REP2-055] in its LIRs.
- 5.6.35. NE raised a number of issues [RR-184 and REP2-091] in relation to the Applicant's assessment methodology, along with providing comments on the Applicant's proposed mitigation measures, with NE seeking to ensure best practice and relevant construction codes were complied with. By the end of the Examination most matters had been agreed with the Applicant [REP7-019].
- 5.6.36. The outstanding issues related to soil mitigation, measures to be employed in the replacement of topsoil and soil handling methodologies. The Applicant confirmed

that whilst these matters had not been agreed by the close of the Examination [\[REP7-019\]](#) agreement had been reached that matters would be addressed through consultation with NE on the second iteration of the EMP.

- 5.6.37. In their RR, the NFU [\[RR-024\]](#) raised several issues in relation to the First Iteration EMP and identified specific wording that it would like to see agreed and included within it. These related to practical aspects of how construction should be dealt with in relation to agricultural land. These matters were the subject of discussions with the Applicant during the course of the Examination. As a result, they were agreed between the parties [\[REP7-037\]](#), with Appendix A outlining detailed roles and responsibilities for the ALO, and Appendix B dealing with soil monitoring principles for temporarily acquired land to be returned to agriculture. These are to be included in the Second Iteration EMP.
- 5.6.38. Within RRs and WRs, Lord Rayleigh Farms [\[RR-185\]](#) and the Hon J F Strutt [\[RR-186\]](#) identified that in their view the land in their control within the OL was Grade 1 and Grade 2 and supported the growth of high yielding agricultural produce. In response [\[REP1-002\]](#), the Applicant referred to the detailed Agricultural Land Classification survey [\[REP4-018\]](#) that was undertaken for the Proposed Development, which showed the land referred to comprise mostly agricultural land of Grade 2, Subgrade 3a and Subgrade 3b.
- 5.6.39. The loss of 473ha of arable farmland and the impact upon the UK's food security was raised by TAN [\[RR-002\]](#), Sarah Warren [\[RR-086\]](#), Laura Blake [\[RR-120\]](#) and Mark Dobson [\[RR-163\]](#).
- 5.6.40. In response, the Applicant considered [\[REP1-002\]](#) this amount to be misquoted. In relation to the concerns about food security, the Applicant referred [\[REP1-002\]](#) to Chapter 13: Population and human health, of the Environmental Statement [\[APP-080\]](#), where it identified that approximately 504ha of arable farmland would be lost to the Proposed Development during the construction phase. Of this, approximately 395ha would be permanently lost. The Applicant submitted that in June 2021 there were 930 cereal farms within Essex. The permanent loss would affect approximately 2% of these businesses and approximately 0.2% of agricultural land use [\[REP8-013\]](#).
- 5.6.41. The remaining 109ha required during construction would have the potential to be returned to agricultural use and would continue to contribute to agricultural production during operation of the Proposed Development. Regardless of this, the Applicant acknowledged that the residual scale and loss of agricultural land to the Proposed Development results in an overall significant effect, and this is assessed to be of large adverse significance for construction and operation.
- 5.6.42. The Applicant confirmed [\[REP3-012\]](#) that the potential impacts of the Proposed Development on agricultural land was considered throughout the development process, in particular when considering alternatives, along with the need to reduce as far as is practicable the land-take from agricultural land. The Applicant referred [\[REP1-002\]](#) ES Chapter 10 [\[APP-077\]](#), which identified that embedded mitigation had consolidated development footprints to reduce the loss of agricultural land, such as reducing the length of the offline bypass between junctions 22 and 23.
- 5.6.43. In their RR, J A Bunting and Sons [\[RR-007\]](#) referred to the land to be used as borrow pit J that would be permanently lost from arable production, thereby preventing a large part of the land to the south of the A12 from being used for agricultural purposes following completion of the Proposed Development.

5.6.44. During the discussions at [\[EV-021\]](#), MIAG question the compatibility of building the new offline sections with the Applicant's aim of minimising the loss of agricultural land, suggesting that the best option to deliver this aim would be to extend the existing road alignment. A similar point was also raised by Mrs Mary Lindsay [\[REP5-045\]](#).

EXA Considerations

5.6.45. Consideration of this topic has had careful regard to the policies of the NPSNN on geology and soils, along with the policies contained within the draft NPSNN.

5.6.46. The matters considered in this section gave rise to little discussion, with little dispute raised by IPs during the Examination. Where questions were asked or issues raised, we are content that these have been addressed throughout the Examination. We are therefore satisfied that the Applicant's assessment of the impact of the Proposed Development upon geology and soils is robust.

5.6.47. From the information before us, we find that the Proposed Development would result in the loss of substantial areas of BMV agricultural land. Whilst this was accepted by the Applicant, their position is that the only residual aspect will be from permanent land take, as the application makes provision for suitable mitigation to be provided by the measures set out in GS6 of the REAC [\[REP7-015\]](#) and the various measures set out in the EMP, including the SHMP and MMP. These measures would allow for land taken temporarily to be returned to its current state.

5.6.48. In terms of temporary loss, we find that those matters that were raised with regards to the mitigation and the process for returning temporary land to agricultural use were adequately addressed during the Examination. The ExA are satisfied that the outstanding matters raised by NE can be dealt with through the Second Iteration of the EMP, upon which NE are a consultee. On this basis, we have no evidence to suggest that such an approach would not adequately mitigate the impact. Therefore, the ExA are satisfied that, whilst there will be some impact during construction, this will be temporary and can be adequately mitigated.

5.6.49. We agree with the points raised by MIAG and Mrs Lindsay in terms of a scheme which did not include the construction of new off-line sections would be likely to have a lesser impact upon agricultural land than the current proposal. Notwithstanding this, it is clear from the evidence that, given the nature of surrounding agricultural land quality, along with the linear nature of the Proposed Development, an effect upon agricultural land is inevitable. We also find that those areas which are not BMV, may well have other environmental constraints or may be located closer to sensitive receptors. We therefore consider that it would not be entirely possible to avoid the use of agricultural land of higher quality without causing other potential environmental impacts. The ExA also agrees with the Applicant that whilst the new off-line sections have a greater impact upon BMV land, they deliver other environmental benefits.

5.6.50. We therefore conclude that the Proposed Development has sought to both minimise agricultural land take and avoid the use of higher-grade land where possible. As such, we are satisfied that the Proposed Development would comply with paragraph 5.168 of the NPSNN.

5.6.51. In relation to potential impacts upon food production, we have no substantive evidence to suggest that the Applicant's figures are incorrect. In any event, we

consider that the benefits of the Proposed Development more than outweigh the small impact on food production.

- 5.6.52. It is accepted by the Applicant that due to the permanent loss of agricultural land, the Proposed Development would result in a significant residual effect. Based on the information provided by the Applicant, we have no reason to disagree with this conclusion. This significant effect weighs against the making of the DCO in the planning balance.

Conclusion

- 5.6.53. The permanent loss of a substantial amount of best and most versatile agricultural land weighs negatively against the DCO. Considering the finite nature of this resource and the inability to mitigate for its permanent loss, this has negative weight against the making of the Order and this harm has been attributed moderate weight in the planning balance.

5.7. DESIGN

Introduction

- 5.7.1. This section considers the effects of the Proposed Development in relation to good design.

Policy and Legal Context

NPSNN

- 5.7.2. The NPSNN provides guidance and imposes requirements on matters such as good scheme design. Paragraphs 4.28-4.35 of the NPSNN set out the criteria for 'good design' for national networks noting that design:

'should be an integral consideration from the outset'.

Draft NPSNN

- 5.7.3. The policy requirements of draft NPSNN, in respect of design, are largely consistent with the extant NPSNN, with no significant changes being identified.

Applicant's Approach

- 5.7.4. The Design and Access Statement [[APP-268](#)] provides context for the Proposed Development; design evolution in response to consultation feedback; and how the Proposed Development integrates 'good design' in its walking, cycling and horse riding, landscape and structural proposals.
- 5.7.5. To guide the detailed design process further and to ensure that 'good design' remains an integral element of the Proposed Development, the Applicant has prepared a series of both scheme-wide and area-specific design principles, contained in the Design Principles document [[REP7-017](#)]. The Design Principles set out a unified approach to design and create an overarching, shared resource for stakeholders over the required design outcomes.
- 5.7.6. The Design Principles are a result of the outcomes of consultation and engagement and respond to the design objectives set out in the following:

- NPSNN (Department for Transport, 2014);

- The Road to Good Design (Highways England, 2018);
- Design principles for National Infrastructure (National Infrastructure Commission);
- Essex Green Infrastructure Strategy (Essex County Council, 2020);
- Technical Design Standards (i.e. DMRB);
- Technical Design Standards (Gas Pipeline) (i.e. IGEM/TD/1);
- Place Services: Essex Tree Palette (Essex County Council, 2018); and
- Police, Fire and Crime Commissioner for Essex Guiding Principles.

5.7.7. As with the mitigation measures in the first iteration EMP [REP4-022] and REAC [REP7-015], the Design Principles have been developed having regard to the conclusions of the ES to secure necessary design mitigation.

5.7.8. By virtue of Requirement 10 of the dDCO [REP8-002], the detailed design of the project must be carried out in accordance with the Design Principles. The Design Principles are also controlled by certified plans and drawings which the Proposed Development must be designed in accordance with as per Requirement 10 and Schedule 12 of the dDCO.

Issues Arising During the Examination

Matters Raised by the ExA

5.7.9. The ExA raised matters relating to good design in written questions and ISHs as follows:

- ExQ1 [PD-008a]; and
- ISH1 [EV-011a, 013a, 015, 017, 019, and 021].

5.7.10. In summary the main issues raised were:

- compliance of dDCO with the Design Principles;
- indicative examples for bridges, fences, noise barriers etc; and
- locations where other considerations are likely to outweigh those relating to cost.

5.7.11. The ExA considered that given the importance of the Design Principles to the detailed design and the importance of delivering good design as established in the NPSNN at paragraphs 4.28 to 4.35, it was necessary that the Design Principles should be referenced in Requirement 10 Detailed Design. The ExA's schedule of proposed changes to the dDCO [PD-015] refers.

5.7.12. To address concerns raised by ECC and CCC, amongst others, in relation to the final design and appearance of the Proposed Development and, in particular, a number of the proposed structures, the ExA considered insertion of a new paragraph (3) in Requirement 10 Detailed Design was required. The ExA's schedule of proposed changes to the dDCO [PD-015] refers. The proposed change is considered to add precision to the Requirement and is necessary to ensure the delivery of good design across the whole of the Proposed Development.

Matters Raised in LIRs

5.7.13. Braintree DC's LIR [REP2-041] noted that:

“Good design, lighting and landscaping also contribute to the improvement of the WCH environment.”

5.7.14. CCC [REP2-106] raised issues in relation to Paynes Lane footbridge concerning:

- timing of its construction to coincide with opening of Beaulieu Park Station; and
- the design and aesthetics of the footbridge.

These issues are dealt with under the Land Use section below.

5.7.15. ECC's LIR [REP2-055] referred to good design in the context of the Applicant's detrunking proposals. This issue is dealt with under the Traffic and Transport section below.

5.7.16. MDC's LIR [REP2-068] states:

"Good design would incorporate a design solution now (through a bypass or link road) to relieve the Duke of Wellington mini roundabout so that it does not cater for the SRN thereby reducing congestion and improving air quality by removing Maldon district bound and originating traffic from the LRN."

This issue is dealt with under the Traffic and Transport section below.

Matters Raised by IPs

5.7.17. ECC made comments relating to detailed design as follows:

- ISH2 [REP3-035, Page 10];
- ISH4 [REP5-033, Page 14]; and
- Comments on the dDCO [REP6-098, Page 19].

5.7.18. In its DL6 submission [REP6-098, page 19] ECC stated:

"The Council also notes that the Applicant has not accepted the ExA's remaining proposed change to include new Requirement 10(3). ... If the Applicant accepts the ExA's proposed changes to Requirement 10, it will address the Council's concerns."

5.7.19. In its closing position statement [REP7-049, page 7] ECC stated:

"The Council's position remains that the ExA's proposed change ref no. DCO-PC16 [PD-015, Page 7] should be inserted into Requirement 10 Detailed Design"

5.7.20. CCC stated that it was;

"... concerned that there is limited reference to design within Schedule 2, Requirements of the draft Development Consent Order (dDCO) [REP5-028] and supported ECCs position in relation to detailed design".

5.7.21. In its comments on the dDCO CCC stated

"CCC welcomes the introduction of the amended wording to include new paragraph (3)."

Applicant's Response to the matters raised

5.7.22. In its Response to the ExA's First Round of Written Questions [REP2-025] the Applicant:

- submitted revision 2 of Design Principles [REP2-006], which identified, for each design principle, how it is controlled through the DCO documentation. Or where a design principle is related to detailed design and therefore is not controlled by an existing certified document/plan, the Applicant detailed the relevant technical design standard or legislation the Applicant will comply with to ensure compliance;

- submitted Materials and Landscaping Palette [REP2-033], which detailed structural materials and visually displays indicative examples of proposed overbridges, footbridges, walls and fencing; and
- indicated locations where other considerations were likely to outweigh those relating to cost.

5.7.23. The Applicant actively engaged with the IPs throughout the Examination. In the Closing Statement [Paragraph 10.1.6, REP7-078] the Applicant stated:

“The applicant’s design, particularly relating to WCH overbridges has evolved in collaboration with local stakeholders, specifically Essex County Council and Chelmsford City Council, to help meet local standards and design aspirations. This is captured in the SoCG with Essex County Council and Chelmsford City Council, Requirement 10 and 20 of the dDCO, in the REAC, and in Appendix B of the Design Principles.”

ExA Considerations

5.7.24. We consider that the Design and Access Statement, and the Design Principles document provide the context for the Proposed Development, how design evolved in response to consultation feedback, and how the Proposed Development integrates ‘good design’. We therefore consider that the Proposed Development meets the requirements of the NPSNN relating to ‘good design’ and that design:

‘...has been an integral consideration from the outset’.

5.7.25. The Applicant has worked with IPs to help meet local standards and design aspirations which are captured in Requirement 10 of the dDCO. However, we consider that the ExA’s proposed change to include new Requirement 10(3) [PD-015] is included in the rDCO. The proposed change is considered to add precision to the Requirement and is necessary to ensure the delivery of good design.

Conclusions

5.7.26. We conclude that the matter weighs neither for nor against the making of the DCO and has been attributed neutral weight in the planning balance.

5.8. HISTORIC ENVIRONMENT

Background

5.8.1. In view of Colchester’s historical and military significance, the connecting route from London, together with the immediate surrounding area has for very many centuries been of major historical importance. This chapter addresses the likely significant effects of the Proposed Development on the historic environment and considers the known heritage baseline and the changes or impacts on heritage assets that may occur due to the construction and operation of the Proposed Development and the resultant potential effects. The historic environment heritage includes consideration of archaeological remains, built heritage and the historic landscape, together with the potential effects to the settings of heritage assets.

5.8.2. Historic Environment was identified as a principal issue in the Rule 6 letter [PD-005]. This concerned the effects of the Proposed Development on designated heritage assets; non-designated heritage assets; on archaeological remains, and the adequacy of mitigation.

Policy and Legal Context

NPSNN

- 5.8.3. Paragraph 5.120 of the NPSNN states that the construction and operation of national networks infrastructure has the potential to result in adverse impacts on the historic environment. Further, Paragraph 5.124 requires that non designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.
- 5.8.4. The consideration of the historic environment in the NPSNN requires the Applicant to describe the significance of heritage assets and how the significance would be affected by the Proposed Development, including their setting. The level of detail should be proportionate to their importance and should be assessed using appropriate expertise (NPSNN paragraph 5.127).
- 5.8.5. Paragraph 5.131 of the NPSNN states that substantial harm to or loss of Grade II Listed Buildings and Grade II registered parks and gardens should be the exception. Substantial harm to or loss of Scheduled Monuments, Grade I and II* Listed Buildings and Grade I and II* registered parks and gardens should be wholly exceptional.
- 5.8.6. The NPSNN continues at paragraph 5.132 by stating that:
- “any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for any loss”.*
- 5.8.7. The NPSNN further provides at paragraph 5.133 that:
- “Where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm, or alternatively that all of the following apply:*
- the nature of the heritage asset prevents all reasonable uses of the site;*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- the harm or loss is outweighed by the benefit of bringing the site back into use.”*
- 5.8.8. Paragraph 5.134 emphasises that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.8.9. The Host Authorities consider the Historic Environment in their LIRs. In particular, CCC referred to its Policy S3 in its Local Plan Conserving and Enhancing the Historic Environment.

- 5.8.10. This overall approach is echoed by the position set out in the 2021 version of the NPPF which establishes a presumption in favour of sustainable development in the planning system but which also identifies the protection of the historic environment as an important element of achieving sustainable development. Paragraph 199 of the NPPF requires planning authorities to place *‘great weight’* on the conservation of designated heritage assets, and states that the *“more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Draft NPSNN

- 5.8.11. The policy requirements of draft NPSNN, in respect of historic environment, are largely consistent with the extant NPSNN, with no significant changes being identified.

Applicant’s Approach

- 5.8.12. The Applicant considered and assessed the likely significant effects of the Proposed Development on cultural heritage in Chapter 7: Cultural Heritage [APP-074] of the ES. This considered the known heritage baseline and the impacts on heritage assets that may occur during construction and operation of the Proposed Development and the resultant potential effects. The ES Chapter is supported by the following documents:

- ES Chapter 6.3: Cultural Heritage Gazetteer [APP-106];
- ES Appendix 7A: Heritage Desk Based Assessment [APP-107];
- ES Appendix 7.3: Palaeolithic Desk-Based Assessment [APP-108];
- Aerial Investigation and Mapping Report [APP-109];
- ES Appendix 7.3: Geophysical Survey Parts 1 to 5 [APP-110, APP-111, APP-112, and APP-113];
- ES Appendix 7.7: Trial Trenching Report [APP-114];
- ES Appendix 7.10: Archaeological Mitigation Strategy [APP-118] updated to [REP4-016];
- Fig7.1 Cultural Heritage Archaeological Remains Sheet [APP-215]; and
- Appendix 7.9: Cultural Heritage Impact Assessment Summary Tables [REP4-016].

- 5.8.13. A total of 45 residual significant adverse effects during construction, and 6 during operation, on designated and non-designated cultural heritage assets were assessed to remain after all forms of mitigation had been applied (see Table 7.14 of Chapter 7 [APP-074]). Of the residual significant effects identified, none was assessed to meet the test equating to substantial harm under NPSNN.

- 5.8.14. The Applicant explained that, in general on road schemes, direct impacts on specific historic buildings are rare, whereas archaeological sites are more usually subject to direct impacts. Accordingly, in the case of the Proposed Development, the significant effects identified in Chapter 7: Cultural Heritage, of the ES [APP-074], are impacts on the ‘settings’ of historic buildings and no direct physical impacts on historic buildings are predicted. Examples of mitigation for these impacts are therefore likely to be steps such as landscape planting and low noise road surfaces. The additional number of impacts on archaeological sites which require specific management are referred to in the Archaeology Mitigation Plan [APP-186] which refers to mitigation in the Archaeological Mitigation Strategy [APP-118] updated during the Examination [REP7-012].

- 5.8.15. The assessment from the Applicant concentrated on a study area within 300m of the OL but extended the study area to 1km from the OL to assess the impacts on the settings of designated heritage assets. Within the 1km study area there are 8 Scheduled Monuments; 10 Grade I Listed Buildings; 40 Grade II* Listed Buildings and 375 Grade II Listed Buildings. There are also 4 Registered Parks and Gardens.
- 5.8.16. In the Cultural Heritage Assessment [[APP-107](#)], undertaken by the Applicant, no impacts of substantial harm on designated cultural heritage assets or their settings were identified. However, significant effects on the designated cultural heritage assets during the construction and operational phases were identified.
- 5.8.17. As for the construction phase, it is assessed that there will be adverse impacts on archaeological remains with effects during construction possibly resulting from the partial or complete removal of archaeological remains during excavation and other ground-breaking activity. Such activity would include widening of the existing highway boundary or the creation of new offline sections, new junctions and utility diversions, in addition to new drainage features, topsoil stripping for compounds, the excavation of attenuation ponds and borrow pits, and creation of landscaping features. Other permanent effects might also arise from construction activities including the compression of archaeological remains from the movement of machinery or materials; changes to groundwater levels caused by engineering activities adversely affecting the preservation of buried archaeological remains and the construction of the proposed gas main diversion which would result in the removal of archaeological remains associated with non-designated archaeological sites.
- 5.8.18. The potential construction impacts which have been identified on built heritage assets would result from alterations to the settings of heritage assets. The construction activities which would affect the setting of built heritage assets would include landscaping; the removal of landscape features, trees, vegetation or field boundaries; the construction of new earthworks, compounds, borrow pits or soil storage sites; and other associated above-ground works including utility diversions, detrunking, dewatering and the demolition of existing infrastructure.
- 5.8.19. As to the potential effects from the operation of the Proposed Development, potential physical impacts on archaeological remains comprise the removal of, or damage to, archaeological remains during maintenance works; damage to archaeological remains through release of pollutants and potential impacts on the value of archaeological remains where the Proposed Development would alter the setting and its contribution to the value of an asset. Operational effects are assessed as permanent changes that would result during the functioning of the Proposed Development, from the presence of new infrastructure in the landscape and from the maintenance and use of the new infrastructure.

Issues Raised at the Examination

Local Impact Reports

Braintree District Council

- 5.8.20. BDC largely deferred to the comments from Essex County Council as they have been commissioned to provide statutory consultee advice to the Council. However, the Council does make certain factual points in its LIR [[REP2-041](#)] and the Council's primary concern is to ensure that the Proposed Development does not have an unacceptable adverse effect on heritage assets and their settings. Their LIR does summarise their assessment of the effect on heritage assets within the proximity of

the Proposed Development including to the three Grade I assets within a 1km area of the OL being the Church of All Saints, Feering, the Church of St Mary, Kelvedon and 1-5, High Street, Kelvedon.

- 5.8.21. In their SoCG [\[REP7-029\]](#), BDC agreed with the assessment undertaken by the Applicant and the mitigation being proposed.

Chelmsford City Council

- 5.8.22. CCC referred to its Policy S3 in its Local Plan Conserving and Enhancing the Historic Environment, DM13. Their primary concern related to the impact of the development on designated and non-designated heritage assets and the provision of adequate mitigation.
- 5.8.23. CCC noted [\[REP2-106\]](#) that the proposed works at J19 Boreham Interchange would impact on the setting of The Generals (Grade II) and Boreham House (Grade I) and its Registered Park and Garden (Grade II). The Generals is a timber frame former inn of seventeenth century origin and the impact is defined as moderate by the Applicant for the construction period and slight for operational phase. Boreham House is an early eighteenth-century country house and again the impact is defined as moderate for the construction period and slight for the operational phase.
- 5.8.24. CCC also refers to the possible effects on Boreham House Registered Park and Garden and the construction impacts are defined as moderate by the Applicant and operational impacts as slight.
- 5.8.25. CCC concludes [\[REP2-106\]](#) that on balance, when weighing up the overall benefits of the proposal, the proposal would not have a significant adverse cultural heritage effect, such that it would warrant their making a specific objection in this regard.

Colchester City Council

- 5.8.26. In their LIR [\[REP2-045a\]](#), CoCC confirmed that it was satisfied that mitigation measures proposed by the Applicant in the DCO documentation and in meetings are broadly appropriate and sufficient, pending agreement on detailed matters. They also confirmed in the SoCG [\[REP7-024\]](#) that the approach taken to assess and mitigate archaeological impact was satisfactory.
- 5.8.27. Of particular concern to CoCC are those assets subject to a moderate adverse impact as identified in the assessment in ES Chapter 7; Cultural Heritage [\[APP-074\]](#) particularly the All Saints Parish Church, Inworth (Grade I) (paragraph 7.11.56), Easthorpe Green Farmhouse (Grade II) and Church View House at Easthorpe Green, Doggetts Hammer Farmhouse (Grade II) (paragraph 7.11.60-61), 32 Marks Tey and in particular the important listed group at Marks Tey Hall (Grade II* and Grade II together with the associated Moated Site) (paragraph 7.11.64-7.11.68). CoCC agreed that bespoke mitigation measures such as acoustic barriers, bunds and woodland planting are required to minimise the resultant harm to the significance of these assets during the operational phase.
- 5.8.28. During the Examination, CoCC continued to raise concerns over the effects upon certain Listed Buildings. However, by the end of the Examination in the SoCG [\[REP7-024\]](#) they agreed the position concerning what CoCC considered the most notable ones being the All Saints Parish Church and the group of Listed Buildings at Marks Tey Hall. The Applicant accepted that the impact on these buildings was significant adverse but after detailed discussions, a range of measures was agreed in the SoCG between the Applicant and CoCC in order to mitigate the impacts.

Essex County Council

- 5.8.29. As identified by BDC, ECC took the lead on matters relating to the protection of heritage assets. In their LIR and again at the ISH1, the Council particularly emphasised the importance of the East of England for the study of Palaeolithic remains [REP2-055] which are very rare and any discovery of such remains would be of national and possibly international importance. At Paragraph 9.7.5 of their LIR, ECC emphasised that the construction of the Proposed Development would result in adverse impacts on archaeological remains across a substantial area.
- 5.8.30. ECC considered the detail provided in ES Chapter 7 [APP-074] and accepted that the scope of the non-intrusive evaluation works undertaken were extensive. They raised concerns that the evaluation of the Palaeolithic effects did not provide full coverage of the OL and pressed for a wider coverage be undertaken.
- 5.8.31. ECC assessed that no designated built heritage assets would be directly affected by the development [paragraph 9.7.24, REP2-055] but they do say that some designated buildings would be subject to indirect effects. These effects had been assessed by the Applicant and in ECC's view *"the vast majority of the assessment of these levels of impact seem appropriate"*.
- 5.8.32. The appropriate steps for mitigating any impacts on the heritage assets is considered by ECC at para 9.7 of the LIR [REP7-027] and these suggestions have largely been adopted by the Applicant.
- 5.8.33. The Applicant also committed to provide a Written Scheme of Investigation for the archaeological mitigation during the detailed design as set out in chapter 2 of the REAC [APP-185] which is secured by Requirement 7 of the DCO.

Maldon District Council

- 5.8.34. MDC identified at the PM and also in their LIR [REP2-068] a number of designated heritage assets within the Parish of Little Braxted which fall within the OL of the Proposed Development. These sites include the:
- Grade I Church of St Nicholas; and
 - Grade II* Kitchen/Dovecote 100m north of Little Braxted Hall.
- 5.8.35. MDC also commented that the proposed OL would be approximately 158m from the Grade II* Listed Buildings of Blue Mills and Mathyns, located within the parish of Wickham Bishops. However, MDC considered that in view of the separation distance between the Proposed Development and the identified heritage assets, there would be no adverse effects.
- 5.8.36. MDC also raised a concern in relation to the listed bridge located by the Mill House, Little Braxted Lane, and the weight restrictions to which this bridge is subject.

Matters Raised by IPs

- 5.8.37. Historic England (HE) provided detailed comments throughout the Examination. As confirmed in their RR [REP2-060], HE was in agreement with the baseline data considered in the cultural heritage chapter of the ES [APP-074] and the list of designated and non-designated heritage assets set out in ES Appendix 7.1 [APP-106].
- 5.8.38. The comments from HE were limited to the impact on the significance of the two Scheduled Monuments. These were the two monuments being the Neolithic long

mortuary at Appleford Farm, Rivenhall End and the Medieval moat at Marks Tey Hall which are very clearly shown on the plans attached to the Scheduled Monuments Map [REP7-047]. Whilst their brief would also include, any Grade I and II* Listed Buildings which they considered could be harmed by the proposed development, they left comments on these with the relevant LPAs.

- 5.8.39. HE broadly accept the findings contained in the cultural heritage chapter of the ES [APP-074] with the exception of the assessment of the two Scheduled Monuments identified above. As far as these were concerned, HE concluded that the development would result in harm to these designated heritage assets, although considered that it would be less than substantial.
- 5.8.40. This approach was countered by the Applicant and, as a result, HE revisited their initial conclusions on a number of occasions during the Examination. There was clearly considerable interaction between the Applicant and HE both before and during the Examination as set out in the relevant SoCG [REP7-074].
- 5.8.41. There was no ultimate agreement reached between the Applicant and HE [REP7-074] concerning the impacts on the settings of the two Scheduled Monuments. The Applicant responded to HE's concerns in the DL3 Comments on Written Representations [REP3-009]. The Applicant remained of the view that their assessment of the effect of the Proposed Development on the settings of the two Scheduled Monuments to be accurate, and that the proposed mitigation would result in an effect of slight adverse effect (not significant) on both assets. HE accepted that additional mitigation within the OL would not further reduce the effects of the Proposed Development on the setting of the two Scheduled Monuments and the Applicant maintained that it could not offer mitigation outside of the OL.

Hearings and ExA Questions

- 5.8.42. At the ISH1 held on 1 March 2023, MDC raised concerns as to the impacts on the Grade I Listed Church of St Nicholas and other heritage assets in the vicinity of Little Braxted Lane. The position was queried in the ExQ2 [PD-009] and the Applicant reaffirmed [paragraph 2.11.7: REP4-055] no construction HGVs would be using the road past the Church.
- 5.8.43. The Messing and Inworth Action Group submitted at ISH1 [REP3-012] that there were a considerable number of properties in the Messing Village Conservation Area affected by noise and vibration of the Proposed Development. The Applicant referred to their earlier response [REP4-055] that there was no impact from vibration. The ExA asked for clarification on this subject in their ExQ2 [PD-009]. The ExA visited the village of Messing during the ASI on Thursday 2 March 2023 and the limits of the Conservation Area were pointed out.
- 5.8.44. Also at ISH1, CCC wanted more detail to enable them to fully consider the impacts generally on heritage assets, but they did have particular concerns about Boreham House and Gardens, a Grade I Listed Building located approximately 350m south-west of J19.
- 5.8.45. The ExA visited buildings along the Inworth Road on their first Unaccompanied Site Inspection (USI) on 11 January 2023 [EV-001a] and the same two properties again on the ASI [EV-010]. The issues relating to Columbyne Cottage are addressed in the CA Chapter. As to the property known as Thatched Cottage which is a Grade II Listed Building, the owner addressed the ExA at the OFH held on 12 January 2023 and confirmed his position shortly after [REP2-036] emphasising that their home

which is a 17th century timber framed thatched cottage would be affected by the predicted volume of vehicles passing the property and the associated noise, vibration and air pollution. The IP did not make further submissions during the Examination. This was raised in the ExQ2 [PD-009] and the Applicant duly responded to this [REP4-055] and referred to the detail provided in the earlier reply to the RR [REP1-002].

- 5.8.46. ECC was content with the majority of work undertaken on archaeological issues but at the ISH1 emphasised their requirement of a Palaeolithic assessment to be undertaken for the entire scheme as opposed to the current report [APP-108]. This was also raised at ExQ2 [PD-009] with the ExA asking about the timescales for the further report.
- 5.8.47. Discussions between the Applicant and HE continued throughout the Examination and further submissions were made on behalf of HE at ISH4. They did not agree with the Applicant's assessment of harm and, as mentioned above, were pursuing the possibility of some off-site mitigation. The ExA asked about each of the two Scheduled Monuments being the Neolithic long mortuary enclosure at Appleford Farm and the medieval moat at Marks Tey Hall at ExQ2 [PD-009].
- 5.8.48. However, paragraph 5.131 of the NPSNN refers to "substantial harm" and HE have agreed [REP2-060] that the impacts amount to less than substantial harm. Accordingly, any potential harm needs to be weighed against the public benefits of the proposed scheme in accordance with paragraph 5.134 of the NPSNN.

Applicant's Responses

Little Braxted including the Church of St Nicholas

- 5.8.49. The Applicant responded [REP3-012] that during construction HGVs would not be able to use this route and therefore there would be no impact on the nearby heritage assets in Little Braxted Lane from vehicles passing, as set out in ES Appendix 7.9 [REP4-016]. This was confirming the assessment for Listed Buildings in Little Braxted which was contained in Appendix 7.9: Cultural Heritage Impact Assessment Summary Tables [APP-117] of the ES. As to the Grade I Listed Church of St Nicholas, the Applicant recognised that this is a historic building with significant architectural, historic, archaeological, and communal value. The impacts from the Proposed Development on the Church of St Nicholas were assessed in Chapter 7: Cultural Heritage [APP-074], and Appendix 7.9: Cultural Heritage Impact Summary Tables [REP4-016]. The assessment did not predict any impacts on the setting of St Nicholas Church during construction or operation of the Proposed Development.

Messing Village Conservation Area

- 5.8.50. The Applicant confirmed [REP5-003 at page 64] that direct impacts would not occur in view of its distance from the OL and this was emphasised in the Applicant's Closing Statement [REP7-078] from paragraph 7.8.16 onwards.
- 5.8.51. In relation to noise impacts from additional traffic, the Applicant considered that these indirect impacts, did not have the potential to result in significant heritage effects because they do not result in a loss of the main heritage values of the identified receptors.

Boreham House and Gardens

- 5.8.52. The Applicant confirmed that mitigation measures which would benefit the grounds of Boreham House had been proposed in Section 1.4 of the First Iteration

Environmental Management Plan, Appendix I, Landscape and Ecology Management Plan 6.5 [APP-193] paragraph 1.4.14. The Applicant explained its position further with new planting proposed [REP6-043 to 045] and plans to retain mature vegetation [REP6-032 and 33] and reassurance was also provided in the REAC [REP6-052] at reference LV4.

Archaeology

- 5.8.53. The Applicant recognised [Page 74; REP3-012] the rarity and sensitivity of Palaeolithic resource in Essex and confirmed that it would be undertaking further desk top analysis. The Applicant confirmed [REP8-010] that a further meeting with relevant historic environment stakeholders took place on 29 June 2023 when the outstanding issues related to Palaeolithic archaeological remains were discussed with an aim to revising the Archaeological Mitigation Strategy. The Applicant confirmed in answer to the question raised at ExQ2 [PD-009] that they had engaged a specialist with extensive experience. As such, this issue is still under discussion at the close of the Examination.

Scheduled Monuments

- 5.8.54. As to the long mortuary at Appleford Farm, Rivenhall End, the Applicant emphasised that this was outside the OL and around 330m from the mainline of the Proposed Development. Their revised assessment [REP3-009] for the construction and operational stages concluded that the impact would be of minor magnitude, leading to a slight adverse effect (not significant). The Applicant updated the Cultural Heritage Impact Assessment Summary Tables at ES Appendix 7.9 at DL4 [REP4-016] to reflect the revised conclusion. The Applicant did not consider that any mitigation measures were required. The Applicant also provided a revised assessment for the Medieval moat at Marks Tey Hall [REP3-009] and has proposed extensive mitigation measures to benefit the setting of the moat. The revised assessment stated that there was no change to the conclusions presented in ES Appendix 7.9 [APP-117] that the impact would be of negligible magnitude, leading to a slight adverse effect (not significant)". HE [REP5-036] had suggested the possibility of mitigation for a separate site but the Applicant maintained that this was not appropriate in the case of different heritage assets which themselves were not actually affected.

ExA Considerations

- 5.8.55. A lengthy and detailed discussion took place during the Examination concerning heritage assets. By the end of the Examination, there were limited matters which were still outstanding, although HE continued to raise concerns in relation to the impacts on the two Scheduled Monuments being the long mortuary at Appleford Farm, Rivenhall End and the medieval moat at Marks Tey Hall and this remains a matter of disagreement between the two parties.
- 5.8.56. Addressing the issues raised above and during the Examination, our assessment upon each is as follows.

Church of St Nicholas

- 5.8.57. The ExA note that the assessment contained in the ES Chapter Cultural Heritage Report [APP-074] did not predict any impacts on the setting of St Nicholas Church during construction or operation of the Proposed Development. We accept this finding.

Messing Village Conservation Area

- 5.8.58. The village of Messing and the extent of the Conservation Area was viewed by the ExA during the ASI [\[EV-010\]](#). We accept the response from the Applicant, [\[REP3-012\]](#) that there would be no impact on the Conservation Area in view of its distance from the OL. We also note and accept the Applicant's conclusions that the indirect impacts from increased traffic noise would not result in a loss of the main heritage value of the Conservation Area [\[REP5-003\]](#). The ExA therefore finds that the Proposed Development would not harm the character or appearance of the Conservation Area.

Boreham House and Gardens

- 5.8.59. In their SoCG, [\[REP7-025\]](#) CCC indicated that they still had some residual concerns in the absence of detailed plans and drawings showing the extent of tree removal and mitigation, CCC wanted reassurance that the proposed landscaping to mitigate against the impact to Boreham House and its Registered Park and Garden will be sufficient. We note that the Applicant now accepts [\[REP7-025\]](#) that the existing belt of Tree Preservation Order (TPO) trees west of Boreham House can be retained. The Applicant refers to the requirements set out in the Retained and Removed Vegetation Plans [\[APP-035\]](#). As far as the trees along the north-eastern boundary of Boreham House that are at risk of removal due to the Scheme are concerned, we note the intention set out in the REAC [\[REP6-052\]](#) to retain these if practicable and we are satisfied with this commitment which will no doubt be closely monitored by CCC.

Archaeology

- 5.8.60. ECC have highlighted the issue of a more detailed Palaeolithic assessment again in their SoCG [\[REP7-027\]](#). We note that in accordance with paragraph 5.127 of the NPSNN, the Applicant has instructed a specialist in this area and a meeting took place shortly before the close of the Examination and it was confirmed that a revised mitigation strategy would be forthcoming. In view of the scrutiny from CCC we expect this to contain sufficient detail to be satisfactory. The Applicant also committed to provide a written scheme of investigation for the archaeological mitigation during the detailed design, as set out in the REAC [\[REP7-015\]](#) and secured by Requirement 7 of the dDCO. Requirement 7 states that the written scheme must be prepared in consultation with the relevant planning authority and also states that the Proposed Development must be carried out in accordance with the Archaeological Mitigation Strategy and the written scheme of investigation.

Scheduled Monuments

- 5.8.61. There has clearly been significant interaction between the Applicant and HE and they agree that additional mitigation within the OL would not further reduce the effects of the Proposed Development on the setting of the affected assets. Whilst the ExA has sympathy with the position put forward by HE for further mitigation or compensation outside the OL, we do accept the argument from the Applicant that this is not necessary since the assessment concludes that the effect is already reduced to slight adverse (not significant).
- 5.8.62. On this basis, paragraph 5.131 of the NPSNN is not engaged and the test set out in paragraph 5.134 of the NPSNN needs to be applied.

Conclusion

- 5.8.63. Based on the Examination and the representations it has considered, the ExA has given specific consideration to the desirability of preserving Listed Buildings and Scheduled Monuments or their setting and agrees with the Applicant's ES, that the significance of any adverse effects would be reduced or offset following mitigation.
- 5.8.64. Given the size of the scheme and the historical importance of the route leading to Colchester, it was always likely that a range of heritage assets would be affected. As commented above, these are assessed as 45 residual significant effects during construction and six during operation after mitigation has been applied. However, none of the identified effects are assessed as equating to substantial harm in accordance with the NPSNN.
- 5.8.65. In the light of this conclusion, the ExA accepts that no significant effects or substantial harm have been identified on the historic landscape during construction or on archaeology and the historic landscape during operation of the proposed scheme.
- 5.8.66. In conclusion, the ExA finds that the Proposed Development would result in harm to identified heritage assets, which weighs negatively against the making of the Order. We consider this harm to be less than substantial. As advised in paragraph 5.134 of the NPSNN, this harm needs to be weighed against the public benefits. We undertake this balance in Chapter 7.

5.9. LAND USE

Current Position

- 5.9.1. The existing A12 route (along the 15 mile stretch which is proposed to be upgraded) connects the large communities of Chelmsford and Colchester and passes by a number of smaller towns including Witham and Kelvedon. These communities are served by a network of PRow. The present land use is primarily arable land with several commercial plots in the various towns.
- 5.9.2. Land use was identified as a principal issue in the IAPI [\[PD-005\]](#). This concerned the construction and operational phase effects of the Proposed Development; the approach to land use, and proposed mitigation.
- 5.9.3. Disruption is already caused by roadworks which are being undertaken to the existing route of the A12. Safe and segregated routes for WCH users will need to be provided during the construction works.

Policy Context

NPSNN

- 5.9.4. The assessment for land use in the NPSNN sets out a number of requirements.
- Paragraph 5.162 of the NPSNN advises that access to high quality open spaces and the countryside can be a means of providing necessary mitigation and that green infrastructure can enable developments to provide positive environmental and economic benefits.
 - Paragraph 5.165 requires the Applicant to *"identify existing and proposed land uses near the project, any effects of replacing an existing development or use of*

the site with the proposed project or preventing a development or use on a neighbouring site from continuing ...”

- At paragraph 5.166 the NPSNN states that *“Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Applicants considering proposals which would involve developing such land should have regard to any local authority’s assessment of need for such types of land and buildings.”*
- At paragraph 5.175 the NPSNN goes on to state that green infrastructure identified in development plans should normally be protected from development, and, where possible, strengthened by, or integrated within it.
- Paragraph 5.181 advises that, where s131 and s132 of the PA2008 apply (in relation to the loss of open space), *“any replacement land provided under those sections will need to conform to the requirements of those sections.”*
- Public access and WCHs - Paragraph 3.16 of the NPSNN advises that the Government is committed to sustainable travel and is investing in developing a high-quality cycling and walking environment to bring about a step change in cycling and walking. The national road network has a direct role in helping pedestrians and cyclists and *“the Government expects Applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes.”*
- Applicants should also *“identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting the latest solutions and ensuring that it is easy and safe for cyclists to use junctions”* (paragraph 3.17).
- Furthermore, all reasonable opportunities to deliver improvements in accessibility on, and to, the existing national road network should be taken wherever appropriate (paragraph 3.20). Paragraph 3.21 reminds applicants of their duty to promote equality and to consider the needs of disabled people as part of their normal practice.
- Regarding PRoW, National Trails, and other rights of access to land, paragraph 5.184 of the NPSNN recognises their importance as recreational facilities for walkers, cyclists, and equestrians. Applicants are expected to take appropriate mitigation measures to address adverse effects on these. Paragraph 205 states that *“Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure and the Applicant should provide evidence that as part of the project they have used reasonable endeavours to address any existing severance issues that act as a barrier to non-motorised users.”*

5.9.5. Other legislation and policies and guidance relevant to the Proposed Development are set out in the ES [[APP-070](#), Section 1.3], [[APP-078](#), Section 9.2] and [[APP-079](#), Section 10.2].

5.9.6. The NPPF 2021 is an important and relevant consideration for the development proposals for a NSIP in respect of land use, and in particular Chapter 15 - Conserving and Enhancing the Natural Environment.

Draft NPSNN

5.9.7. The policy requirements of draft NPSNN at the close of the Examination in respect of land use was largely consistent with those policy requirements of the extant NPSNN. However, relevant additions/amendments include the following:

- existing trees and woodlands should be retained where possible and applicants should assess the impacts on, and loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts and any risk of net deforestation as a result of the scheme. Where woodland loss is unavoidable, compensation schemes will be required, and the long-term management and maintenance of newly planted trees should be secured (paragraph 5.187); and
- the Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements. Additionally, if the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities (paragraph 5.192).

Applicant's Approach

Environmental Statement

5.9.8. The case submitted by the Applicant relating to the effects on land use as reported in this Chapter is in the ES Chapters 6 and 7. The relevant documents submitted with the Application or during the Examination are as follows:

- Population and Human Health [[APP-080](#)];
- Land Use and Accessibility Assessment Tables [[APP-155](#)];
- The Case for the Scheme [[APP-249](#)];
- Local Planning Policy Accordance Tables [[APP-252](#)];
- Replacement Land Statement [[APP-279](#)];
- Streets, Rights of Way and Access Plans [updated at [REP6-014](#)]; and
- A separate Gershwin Boulevard Bridge Issue Summary Note [[REP6-094](#)].

Overall Case

- 5.9.9. A detailed assessment of the impacts on land use and accessibility was submitted at the outset [[APP-155](#)]. Part of this report considered the position of the agricultural land and the effects of the potential loss of part of this during the construction period and thereafter. This is considered in Section 5.6, Geology and Soils.
- 5.9.10. The Land Use report [[APP-155](#)] also assessed accessibility and found there were two instances where access between land parcels for farmers would be notably longer via the Proposed Development, which may affect productivity during the operational stage. Given the importance of agricultural production as a resource, and the pressure on agricultural land in the region, this is assessed to be a large adverse effect for construction and operation. To mitigate this, the Applicant is proposing (as explained in the Land Use Report) to provide appropriate temporary or permanent access arrangements where practicable to access land outside of OL together with liaison with landowners, tenants, and their agents affected by the proposals. In addition, the principles of the compensation code will apply and an ALO for ongoing engagement with relevant businesses would be appointed.
- 5.9.11. A review of planning permissions, planning applications and development plan site allocations was undertaken by the Applicant [[APP-249](#)] for sites within the OL and the immediate surrounding area through an analysis of the relevant local authorities' planning application data as well as emerging and adopted development plans. Planning data reviewed included pending planning applications and extant planning permissions registered since January 2016 and development allocations within an

adopted local plan or emerging local plan including neighbourhood plans. Section 8.13 of the Applicant's Case for Scheme [APP-249] sets out the impacts of the Proposed Development on existing and proposed development and associated mitigation measures.

- 5.9.12. The Applicant has prepared a Replacement Land Statement [APP-279] for the Proposed Development, in which the areas of open space impacted by the scheme are identified and suitable alternatives to replace the lost open space is set out. The Replacement Land Statement explains how s131 of the PA2008 is applied and addressed by the Proposed Development.
- 5.9.13. Paragraph 8.13.3 of the Case for the Scheme [APP-249] explains that the proposed route has been designed so as to avoid taking land away from existing residential, businesses, community and agricultural assets as far as possible. An objective of the scheme (as explained at paragraph 8.12.7 Case for Scheme [APP-249]) is to improve accessibility for WCH and public transport users. The proposals are shown on the Streets, Rights of Way and Access Plans [REP6-014] and include:
- separate walking and cycling links across four proposed major junctions, enabling users to bypass slip road junctions, including a section of the national cycle route affected by the Proposed Development;
 - provision of PRow bridge connections, either as separate walking and cycling facilities or in conjunction with overbridges or side roads;
 - provision of paths to link groups of PRow to proposed bridge facilities;
 - provision of new toucan crossing facilities (crossings that allow both walkers and cyclists to cross);
 - improvements to existing shared walking/cycling facilities; and
 - improved walking and cycling connections across sections of the existing A12 to be bypassed by the Proposed Development, and reintroduction of bus stopping facilities.
- 5.9.14. The arrangements for public access during the construction period and the inevitable disruption which will be caused has led to the Applicant planning a phased construction and providing safe and segregated diversions where practicable for the accessways that are affected. Specific mitigation is proposed concerning access to Hatfield Peverel station during construction including the provision of a temporary car park for station users.
- 5.9.15. The design of the Proposed Development includes new and improved provision for WCH which will provide opportunities for active travel and access to outdoor recreation. Included in this, is passage for the National Cycle Route 16 which will cross the A12 at J22. It is also intended to address issues of past severance of PRow.
- 5.9.16. Overall, there will be a net gain of 4,765m of PRow; 490m of bridleway; 12,007m of cycleway; and 3,291m of footway. These figures are shown in the Table 8.3 in the Case for Scheme [APP-249], which is provided below.

Table 7 Proposed Development WCH Provision

WCH Provision	PRoW Footpath (m)	PRoW Bridleway (m)	Cycleway (m)	Footway (m)	Permissive Path (m)
New	4,765	490	10,747	3,291	
Improved			2,330	3,507	
Upgraded from footway			1,260		
Existing / Diverted (PRoW)	2,772	0	224	26	
Total	7,537	490	15,175	6,824	390
Net Gain (m)*	4,765	490	12,007	3,291	
Net Gain % of total	63%	100%	79%	48%	
<i>*Net Gain comprises new provision and upgraded from footway.</i>					

5.9.17. The overall improvements for WCH provision were emphasised at paragraph 4.1.12 of the Closing Statement [[REP7-078](#)].

5.9.18. The proposals include separate walking and cycling links across four proposed junctions; and provision of PRoW bridge connections and include:

- Chelmsford - The Proposed Development includes a new bridge (Paynes Lane) to link the two bridleways with the PRoW and provide a continuous WCH route across the A12, side roads and railway. The WCH bridge will connect all WCH users to the proposed Beaulieu Park Station and wider Chelmsford area from Boreham without negotiating J19. The WCH proposal to the south of the A12 along Payne’s Lane is limited to improving the surfacing of the 3m wide existing, shared unsegregated cycleway/footway along the PRoW.
- Rivenhall End - crossing a high-speed dual carriageway with high volume of traffic is not safe for road users. The purpose of the proposed Gershwin Boulevard is to provide safe crossing points over the A12 and remove existing severance allowing access to the proposed shared-use facility connection. The WCH proposal to the north of the A12 is a 3m wide shared-use unsegregated footway/cycleway mainly to provide connections between the existing shared-use facility along the Gershwin Boulevard and the PRoW 121-95.
- Little Braxted - The proposal includes Little Braxted Bridge over the A12, converting the existing national cycleway designation to a WCH route and providing connection with PRoW 105-63 to the south of the A12. To the north of the A12 the proposed WCH route will utilise part of the existing A12 eastbound carriageway to connect with Eastways Junction and PRoW 121-119 via B1389 Colchester Road.
- Potts Green footbridge – to remove the severance by the new A12, the WCH bridge is proposed which will connect the extended Doggets lane (PRoW144-19) on the north side of the A12 and proposed WCH route running on top of the A12 embankment on the southern side. This proposal will ensure the existing PRoW maintains existing local connections and serves the community on both side of the new A12.

5.9.19. The Proposed Development has also been designed to minimise the disruption to community facilities and where there is a loss of open space, this will be replaced by the equivalent or better provision in terms of quality and quantity in a suitable location.

Issues Raised in Examination

Matters raised in LIRs

- 5.9.20. ECC provided detailed comments in this area [[REP2-055](#)] and gave particular emphasis to the documents produced by the DfT dealing with its vision for walking and cycling. ECC also made regular references to the Local Transport Note 1/20 which was published in 2020 and which set out core design principles when designing new infrastructure for cyclists.
- 5.9.21. ECC in their LIR [[REP2-055](#)] set out at section 8.3 a number of reservations regarding the WCH facilities and highlighted a number of locations where improvements could be made. They were also concerned about the impact on residents during the construction phase.
- 5.9.22. BDC provided details of their assessment on PRoW and key paved routes in table form at page 32 onwards of their LIR [[REP2-041](#)]. Their overall conclusion was that the Proposed Development would result in operational net positive benefits on community cohesion and severance particularly where new routes, new junctions or detrunking results in a significant decrease in traffic levels contributing to environmental improvements for WCH users. BDC did identify that there would be significant negative impacts during construction on the various routes in Hatfield Peverel and also on PRoW 121_101 / Witham 101 Whetmead.
- 5.9.23. BDC spoke at ISH1 in support of the various footpaths being provided and were also looking for the proposed footpath link with National Cycle Route 16 at the Eastways Industrial Estate to be confirmed. This was viewed by the ExA during their ASI.
- 5.9.24. Both BDC and ECC were firmly of the view that it was essential that a pedestrian bridge was provided in the vicinity of the Gershwin Boulevard Bridge in order to satisfy the requirement contained in s136 of the PA2008. Both were neutral as to which of the two alternatives was eventually selected.
- 5.9.25. CCC raised particular concerns about the Paynes Lane Bridge in their LIR [[REP2-106](#)] and confirmed that there had been lengthy discussions with the relevant parties before the Application was lodged. Whilst in principle CCC welcomed the bridge layout, they were expecting substantive work to take place in order to ensure that the design and aesthetic appearance of the bridge integrates and recognises the important linkage to Chelmsford Garden Community and adjoining new railway station.

Local Groups

- 5.9.26. A number of IPs representing local activity groups made representations during the Examination concerning the impact of the Proposed Development on the use of land impacted. The Essex Area Ramblers [[RR-004](#)] referred to the historic severance of footpaths; and the Essex Local Access Forum (ELAF) who made helpful comments initially with their RR [[RR-026](#) and [REP2-058](#)] and subsequently throughout the Examination were particularly concerned with clarity as to who could use the various routes as they wanted to be assured that there was access for all non-motorised users. ELAF added to their comments with their DL7 submission [[REP7-061](#)] with reference to a footbridge connection to replace the Woodend Bridge which currently provides a direct route from Witham to Hatfield Peverel. The Colchester Cycling Campaign made submissions mainly focused on J25 at Marks Tey [[RR-213](#) and [AS-063](#)].

- 5.9.27. The proposed Paynes Lane Bridge was felt by the relevant LPAs to be of considerable logistical importance as it would connect all WCH users to the proposed Beaulieu Park Station and wider Chelmsford area from Boreham without the need to negotiate J19.
- 5.9.28. The subject of the bridge was regularly raised by various parties including CCC, Network Rail (NR) and Countryside Zest throughout the Examination. CCC emphasised that this location was highly important in their planning and a key objective [RR-079] was concerned with connecting Boreham with the new railway station at Beaulieu Park and the proposed business park. The proposed site for the bridge was viewed by the ExA during their ASI on 2 March 2023. The Applicant provided a dedicated technical note on their revised proposal [REP6-096] together with updated drawings [REP6-029] which showed the existing overhead line equipment with the necessary clearance subject to any minor adjustment to be agreed.
- 5.9.29. There has clearly been considerable dialogue between the relevant parties as evidenced by the signed SoCG with NR [REP7-022] with the parties seeming relatively close to agreement although this cannot be reached until such time as the relevant NR department have opined on the proposals. CCC remained to be satisfied [section 2.15: REP7-025] and provided some detailed comments. ECC were also still to be satisfied about the design for the bridge [section 2.11: REP7-027]. As for ELAF, they confirmed they were satisfied as to the WCH requirements for the replacement bridge [REP7-061].
- 5.9.30. The town of Witham was bypassed by the construction of the A12 in the 1960s and the road constructed cut across an existing footpath 121-95. The new Gershwin Boulevard bridge was proposed by the Applicant in order to provide a direct crossing of the proposed road and to reconnect the footpath 121-95 which is currently barely used where it is close to the A12 as it would necessitate crossing the busy roadway with significant safety implications. This PRoW was never extinguished, but its use has over the years, not surprisingly, diminished very considerably.
- 5.9.31. From the outset of the Examination, the position of this bridge was controversial and there were a number of representations opposed to the location selected by the Applicant. The IPs included Allan Baker [RR-210]; John Holt [AS-046,]; Louise and Gary Debenham [AS-047]; Rosemary Woodgate [RR-131 and REP5-053]; Mr and Mrs Allen [AS-050]; the local MP, Priti Patel [AS-051] and Mrs Brenda Freeman [AS-055]. Keith Lomax [AS-059] spoke at a number of the ISHs and also submitted several detailed submissions during the course of the Examination. The final representation during this Examination was on this particular subject and came from Allan Baker [AS-116]. This again raised concerns as to the extent of the consultation.
- 5.9.32. The IPs clearly undertook some considerable research before coming up with an alternative site for the bridge which would be located approximately 300m to the west of the Applicant's proposal. They also contacted the relevant landowner of the site known as Olivers Nursery and established that the owner would be prepared to grant access along the western boundary of the site in order to facilitate the passage to the alternative route.
- 5.9.33. The other concerns of the local residents ranged from the impact on the existing green space, the loss of trees, the minimal use of the existing footpath severed as a

result of the building of the A12 some 60 years earlier, and the visual impact of the proposed new bridge together with its projected cost.

- 5.9.34. The ExA raised an initial question at ExQ1 [\[PD-008a\]](#). The ExA viewed the site of the proposed Bridge and the route of the existing footpath 121-95 from the south of the existing A12 during the ASI and spent some time viewing from the northern side together with the alternative site proposed by local residents during the second USI in June 2023 [\[EV-002a\]](#).
- 5.9.35. The relevant Local Authorities considered the proposal. Both BDC and ECC were firmly of the view that it was essential that a pedestrian bridge was provided in the area to satisfy the requirement contained in s136 of the PA2008. Both were neutral as to which of the two alternatives was eventually selected.
- 5.9.36. There was some degree of criticism concerning the Applicant's original proposal for the footpath at Coleman's Cottage Fisheries, from the landowner [\[RR-039\]](#) and particularly from ECC who objected [\[REP5-033\]](#) to the proposed footpath alignment at the Fisheries on the basis that it created a semi enclosed corridor footpath. They did not consider that this was the optimum design for a public footpath which was to be created as a result of a new development.
- 5.9.37. The Applicant had proposed to mitigate the unsafe crossing of the A12 by Witham FP 121-103 by looping Witham FP 103 back to the Little Braxted Lane and bridge along a route between the widened A12 and the private fishing lake. This approach was queried in comments from ECC, ELAF, and landowners. This was also raised in ExQ2 [\[PD-009\]](#) and in ExQ3 [\[PD-014\]](#) at 3.8.2.
- 5.9.38. Both Feering Parish Council [\[REP3-041\]](#) and ELAF ([\[REP5-035\]](#) and [\[REP7-061\]](#)) raised concerns about the severance of the Prested Hall drive and the nearby Feering Footpath 15 by the new A12 route.

Applicant's Response to Matters Raised

- 5.9.39. There had been various criticisms (particularly in relation to the proposal for the Gershwin Boulevard Bridge) as to a failure to consult adequately. The Applicant disputed this and explained that following the submission of the application for development consent, all local and neighbouring authorities were asked by the ExA whether they felt there had been a proper consultation and the five host authorities (ECC, BDC, CCC, CoCC and MDC) all confirmed that the Applicant had carried out adequate pre-application consultation in accordance with the provisions set out in s42,47 and 48 of the PA2008.
- 5.9.40. As mentioned before, ECC had argued strongly for adequate cycle access at the various overbridges. This was also raised by the ExA at ExQ3 [\[PD-014\]](#). The Applicant eventually agreed following discussions with ECC, that the Proposed Development would adopt these higher standards where possible for the WCH bridges although the Applicant was concerned to strike a balance between the appropriate alignment for cyclists at bridges with the visual intrusion these bridges might cause. The Applicant's preliminary design accords with the minimum standards contained within this guidance and the Applicant proposed limits of deviation for the WCH bridges as shown in the Streets, Rights of Way and Access Plans [\[REP6-013\]](#) and [\[REP6-014\]](#) to allow for further enhancements to the bridges in excess of the requirement contained in the NPSNN.

- 5.9.41. In response to the representation from the Colchester Cycling Campaign concerning the J25 overbridge, the Applicant explained that the design was constricted by the difference in levels between the A12 itself and the A120 which would lead to construction difficulties for the required ramps to cross the new road.
- 5.9.42. The Applicant provided an update to the WCH Requirements table in Appendix B of the Design Principles at DL7 [\[REP7-017\]](#). This update included the adoption of an additional seven key design elements proposed by ECC, including 4m minimum internal radii at the entry and exit to ramps at Paynes Lane and Marks Tey bridges, and 5m minimum external radii at the entry and exit to ramps at Little Braxted Lane, Snivellers Lane, Potts Green and Gershwin Boulevard bridges, and the protection of the route for a footway/cycleway from the southern extent of the OL through J24 to the northern extent of the OL. The commitments made by the Applicant are contained within Appendix B of the Design Principles [\[REP7-017\]](#).

Paynes Lane Bridge

- 5.9.43. There has clearly been considerable dialogue between the relevant parties as evidenced by the signed SoCG with NR [\[REP7-022\]](#) with the parties seeming relatively close to agreement. CCC remained to be satisfied [section 2.15: [REP7-025](#)] and provided some detailed comments. ECC were also still to be satisfied about the design for the bridge [section 2.11: [REP7-027](#)] but the Applicant confirmed that it would continue to engage so as to agree the detailed design of the bridge and associated structures.

Coleman's Cottage Fisheries

- 5.9.44. In the light of the representations made, the proposal for the footpath at the Fisheries was re-assessed and revised to link the footpath with footpath 121-101 as shown on sheets 8 and 9 of the revised Streets, Rights of Way and Access Plans [\[REP6-014\]](#). As outlined in paragraph 6.7.22 of the Closing Statement [\[REP7-078\]](#), this revision would accord with the requirement contained in paragraph 5.184 of the NPSNN. It would also be consistent with paragraph 100, NPPF which requires that *"Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails."*

Gershwin Boulevard Bridge

- 5.9.45. The Applicant responded to the initial representations [\[PDA-004\]](#) with an explanation that the location proposed for the bridge is adjacent to amenity land and it is planned to provide tree and shrub planting to offset the lost vegetation and help mitigate views of the Proposed Development. The intention was to retain existing vegetation in the area as far as reasonably practicable as shown on the Retained and Removed Vegetation Plans [\[APP-035\]](#) and [\[APP-036\]](#). The Applicant accepted that there would be a large adverse visual effect on nearby properties during construction [para 2.13.2 [REP4-055](#)] but 15 years after construction, this would be impacted by the mitigation planting which would reduce the impact to a medium adverse visual effect.
- 5.9.46. In their response to the ExQ2 [\[REP4-055\]](#), the Applicant emphasised that their proposal provided an appropriate connection with the wider rights of way network and also the proposed replacement land. The Applicant provided a technical note [\[REP3-011\]](#) and later produced a summary note [\[REP6-094\]](#) but the proposal continued to be challenged by IPs and Mr Lomax correctly pointed out [\[REP7-066\]](#) and [\[REP8-033\]](#) that the visual impact had not been properly described by the

Applicant as the properties at Olivers Drive were undeniably closer to the proposal than would be the case for the nearest residential properties to the alternative bridge suggested by the IPs.

- 5.9.47. The Applicant argued that to construct the alternative, land which is outside the current OL would be required. This does not seem a particularly convincing argument when the Examination process is to approve the proposal and in particular the terms of the DCO. However, the Applicant repeated its other justifications in its Closing Statement [[REP7-078](#)] and at paragraph 6.7.11 of this Statement explained the level of consultation that had taken place prior to the Examination.

Prested Hall

- 5.9.48. The question of the Prested Hall access road was raised by the ExA at question 2.13.3 of ExA2 [[PD-009](#)]. ELAF had argued that the replacement bridge at Prested Hall was not in accordance with paragraph 1.18 of the NPPF but the Applicant had responded [[REP6-090](#)] by acknowledging the NPPF to be an important and relevant consideration but the NPSNN was the primary policy document against which the scheme would be determined in accordance with s104 of the PA2008. The Applicant submitted that the Proposed Development improved the network in this location for WCH users as shown on the Streets Rights of Way and Access Plans – Part 2 [[AS-028](#)] with a dedicated walking/cycling route alongside. This is an improvement on the existing route. Furthermore, Footpath 15 would connect to a new footpath to the east of the A12 connecting to the former Easthorpe Road and from there, towards Easthorpe.

- 5.9.49. Further, the Applicant explained the reasons why it was not appropriate to provide a crossing of the A12 in the location of Footpath 15 in the Applicant's DL7 submission [[REP7-045](#)]. Once the scheme is in operation, travellers heading southbound would exit the A12 at J25, and travel along the detrunked section of road (the current A12 carriageway) towards the new Prested Hall access. This is not expected to result in any significant change in journey times. For travellers approaching from the A12 northbound, they would instead exit at the new proposed J24 and travel into Feering then toward the new Prested Hall access. This is likely to result in slightly shorter journey times than travelling through Kelvedon.

Applicant's Conclusion

- 5.9.50. Overall, the Applicant emphasised [paragraph 6.7.2 Closing Statement: [REP7-078](#)] that the proposed improvements include a total of 30km of new and/or improved WCH facilities, six road bridges with walking and cycling provision, five of which would be new or upgraded provision, five road bridges with walking provision and five new WCH bridges with one improved walking and cycling bridge. Overall, there would be 20km of additional WCH provision. The proposed scheme is also bringing over 3.5km of existing facilities up to compliance with current guidance such as LTN1/20. These facilities also address existing severance of PRow.

ExA Considerations

- 5.9.51. The ExA accepted that there had been an adequate consultation in relation to the various land use issues covered in this Chapter. The ExA also acknowledged that the proposed WCH improvements would accommodate visually impaired and mobility impaired users by providing ramps as opposed to stairs where practicable and thus would comply with the requirements of the Equality Act 2010.

- 5.9.52. The ExA noted that overall there will be a net gain of 4,765m of PRow; 490m of bridleway; 12,007m of cycleway; and 3,291m of footway. These figures are shown in the table 8.3 in the Case for Scheme [APP-249]. The overall improvements for WCH provision were emphasised at paragraph 4.1.12 of the Closing Statement [REP7-078]. We view this overall gain in WCH provision as a positive benefit.
- 5.9.53. There would clearly be adverse effects on land use during the construction period of the Proposed Development. It was therefore considered important that the impact on WCH users during construction was minimised as far as possible and the ExA acknowledged the efforts to achieve this as set out in section 8 of the oCTMP [APP-272] which was updated during the Examination [REP6-055]. However, the view of the ExA is that this is for a limited period and, once the scheme is in operation, then the overall improved connectivity will be beneficial for WCH users.
- 5.9.54. In the instances of both Colemans Fisheries and Paynes Lane Bridge, considerable discussions have taken place and it appears to the ExA that an agreed outcome has been obtained or is at least in prospect. That is positive and in the view of the ExA, the contributions by the LAs and IPs on Land Use matters has been well considered, measured and valuable.

Colemans Fisheries

- 5.9.55. The ExA noted that the Applicant had responded to concerns raised by IPs and, in particular, with their amendment to the route for the footpath at Colemans Fisheries. We conclude that the amended route for the footpath which has been proposed will deliver benefits which avoids harm to the fisheries.

Paynes Lane Bridge

- 5.9.56. The ExA recognised that there are a number of benefits from this proposed bridge including addressing the historic severance across the A12 by connecting existing PRow and it would also connect the village of Boreham with the proposed Beaulieu Park station. We conclude that the principle of the bridge in this location is acceptable and is a benefit of the proposal.
- 5.9.57. The Applicant has responded to design concerns that were raised. Whilst the design of the bridge is still to be finalised since NR are still to accept the position as to design it is hoped and expected that the Applicant will continue to consult with the various parties and consider carefully the matters raised. Requirement 10 of the dDCO provides further control over detailed design and will therefore ensure that ECC and CCC can continue to input to the design.

Gershwin Bridge Boulevard

- 5.9.58. Both ECC and BDC strongly support the need for a bridge in the vicinity although are neutral as to the precise position. The ExA appreciates that the Applicant is obliged by virtue of s136 of the PA2008 to provide a reasonable alternative right of way unless re-provision is not required. This is not the case here and the Applicant has proposed the position of the Gershwin Boulevard bridge as the most reasonable alternative route in accordance with paragraphs 2.9 and 5.184 of the NPSNN.
- 5.9.59. The issue continued to be raised and discussed throughout the Examination. As mentioned earlier, the ExA spent some time viewing from the northern side together with the alternative site proposed by local residents during US12 [EV-002a]. During this visit, the ExA were able to consider the proximity of nearby properties and the banking which would result in a more visible structure as proposed by the Applicant.

5.9.60. Taking into account all the issues raised, the ExA is persuaded that the proposal from the Applicant does provide the minimal diversion to the route of the existing PRow 121-95 and further that there will be an increase in the public space close to the bridge. The ExA was not persuaded as to the alternative siting suggested by IPs as this would not provide such a suitable connection with the land south of the A12 and furthermore, it would increase the diversion of the PRow in the range of 550m to 600m. Issues in relation to the landscape and visual effects are considered in Section 5.10.

5.9.61. The ExA views the proposal as re-connecting the severed PRow and providing a safe crossing from Witham to areas south of the A12 and therefore accepts the location proposed by the Applicant.

Prested Hall

5.9.62. The Applicant has argued that it does not consider that access would significantly worsen as a result of the Proposed Development. The ExA viewed this location during USI2 and found the current access arrangements at the entrance less than direct and we agree with the alternative access being proposed. As to the severance of footpath 78_15, a circular route which avoids interaction with the trunk road is provided via Easthorpe Road bridge further east. We agree that the proposed route is a suitable alternative via the proposed Prested Hall overbridge for walkers and means that they will not need to traverse the existing J24 arrangement, which improves accessibility for WCH users. We therefore accept the arguments put forward by the Applicant and summarised above.

ExA Conclusions

5.9.63. The ExA finds that the Proposed Development includes significant improvements for WCH users and the ExA has taken close note of the range of proposals as set out above, repeating the figures provided in the Closing Statement [\[REP7-078\]](#). This is considered a substantial improvement plus betterment with new routes and crossings.

5.9.64. The ExA considers that these proposals comply with the requirement set out in paragraph 5.205 of the NPSNN in addressing the severance issues of PRow. As indicated earlier, the ExA after careful consideration accepts the Applicant's proposed location for the Gershwin Boulevard Bridge.

5.9.65. Accordingly, it is the view of the ExA that the Applicant's proposals are appropriate and consistent with the PA2008 and the NPSNN. Any harm during the construction period, is outweighed by the overall improvements in the network. We conclude that this weighs positively in favour of making the Order and we have attributed this moderate positive weight in the planning balance.

5.10. LANDSCAPE AND VISUAL

Introduction

5.10.1. This section considers the effects of the Proposed Development in relation to landscape and visual impacts.

Policy and Legal Context

NPSNN

5.10.2. The policy tests for landscape and visual impacts are given in NPSNN paragraphs 5.149, and 5.156-158. In particular these state:

- *“5.1.49: Landscape effects depend on the nature of the existing landscape likely to be affected and nature of the effect likely to occur. Both of these factors need to be considered in judging the impact of a project on landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints, the aim should be to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.*
- *5.1.56: Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England has policies based on landscape character assessment, these should be given particular consideration. However, local landscape designations should not be used in themselves as reasons to refuse consent, as this may unduly restrict acceptable development.*
- *5.1.57: In taking decisions, the Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation.*
- *5.1.58: The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development.”*

Draft NPSNN

5.10.3. The policy requirements of draft NPSNN at the close of the Examination in respect of landscape and visual was largely consistent with those policy requirements of the extant NPSNN. However, relevant additions/amendments include the following:

- projects need to be designed carefully, taking account of the potential impact on the landscape (Paragraph 5.157);
- applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality, and can reinforce or enhance landscape features and character (paragraph 5.160); and
- landscape effects of the project depend on the existing character of the local landscape, its capacity to accommodate change and nature of the effect likely to occur. All of these factors need to be considered in judging the impact of a project on landscape. Projects need to have regard to siting, orientation, height operational and other relevant constraints. The aim should be to avoid or minimise harm to the landscape, providing reasonable mitigation and opportunities for enhancement where possible and appropriate (paragraph 5.161).

Applicant's Approach

5.10.4. The Applicant has considered the nature of the existing landscape within Section 8.8 of Chapter 8: Landscape and Visual [APP-075], and the nature of the landscape effects likely to occur as a result of the Proposed Development has been considered within the assessment of likely significant effects in Section 8.11.

- 5.10.5. Visual effects for the Proposed Development are assessed within Chapter 8: Landscape and Visual [APP-075] and Appendix 8.3 Visual Effects Schedule [APP-121].
- 5.10.6. Chapter 8 Table 8.16 [APP-075] provides a summary of significant residual landscape effects and significant residual visual effects along with a summary of the description of effect during operation in year 15, mitigation measures and mitigation mechanisms. The overall long-term magnitude and residual significance of effect of the Proposed Development on local landscape character and visual amenity is considered to be moderate adverse and, therefore, significant. Many of the identified visual receptors that experience residual adverse effects (Year 15 - significant) have been judged as large adverse impacts. These are predominately users of the PRowS and residents within private properties.
- 5.10.7. Potential impacts during construction and operation are considered in Chapter 8.9 [APP-075].
- 5.10.8. The potential temporary landscape and visual impacts during construction are assessed to be likely to be associated with the following:
- the gas main diversion;
 - extensive construction activity associated with the Proposed Development;
 - movement of construction plant and delivery vehicles;
 - excavation and earthworks across extensive areas in association with borrow pits;
 - construction compounds;
 - vehicle haul roads;
 - temporary lighting and signage; and
 - stockpiled soil and materials.
- 5.10.9. Potential landscape and visual impacts during construction would also be associated with loss of vegetation to facilitate construction, including vegetation removal associated with widening the existing A12. Loss of vegetation relates to both construction and operation.
- 5.10.10. The Proposed Development is considered during operation at paragraph 8.9.4 [APP-075] and states that it:
- “... could increase the prominence of major highway infrastructure within the landscape, particularly as extensive established vegetation ... is likely to be removed along the online sections. The scale of the infrastructure, including major new and improved junctions, and the elevated position of some elements would be at odds with the scale and character of the surrounding landscape. The offline bypasses and major junctions are likely to have particularly adverse effects on landscape character and quality, with a loss of vegetation, disruption to field pattern and reduced tranquillity. Restored borrow pits would also potentially result in permanent vegetation loss, changes to land use and landscape character.”*
- 5.10.11. To avoid or minimise harm to the landscape and views, embedded landscape mitigation measures have been developed as presented within Section 8.10. Landscape mitigation planting is illustrated on the Environmental Masterplan Figure 2.1 [REP6-043, REP6-044 and REP6-045].
- 5.10.12. The Applicant has concluded that no locally designated landscapes would be affected by the Proposed Development. The Local Policy Accordance Tables [APP-

[252](#)] detail how the Proposed Development conforms to policies based on landscape character assessment.

5.10.13. In order to avoid or minimise harm to the landscape and views, the Applicant has developed embedded mitigation measures for landscape as presented within Section 8.10 of Chapter 8: Landscape and Visual [\[APP-075\]](#). Further design considerations and landscape objectives have been defined as part of an overarching set of scheme-specific design principles presented within the Design Principles document [\[REP6-058\]](#), which have been used to inform development of the Proposed Development's design, including both the highway alignment and the Environmental Masterplan Figure 2.1 [\[REP6-043, REP6-044 and REP6-045\]](#).

5.10.14. Embedded design mitigation [para.8.10.5 [APP-075](#)] includes:

- *“Alignment of the proposed scheme and location of junctions and borrow pits designed to reduce landscape and visual effects.*
- *Sensitive design of residual water bodies within restored borrow pits and attenuation ponds, to integrate these features into the landscape and reduce visual effects.*
- *Lighting limited to junctions and side roads and designed to best practice to reduce light spill. Use of light-emitting diode luminaires which use less energy than conventional luminaires, while reducing light spill into adjacent areas.*
- *Planting to reduce adverse landscape and visual effects, including native hedgerows, shrubs and trees. Consideration of the species, pattern and distribution of proposed hedgerows, shrubs and trees along the proposed scheme to reflect the distinctive local character of vegetation within the adjacent landscape and provide screening for visual receptors.*
- *Native tree and shrub planting on and adjacent to highway earthworks to create woodlands, copses and shelterbelts in order to break up the scale of the road, screen structures, traffic, and lighting and help integrate the proposed scheme into the existing landscape pattern.”*

Issues Arising During the Examination

Matters Raised in LIRs

5.10.15. All the LAs submitted LIRs as listed below.

- BDC [\[REP2-041\]](#);
- CCC [\[REP2-106\]](#);
- CoCC [\[REP2-045a\]](#);
- ECC [\[REP2-055\]](#): and
- MDC [\[REP2-068\]](#).

5.10.16. In summary the following main landscape and visual impacts were highlighted in the LIRs:

- users of the PRowS; and
- tree removal.

5.10.17. Material issues associated with landscape and visual impacts raised during the Examination were in relation to Gershwin Boulevard Bridge and the gas main diversion.

Gershwin Boulevard Bridge

- 5.10.18. Representations were received from IPs during the Examination process regarding the visual impact that would be caused by the proposed location of Gershwin Boulevard Bridge. A suggested alternative location for the new bridge was put forward by Interested Parties [[RR-131](#), [AS-113](#), [REP2-102](#) and [103](#), [REP5-026](#) and [REP5-053](#)].

Gas Main Diversion

- 5.10.19. Representations were received from IPs regarding the landscape and visual impacts that would be caused by the loss of vegetation along the gas main diversion. These matters are considered in section 5.17, Diversion of High Pressure Pipeline.

Applicant's Response to the Matters Raised

- 5.10.20. The Applicant provided a technical note which assessed the visual impacts that would be caused by the Proposed Development in the vicinity of Gershwin Boulevard bridge, explained the design concept for the proposed bridge, and considered the alternative location as suggested by IPs [[REP3-011](#)].
- 5.10.21. The proposed Gershwin Boulevard Bridge was assessed as having a very large adverse visual effect on the representative viewpoints presented [[REP3-011](#)] during construction and in year 1. At year 15, when mitigation planting has established, this was assessed to reduce to a moderate adverse visual effect.
- 5.10.22. The Applicant advised that visual effects at the alternative suggested location for the new bridge could not be assessed in the absence of a proposed design of the structure, details relating to loss of vegetation and mitigation planting. However, likely landscape and visual effects that would be caused by a bridge at the alternative suggested location have been considered to allow comparison between the two locations in Section 3.4 of the Technical Note Gershwin Boulevard Bridge [[REP3-011](#)], based on professional judgement.
- 5.10.23. The technical note concluded that whether the proposed Gershwin Boulevard Bridge is provided in the proposed location or at the suggested alternative location, a similar amount of vegetation that screens the A12 would need to be removed. Much of this loss is due to the widening of the A12 regardless of the location of the bridge. At the suggested alternative location, due to the presence of the Gershwin Boulevard and a lake north of it, there would be limited opportunity to replace lost vegetation and mitigate open views across the lake that would be experienced by residents in this area. The Applicant's proposed location is adjacent to amenity land where it is proposed to provide tree and shrub planting to offset the lost vegetation and help mitigate views of the new bridge and the A12.
- 5.10.24. Mitigation planting is shown on ES Figure 2.1 Environmental Masterplan Part 1, Sheet 8 [[REP6-043](#)] and Figure 2.2 Illustrative Cross Sections Part 1, Sheet 5, Section D-D [[REP6-046](#)]. Illustrative Cross Section DD shows the relationship between residential properties in Witham and the proposed Gershwin Boulevard bridge and proposed planting. During detailed design the inclusion of evergreen species, larger stock and fast-growing species would be considered to provide early establishment and screening.

- 5.10.25. The Applicant concluded that while the landscape and visual effects of a bridge in either location would be comparable, there would be greater scope for landscape and visual mitigation at the location proposed by the Applicant.

ExA Considerations

- 5.10.26. We agree with the Applicant that though the landscape and visual effects that would be caused by Gershwin Boulevard Bridge at the proposed and alternative suggested location would be comparable, there is greater scope for landscape and visual mitigation at the location proposed by the Applicant.
- 5.10.27. In accordance with NPSNN 5.149 the Applicant has considered the nature of the existing landscape and the nature of the effect likely to occur. We consider that the Applicant has sought to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.
- 5.10.28. With regard to NPSNN 5.156, no locally designated landscapes would be affected by the Proposed Development. The Applicant has considered how the Proposed Development conforms to policies based on landscape character assessment.
- 5.10.29. With regard to NPSNN 5.157 we consider that the Proposed Development has been designed carefully, to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation.

Conclusions

- 5.10.30. The Applicant considers that there will be significant residual adverse effects, after mitigation, on local landscape character and visual amenity; we agree with this assessment. We therefore conclude that the matter weighs against making the DCO and this harm has been attributed limited weight in the planning balance.

5.11. MATERIAL ASSETS AND WASTE

Introduction

- 5.11.1. This section considers the effect of the Proposed Development upon material assets and waste.
- 5.11.2. Material assets refers to materials and products from primary, secondary, recycled, sustainable and renewable sources, along with the use of excavated and other arisings that fall within the scope of waste exemption criteria. Waste refers to surplus materials which can become waste, as well as other substances which the Applicant discards, intends to discard, or is required to discard.

Policy and Legislation

NPSNN

- 5.11.3. The NPSNN advises that applicants should set out the arrangements proposed for managing any waste produced (Paragraph 5.42) and seek to minimise the volumes of waste produced and the amount sent for disposal.
- 5.11.4. Paragraph 5.43 requires the SoS to consider the extent to which applicants propose to ensure the effective management of hazardous and non-hazardous waste arising during the construction and operational phases. The process should ensure that waste would be properly managed, both on and off-site; that the waste from the proposal facility could be dealt with appropriately by the available waste

infrastructure and that adequate steps would be taken to minimise the volume of waste arisings.

- 5.11.5. Paragraph 5.182 requires applicants to safeguard any mineral resources on the proposed site as far as possible. Where a proposed development has an impact on a Mineral Safeguarding Area (MSA), the SoS is required to ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources (Paragraph 5.182).

Draft NPSNN

- 5.11.6. The policy requirements of draft NPSNN, in respect of waste, are largely consistent with the extant NPSNN, with no significant changes being identified.
- 5.11.7. The policy requirements of draft NPSNN at the close of the Examination in respect of material assets was largely consistent with those policy requirements of the extant NPSNN. However, relevant additions/amendments include the following:
- applicants should safeguard any mineral resources on the proposed site as far as possible. Taking into account the policies of the Minerals Planning Authority, applicants should consider whether prior extraction of the minerals would be appropriate (paragraph 5.183).

Development Plan

- 5.11.8. The Essex Minerals Local Plan (EMLP) provides planning policies for minerals development within Essex County, setting a policy framework within which the best possible use of mineral resources, mainly sand and gravel, can be achieved. It also allocates sites for future mineral extraction and associated development. Relevant Policies include:
- Policy S4 (Reducing the use of mineral resources) which requires all development proposals to ensure that mineral waste is minimised and that minerals on development/redevelopment sites are reused and recycled, to reduce the need for primary minerals and the amount of waste to landfill.
 - Policy S6 (Provision for sand and gravel extraction) identifies that mineral extraction outside Preferred or Reserve Sites will be resisted by the Minerals Planning Authority (MPA) unless it can be demonstrated that there is an overriding justification and/or overriding benefit; that the scale of the extraction is no more than that required of the proposal; and, that the proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan.
 - Policy S8 (Safeguarding mineral resources and mineral reserves) identifies that mineral resources of national and local importance shall be protected from surface development that would sterilise a significant economic resource or prejudice the effective working of a mineral reserve site.
 - Policy S12 (Mineral Site Restoration and After-Use) requires proposals for minerals development to demonstrate that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition and beneficial after-uses, with positive benefits to the environment.

The Application

- 5.11.9. The relevant parts of the application were:
- ES Chapter 11, Material Assets and Waste [[APP-078](#)];
 - ES Figure 11.1, Minerals and Waste Infrastructure and Designations [[APP-227](#)];

- ES Appendix 11.1, Mineral Resource Assessment [[APP-144](#)];
- ES Appendix 11.2, Mineral Infrastructure Assessment [[APP-145](#)]; and
- ES Appendix 11.3, Waste Infrastructure Assessment [[APP-146](#)].

5.11.10. This topic of the application was also supported by the following appendices of the first iteration of the EMP [[REP4-022](#)]:

- Appendix D: Contaminated Land Management Plan [[APP-188](#)];
- Appendix J: Materials Management Plan [[APP-194](#)];
- Appendix L: Site Waste Management Plan [[APP-196](#)]; and
- Appendix M: Soil Handling Management Plan [[REP4-027](#)].

Overall Approach

5.11.11. The Applicant's assessment has been undertaken in accordance with DMRB LA 104 (Environmental assessment and monitoring) and DMRB LA 110 (Material Assets and Waste). In general terms, the assessment included:

- material assets to be used during the construction phase including site remediation, preparation and earthworks, demolition and construction, including the use of borrow pits;
- the potential sterilisation of mineral sites; and
- waste generation during the construction phase including site remediation, preparation and earthworks, demolition and construction.

5.11.12. As required by DMRB LA 110, the assessment established two geographically different study areas to examine the use of material assets and management of waste. The first study area covered land within the OL, including areas where site clearance, earthworks and construction are proposed and materials will be consumed (used, re-used and/or recycled) and waste generated.

5.11.13. The second study area covered feasible sources and availability of construction materials required for the main elements of the Proposed Development, along with suitable landfill infrastructure that could accept arisings and or waste generated by the Proposed Development. This included the East of England Regional Aggregates Working Party area and the former East of England Planning Region.

5.11.14. The Applicant's desk-based assessment concluded that there was likely to be a good supply of both primary (new materials rather than recycled) and recycled aggregates (minerals which have previously been used for construction including soft sand, sand and gravel, and crushed rock) available within the East of England. In relation to waste, the assessment concluded that there was also likely to be available waste management capacity within the region to dispose of the majority of waste likely to be produced during construction. It did, however, conclude there to be no local capacity for the disposal of hazardous waste.

5.11.15. The baseline assessment shows a substantial proportion of the Proposed Development to be located within two MSAs. These areas are protected from development that does not use the minerals within them. The Proposed Development footprint also crosses a number of local authority consultation areas for existing and future mineral and waste sites.

Potential Construction Effects

5.11.16. The ES identifies that the likely potential impacts from the Proposed Development are:

- generation of construction waste and reduction in landfill void capacity;
- consumption of materials during construction; and
- sterilisation of mineral safeguarding sites.

- 5.11.17. To provide an auditable record of the management of waste on the Proposed Development during the construction phase and monitor the quantities and types of waste generated, the Applicant confirmed [\[APP-078\]](#) that it will prepare a Site Waste Management Plan (SWMP). It will also include procedures for monitoring the overall construction waste recovery rate.
- 5.11.18. A MMP will also be prepared to detail the procedures and measures to be implemented to classify, track, store, re-use and dispose of all excavated materials encountered during the construction phase.
- 5.11.19. Both the SWMP and MMP will form part of the 2nd Iteration of the EMP and are secured by Requirement 4 of the dDCO.
- 5.11.20. In relation to the two MSAs, the Proposed Development would permanently take 411ha of land inside these areas. This could constrain or prevent existing and potential future use of these sites.
- 5.11.21. The Proposed Development goes directly through the active Coleman's Farm Quarry, however the Applicant is expecting that minerals would be extracted from the affected area and backfilled before construction. As a result, relocation of some quarry infrastructure would also be required, but with these measures, the Applicant's assessment [\[APP-078\]](#) concludes that there would be no significant effects on the quarry and minerals allocations.
- 5.11.22. Mitigation measures throughout the design and construction of the Proposed Development are proposed [\[APP-078\]](#) to reduce the use of primary materials and disposal of waste to landfill. The Applicant plans [\[APP-078\]](#) to reuse, recycle or otherwise recover on or offsite any surplus materials and waste, maximising reuse and diverting waste away from landfill in a circular economy, whereby resources are kept in use for as long as possible.
- 5.11.23. Following good practice during construction the Applicant considers that the Proposed Development has the potential to use about 60% recycled aggregate.
- 5.11.24. It is estimated [\[APP-078\]](#) that the Proposed Development would generate about 1.5 million tonnes of construction and demolition waste. About 94% of this waste is estimated [\[APP-078\]](#) to be recoverable and therefore diverted away from landfill. There would be the potential need to dispose of about 20,000 tonnes of hazardous waste to landfills outside the East of England region, due to a lack of capacity [\[APP-078\]](#).
- 5.11.25. The assessment [\[APP-078\]](#) has concluded that there would be no likely significant effects on material assets and waste of constructing the Proposed Development.

Borrow Pits

- 5.11.26. The Applicant proposes to use four borrow pits to extract suitable earthworks materials for use during construction, to avoid importing material from external sources. These borrow pits have been selected because they have the required quantities of the target materials, as close to the areas of deficit as practicable, and environmental impacts identified from the borrow pit activities can be mitigated to acceptable levels.

Potential Operational Effects

- 5.11.27. No significant maintenance activities would occur during the opening year, and therefore no significant materials consumption or waste generation is expected. Operational impacts on material assets and waste have therefore been scoped out of the assessment on the basis that there would be no likely significant effects.

Planning Issues

- 5.11.28. The issues that emerged during the Examination that the ExA examined, considered and concluded on are:

- Applicant's overall approach;
- Coleman's Farm Quarry; and
- Borrow Pits.

Applicant's Overall Approach

- 5.11.29. We sought [\[PD-008a\]](#) confirmation that the Proposed Development would meet the objectives as set out in Net Zero: Making Essex Carbon Neutral.
- 5.11.30. The Applicant identified [\[APP-025\]](#) that the objectives generally exclude waste that is collected and managed by private sector companies, as such, these recommendations do not directly apply to the construction of the Proposed Development. Nevertheless, the Principal Contractor (PC) would instead be obligated to deliver the Applicant's waste recovery targets as standard mitigation during construction. These targets would be secured through commitment MW3 (Site Waste Management Plan) in the REAC [\[REP7-015\]](#) and include the recovery of at least 70% (by weight) of non-hazardous construction and demolition waste with the aim to achieve recovery of 90% (by weight).
- 5.11.31. We sought further clarification and justification [\[PD-008a\]](#) in relation to the uplift of material and waste quantities that had been applied within the Applicant's assessment. We also sought further explanation in relation to proposed embedded mitigation measures and the role of the PC in both inputting into these and their achievement.
- 5.11.32. The Applicant confirmed [\[REP2-025\]](#) that the purpose of the uplift was to account for any additional material and wastes quantities not accounted for in the Bill of Quantities (BoQ) prepared, by the PC in 2021, for the preliminary design stage of the Proposed Development. The Applicant confirmed [\[REP2-025\]](#) that 10% to 15% is commonly used for construction cost contingency purposes.
- 5.11.33. In relation to the embedded mitigation, the Applicant confirmed [\[REP2-025\]](#), that this would be delivered through the REAC commitments.
- 5.11.34. We sought confirmation [\[PD-008a\]](#) from ECC that they were content with the Applicant's approach and their overall conclusions, along with the Applicant's proposed mitigation measures. ECC confirmed [\[REP2-054\]](#) that it considered the Minerals Resource Assessment (MRA) [\[APP-144\]](#) to be acceptable and that the Applicant had sought to minimise the volume of waste produced. By the end of the Examination, the matter was an agreed issue within the SoCG [\[REP7-027\]](#).
- 5.11.35. In its LIR, [\[REP2-055\]](#), ECC as the Minerals and Waste Planning Authority (MWPA) confirmed that it had considered the arguments put forward in the MRA justifying the sterilisation of minerals within the OL. Overall, the MWPA concluded that, given the

extent of the application site, there could be the potential for prior extraction opportunities to exist which the MRA had not fully explored, however they raised no objection in relation to this point. The MWPA accepted that it had no information to demonstrate that prior extraction opportunities would definitely exist within the OL. The MWPA further accepted that the implications on the project timetable would be significant and possibly detrimental to the strategic benefits bought by the scheme.

- 5.11.36. The MWPA accepted the overarching conclusion of the Minerals Infrastructure Assessment (MIA) [APP-145] that, apart from Coleman's Farm Quarry, it is considered unlikely that the Proposed Development would give rise to any loss of access to consented reserves, operational capacity or any other constraint to the operation of the remaining facilities.
- 5.11.37. In terms of waste, the MWPA confirmed [REP2-055] that it agreed with the conclusions made in the Waste Infrastructure Assessment (WIA) [APP-146], namely that it is considered unlikely that any safeguarded waste management infrastructure sites would be impacted by the Proposed Development.
- 5.11.38. Overall, the MWPA was satisfied that the Proposed Development would not result in any significant effects [REP2-055].

Coleman's Farm Quarry

- 5.11.39. We questioned the Applicant [PD-008a] in relation to the impact of the Proposed Development upon Coleman's Farm Quarry and its existing operations.
- 5.11.40. Brice Aggregates Limited [RR-119], as the Quarry operators, raised concerns in relation to proposed ecological mitigation land and the impact this would have on future use of adjoining land/quarry operations, along with concerns in relation to site access and the on-going operation of the Quarry. Reference was also made to the proposal for the restoration of the Quarry. Over the course of the Examination, the matters were discussed between the parties and as a result, matters were agreed [REP7-023].
- 5.11.41. At ISH3, the ExA sought to understand the relationship between the proposed borrow pits and the need to backfill Coleman's Farm Quarry, along with the identification of a contingency of 950,000m³ of fill material that was included within the Applicant's calculations.
- 5.11.42. The Applicant confirmed that the additional fill material may be required to backfill Coleman's Farm Quarry but would only be needed should the Quarry operators be unable to complete this prior to construction works. In this event, the Applicant's intention would be to import 650,000m³ of inert material from offsite and source 300,000m³ of non-granular fill material from borrow pit J.
- 5.11.43. By the end of the Examination, the Applicant confirmed [REP7-078] that they had completed a commercial backfill agreement with the Quarry in April 2023 to infill the land to a suitable standard to support the Proposed Development. This would also avoid the unnecessary sterilisation of minerals.
- 5.11.44. We also sought an update [PD-008a] on the planning application for amended operations within the existing Quarry that would allow for backfilling to be undertaken by the Quarry operator. This was a topic that continued throughout the Examination, and we sought further updates as we progressed. By the end of the Examination, the Applicant confirmed that the planning application was awaiting the completion of a S106 agreement [REP7-078].

Borrow Pits

- 5.11.45. The proposed use of borrow pits was a matter that we focused on during a number of the hearings. At ISH1 [\[EV-021\]](#) we asked the Applicant to explain and justify their need, the proposed locations, alternatives considered, the overall benefits of their use and proposed mitigation and remediation measures, along with aftercare proposals. We returned to the matters at ISH3, where we sought further justification and explanation of the amounts of materials to be sourced from the proposed borrow pits, along with the impact of the proposed vertical limits of deviation.
- 5.11.46. The ExA [\[PD-009\]](#) sought further explanation that the use of the proposed borrow pits would result in a potential reduction in construction vehicles that would need to use the public highway, along with an associated reduction in construction vehicle miles. We sought further evidence to support this [\[PD-009\]](#), along with a comparison of the difference between the use of borrow pits as opposed to off-site sourcing of materials.
- 5.11.47. We further questioned [\[PD-014\]](#) in assessing off-site sources for materials, whether matters such as loss of agricultural land, biodiversity, landscape, noise and archaeology at the source had been factored into the overall assessment. We also sought clarification in relation to the proposed costs associated with the provision of borrow pits, in particular to ensure that supporting infrastructure, such as haul roads and temporary bridges, had been included.
- 5.11.48. BDC in its LIR [\[REP2-041\]](#) made no specific reference to borrow pits from a material assets position, but did highlight environmental issues, in particular effects upon heritage assets, landscape and visual impacts, impacts upon trees, lighting, noise and dust.
- 5.11.49. Mr John Macrae [\[RR-122\]](#) made reference to potential visual impacts from Witham industrial area due to a reduction in ground level caused from the extraction of gravel. The Applicant confirmed [\[REP1-002\]](#) that the land in question was not to be used for a borrow pit but would be used during construction. Upon completion, the area would be reinstated to its original condition.
- 5.11.50. Henry Siggers and Parker Strategic Land [\[REP2-110\]](#) and [\[REP2-111\]](#) and J A Bunting and Sons [\[RR-007\]](#) considered that reasonable alternatives to the use of borrow pits existed and that the Applicant had failed to give proper consideration to these. These alternatives included the use of off-site sources, the potential for a hybrid solution of off- and on-site material, or the use of an alternative borrow pit strategy, including the extraction of greater volumes of fill from other borrow pits [\[REP4-095\]](#), thereby reducing the total number required.
- 5.11.51. J A Bunting [\[REP3-044\]](#) submitted that borrow pit J had been selected purely due to its location in relation to the Proposed Development, and felt that other, more appropriate alternatives should be used. If it was to be used, they considered [\[REP3-044\]](#) that it should be restored and returned to the Landowner, rather than permanently acquired.
- 5.11.52. There was confusion from a number of IPs in relation to the amounts of fill material proposed to be extracted from the borrow pits [\[REP2-110\]](#), [\[REP5-050\]](#), [\[REP3-044\]](#) and [\[REP5-037\]](#). There was also confusion in relation to the Applicant's identified contingency for Coleman's Farm Quarry and how this related to the overall numbers and, if this contingency was ultimately not required, whether it could be used in place of some or all of the borrow pits [\[REP3-044\]](#), [\[REP5-050\]](#) and [\[REP6-112\]](#).

5.11.53. This was a matter the ExA explored in detail at ISH3 and sought further clarity and explanation on from the Applicant. We sought to understand the Applicant's updated cost information [REP3-023] which had been heavily redacted for commercially sensitive reasons. IPs were also concerned [REP5-050] about interpreting the detail, given the redactions.

5.11.54. Henry Siggers and Parker Strategic Land [RR-021 and REP5-050] commented that little consideration had been given to the fact that the borrow pit would sterilise land which, in their opinion, was valuable farmland with development potential.

Applicant's Response

5.11.55. In response to the questions about the overall need for the borrow pits, the Applicant made a number of submissions to support their position [APP-278, REP1-011, REP3-023 and REP5-015]. In the Applicant's view the borrow pits were required to deliver the Proposed Development as efficiently as possible.

5.11.56. In responding to comments about the location of the proposed borrow pits and their selection, the Applicant confirmed that the proposed borrow pits were targeted at providing a combination of:

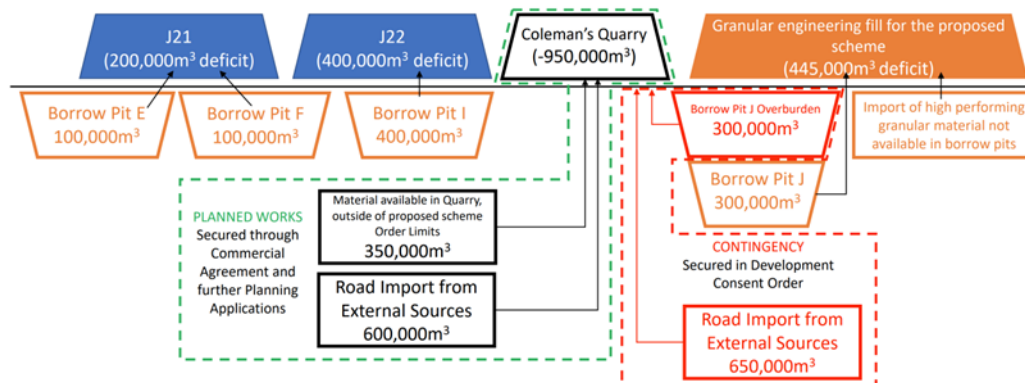
- earthworks material and engineering fill close to the main earthworks deficit areas;
- other granular construction materials for the Proposed Development's needs;
- reception areas for material deemed unsuitable for engineering purposes; and
- a reduction in HGV traffic associated with earthworks material supply on public roads (import from external sources) and therefore associated environmental impacts.

5.11.57. In support of their position the Applicant submitted a Borrow Pits Supplementary Technical Note [REP1-011] and, in response to further questions, provided additional clarification in their Borrow Pits Summary Report [REP5-015].

5.11.58. The Applicant confirmed [REP1-011] that the four borrow pits (E, F, I and J) were chosen primarily because they performed best when assessed against the criterion identified in the Borrow Pits Report [APP-278].

5.11.59. With regards to the amount of material and where it would be required, the Applicant provided [REP5-015] a drawing to explain;

Figure 2 Borrow Pit Details



- 5.11.60. With regards to the alternative sources, the Applicant submitted [\[REP1-011\]](#), that all reasonable alternatives had been fully explored. In terms of the external import, the Applicant had considered the following:
- sourcing material from the market such as aggregate suppliers and local quarries, including the use of local railheads;
 - sourcing material from other local construction projects; and
 - sourcing from borrow pits within the Proposed Development OL.
- 5.11.61. In the view of the Applicant [\[REP3-023\]](#), sourcing the required volume of material from the market, or other sources, was not viable because:
- no guarantee over the availability of the required volumes of the right material;
 - the rate of import being unable to match the construction programme;
 - additional cost (£25 million) [\[REP5-015\]](#) than winning and processing material from borrow pits; and
 - greater environmental effects (noise, air quality, GHG emissions) associated with road hauling.
- 5.11.62. As suggested by IPs, the Applicant considered the potential to adopt a blended approach [\[REP3-023\]](#), with a mix of borrow pits and external import. In the Applicant's view such an approach would increase costs, along with additional traffic and environmental impacts, when compared with the sole use of borrow pits.
- 5.11.63. In response to varying the amount of material to be taken from each pit so as to reduce the overall number of pits, the view of the Applicant [\[REP1-011\]](#), was that attempting to vary the volumes would impact upon the balance that had been achieved through optimising the use of each area. It would likely result in additional on-road haulage over longer journeys.
- 5.11.64. In specific relation to the need for borrow pit J, the Applicant clarified [\[REP1-011\]](#) that this was specifically required to meet the granular engineering fill requirement, and that this could not be achieved from Borrow pits E, F or I. These would provide general earthworks fill material.
- 5.11.65. The Applicant provided additional information on costs in their Borrow Pit Cost Information [\[REP3-023\]](#), that was further supplemented by additional information [\[REP5-015\]](#) in response to ExA questions and comments from IPs. In summary, the position of the Applicant [\[REP5-015\]](#) was that from a range of sources investigated, the use of borrow pits provided the best solution when all costs were considered.
- 5.11.66. In response to our questions [\[PD-009\]](#), the Applicant provided additional information [\[REP3-023\]](#) and [\[REP5-015\]](#) in relation to the GHG emissions associated with transport of earthworks. In the Applicant's submissions, they estimated that emissions would be reduced by over 90% by sourcing materials from the borrow pits. Furthermore, they considered that emissions would be reduced by approximately 80% by transporting unsuitable material as backfill to the borrow pits, as opposed to off-site locations.
- 5.11.67. The Applicant submitted that the use of borrow pits would result in a reduction in the amount of construction vehicles using the public highway. Should the borrow pits be removed, the Applicant estimated this would result in an approximate increase in HGV movements of 60%. The Applicant therefore considered that the use of borrow pits also delivered noise and air quality benefits during the construction phase.

- 5.11.68. The Applicant also submitted [\[REP3-023\]](#) that the use of borrow pits provided an opportunity for the disposal of unsuitable material, which, without the borrow pits, would have to be disposed off-site. This would be an additional cost of around £2.5 million [\[REP3-023\]](#) and have potential impacts on local landfill capacity.
- 5.11.69. With regard to their restoration, the Applicant clarified [\[APP-278\]](#) that due to the current earthworks volume deficit, borrow pits would not be restored to their original ground levels or original land use. The current indicative restoration proposals include a combination of wetlands, water bodies, woodland planting and landscaped areas. For Borrow Pit F, restoration proposals would include an area of woodland planting to offset nitrogen deposition effects on Perry's Wood, Inworth.
- 5.11.70. In restoring the borrow pits, the Applicant identified [\[APP-278\]](#) a number of environmental design principles that would be followed:
- borrow pits would be shaped to form natural gradients with rounded contours to integrate into the surrounding landscape;
 - where water bodies remain after excavation, these would include scalloped edges and shallow slopes or berms to make them safe and improve access and egress for animals;
 - planting within the restored borrow pits would include woodland planting where screening is required, along with intermittent tree and scrub planting and individual trees in species-rich grassland;
 - boundaries with new or gapped up hedgerows with trees would tie into existing features to help restore the landscape pattern and maintain ecological connectivity;
 - aquatic and wetland planting would be introduced at the margins of water bodies along with areas of wet woodland planting; and
 - borrow pits would be restored such that designed flood mitigation would function as described in Appendix 14.5: Flood Risk Assessment, of the Environmental Statement [\[APP-162\]](#).
- 5.11.71. The Applicant confirmed [\[APP-278\]](#) that these principles would be secured in the REAC [\[REP7-015\]](#). The Applicant also provided illustrations [\[REP6-043 to 045\]](#) to demonstrate the restoration proposals.
- 5.11.72. In relation to potential re-use of the borrow pits for agricultural use and to address the loss of agricultural land, the Applicant [\[REP3-012\]](#), identified that the borrow pits would be restored in accordance with Minerals Planning Practice guidance. However, the final landform would not in all cases support BMV capability within the borrow pit areas given that they would be excavated to maximum depths of approximately 4m to 17m. Furthermore, the current earthworks volume deficit did not support reinstating the borrow pits back to original ground levels.

ExA Considerations

Waste

- 5.11.73. The ExA are satisfied that any effects of development on the management of waste would be adequately dealt with through the SWMP, which would be secured through Requirement 4 of the dDCO. The Proposed Development would accord with all relevant legislation and policy requirements of NPSNN. We also find that the proposed mitigation is adequately provided for and can be secured in the rDCO.

Safeguarded Minerals

- 5.11.74. Whilst MWPA expressed some concerns with the regards to the potential for the Proposed Development to make more of the minerals that exist within the OL, by the end of the Examination, no objection was raised by them, and the matter was part of SoCG [\[REP7-027\]](#).
- 5.11.75. Having considered the submitted information and responses to our questions, we agree with the position of both the Applicant and the MWPA, that whilst it may be possible to extract more of the existing deposits, such an exercise would be time consuming and ultimately impact upon the delivery of the Proposed Development, thereby negating its benefits.

Borrow Pits

- 5.11.76. The ExA agrees with the submission from various IPs that in the original application, the details around the borrow pits, in particular the amount of material to be extracted was both confusing and unclear. We also found that the reasoning and justification for their use to be lacking detail and unconvincing.
- 5.11.77. However, as the Examination progressed, with the submission of further justification and more explanation, the overall approach became clearer and, by the end of the Examination, the ExA was in a position to fully understand the overall approach of the Applicant.
- 5.11.78. In terms of the need for the borrow pits, the ExA accepts the position of the Applicant with regards to the requirement for additional fill material to support the Proposed Development. No submissions were received by any IPs that cast doubt on the need for such material to support its construction.
- 5.11.79. With regards to their locations, the ExA notes that the Applicant undertook an appraisal to identify the most appropriate locations for the proposed borrow pits. Whilst a number of IPs were concerned about the Applicant's conclusions, the ExA finds that it has no substantive evidence to suggest that the Applicant's approach towards identifying the locations or the discounting of alternative locations was not adequate.
- 5.11.80. At the outset of the Examination, the ExA was concerned about the level of alternative sources that had been considered, in particular whether alternative off-site sources had been explored sufficiently. These concerns were shared by IPs, who also suggested that there may be other alternatives, thereby reducing the amount needed to be extracted from other locations.
- 5.11.81. On the basis of the evidence submitted during the Examination, the ExA accepts that there may be alternative approaches to the sourcing of the necessary material which would benefit individual parcels of land. However, the ExA does not consider that these approaches would be any better than the approach proposed by the Applicant. In particular, the ExA finds that sourcing all required material from off-site would potentially have significantly worse environmental effects and likely result in delays to the delivery of the Proposed Development and its associated benefits.
- 5.11.82. In relation to costs, the ExA accepts that the information provided by the Applicant needed to be subject to commercial sensitivity. This did however make assessment of this evidence, both by the ExA and IPs difficult. However, whilst a number of IPs raised concerns over the figures, no substantive alternative evidence was presented to cast significant doubt about them. Furthermore, there was little evidence before

us to suggest that the basic premise being proposed by the Applicant, that the use of off-site materials would be more costly than the use of borrow pits, was incorrect.

- 5.11.83. Therefore, having explored the issues and considered the additional explanation and justification provided by the Applicant, the ExA is satisfied that there are no alternative approaches to the use of borrow pits that would be demonstrably better than those contained within the application.
- 5.11.84. In relation to their overall benefits, the ExA finds that the use of borrow pits would reduce the number of construction vehicle movements. This would bring associated environmental benefits in the form of lower GHG emissions, along with reduced noise and air quality effects during the construction phase.
- 5.11.85. The ExA finds the proposed borrow pits to also have some adverse environmental effects. This would include the loss of agricultural land, impact upon biodiversity, the loss of important hedgerows and trees, potential impacts upon ground water and potential noise and air quality issues. Their development would also have a landscape and visual impact associated with both the works and the retained landscape once completed.
- 5.11.86. Whilst some of these effects would only be temporary (noise, air quality, ground water), others would be permanent. In this respect, the ExA notes the commitment from the Applicant towards their restoration, along with the aim of delivering biodiversity benefits through this process.
- 5.11.87. With regard to the restoration of the borrow pits, the ExA notes the submissions of the Applicant in relation to the deficit of fill material to support the reinstatement of the borrow pits to their original ground level. This would also mean that this land is lost permanently to agricultural use, which in the view of the ExA is a missed opportunity. Nonetheless, the ExA notes the approach of the Applicant to implement environmental design principles in the restoration plan, which would be likely to deliver environmental benefits. Such measures would be secured through the EMP and the REAC. As such, the ExA finds that the commitment regarding restoration of the borrow pit land in the dDCO is adequate.
- 5.11.88. On balance, the ExA find that the benefits of the use of borrow pits would outweigh the harm caused from their development, which in any event, are proposed to be mitigated as much as possible.
- 5.11.89. In relation to the impact on the development potential of borrow pit I, we note the submission of the Applicant and those of the local authority, that confirm that the site is not currently allocated for development in the development plan. Neither is there planning permission in place for any development on the site. As such, the ExA have given these concerns limited weight.
- 5.11.90. In relation to Coleman's Farm Quarry, the position at the start of the Examination was unclear and confusing. However, by the end of the Examination the Applicant had provided an explanation of their approach, along with an update in relation to agreements between the parties and the position in relation to on-going planning application. The matter was part of the SoCG with the Quarry operator. As such, the ExA finds the approach toward the restoration of Coleman's Farm Quarry to be acceptable.

Conclusion

- 5.11.91. Therefore, in respect of material assets and waste, the matter weighs neither for nor against the making of the DCO, and therefore attracts neutral weight to be carried forward into the planning balance.

5.12. NOISE AND VIBRATION

Introduction

- 5.12.1. This section deals with the effects of the Proposed Development on receptors from noise and vibration. In particular it considers:

- the Applicant's noise assessment;
- construction and operation effects of noise; and
- construction and operation vibration effects.

Policy and Legal Context

NPSNN

- 5.12.2. The NPSNN highlights the potential consequences of excessive noise in terms of its effects on the quality of human life and health, use and enjoyment of areas of value and areas with high landscape quality (Paragraph 5.186). It confirms that Government policy is set out in the Noise Policy Statement for England (NPSE). In line with current legislation, references to 'noise' in the NPSNN also apply to the impacts of vibration.
- 5.12.3. Paragraph 5.193 identifies that the statutory requirements for noise must be met, and that due regard must have been given to the relevant sections of the NPSE, the NPPF and the National Planning Practice Guidance (NPPG) on noise.
- 5.12.4. Applicants should seek to optimise layouts to minimise noise emissions and, where possible, use landscaping, bunds or noise barriers to reduce noise transmission. Consideration should also be given to the need to mitigate impacts elsewhere on the road network (Paragraph 5.194).
- 5.12.5. In respect of determining applications, Paragraph 5.195 identifies that the SoS should not grant development consent unless satisfied that proposals will avoid significant adverse impacts on health and quality of life from noise, mitigate and minimise other adverse impacts on health and quality of life from noise, and contribute to improvements to health and quality of life through the effective management and control of noise, where possible. Paragraph 5.196 requires the SoS to consider whether requirements are needed in relation to mitigation measures to ensure that the noise levels meet those as assessed.
- 5.12.6. Consideration should be given to requirements to ensure delivery of all mitigation measures, including any needed for operational or construction noise over and above any included in the application (Paragraph 5.197). However, mitigation measures should be proportionate and reasonable (Paragraph 5.198).
- 5.12.7. Noise mitigation through increased dwelling insulation and ventilation measures pursuant to the Noise Insulation Regulations may be appropriate (paragraph 5.199), with an indication of the likely eligibility for compensation included in the assessment. In extreme cases, compulsory acquisition of affected properties may be appropriate in order to gain consent for what might otherwise be unacceptable development.

- 5.12.8. Applicants should also consider (Paragraph 5.200) opportunities to address the noise issues associated with Noise Important Areas (NIAs).

Draft NPSNN

- 5.12.9. The policy requirements of draft NPSNN, in respect of noise and vibration, are largely consistent with the extant NPSNN, with no significant changes being identified.

Other Legislation and Policy

- 5.12.10. Other legislation and guidance relevant to Noise and Vibration are: Noise Policy Statement for England (NPSE), the NPPF and NPPG.
- 5.12.11. Of particular relevance to this application and the approach adopted by the Applicant in assessing the effects of noise, is the NPSE. This refers to the WHO concepts for establishing noise effects – the NOEL (No Observed Effect Level) and the LOAEL (Lowest Observed Adverse Effect Level). The former is the level below which there is no detectable effect on health and quality of life due to the noise, with the LOAEL being the level above which adverse effects on health and quality of life can be detected. The NPSE adds the concept of SOAEL (Significant Observed Adverse Effect Level), which is the level above which significant adverse effects on health and quality of life occur.
- 5.12.12. In terms of where the impact lies between LOAEL and the SOAEL, the NPSE requires that all reasonable steps are taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8).
- 5.12.13. Further information is in the ES [\[APP-079\]](#) and in Chapter 3 of this Recommendation Report. The national, regional and local planning policies that are considered relevant to the Proposed Development are also described in the ES [\[APP-079\]](#).

The Application

Relevant Parts of the Application

- 5.12.14. The main sections of the Application relevant to the noise and vibration matters considered here are:
- ES Chapter 12, Noise and Vibration [\[APP-079\]](#);
 - Figure 12.1 Noise Study Areas Noise Important Areas and Noise Monitoring Locations [\[APP-228\]](#);
 - Figure 12.2 Noise Sensitive Receptors [\[APP-229\]](#);
 - Figure 12.3 Construction Noise Assessment Receptors and Piling Locations [\[APP-230\]](#);
 - Figure 12.4 Additional Noise Mitigation [\[APP-231\]](#);
 - Figure 12.5 Operational Noise Significant Effects (Mitigated-Scheme) [\[APP-232\]](#);
 - Figure 12.6 Do minimum Noise Contour Map [\[APP-233\]](#);
 - Figure 12.7 Do something Noise Contour Map [\[APP-234\]](#);
 - Figure 12.8 Noise Change Contour Map [\[APP-235\]](#);
 - Appendix 12.1: Introduction to Noise [\[APP-147\]](#);
 - Appendix 12.2: Noise Assessment Methodology Document Index [\[APP-148\]](#);
 - Appendix 12.3: Baseline Noise Surveys [\[APP-149\]](#);

- Appendix 12.4: Construction Noise Calculations [\[APP-150\]](#);
- Appendix 12.5 Noise Impact Tables [\[APP-151\]](#); and
- Appendix 12.6: Full Noise Calculation Results [\[APP-152\]](#).

Overall Approach

- 5.12.15. The Applicant confirmed [\[APP-079\]](#) that their assessment of noise and vibration was undertaken in accordance with the approach set out in DMRB LA 111 Noise and Vibration, which incorporates the noise effect levels that have been introduced into noise policy by the NPSE.
- 5.12.16. Noise predictions from construction were taken using noise levels from the various items of plant that would be used in the construction process [\[APP-079\]](#). Noise levels were calculated at locations that were selected to be representative of individual or groups of noise sensitive receptors. The receptors chosen were mostly dwellings but included other sensitive receptors.
- 5.12.17. The road traffic noise assessments were based on a comparison of Do-Minimum and Do-Something scenarios [\[APP-079\]](#). The Do-Minimum scenario represents the future baseline with minimum interventions, excluding the Proposed Development. The Do-Something scenario represents predicted road traffic levels with the Proposed Development in operation at both year of opening (2027) and a future assessment year (2042).
- 5.12.18. The Applicant's assessment [\[APP-079\]](#) considers that the existing noise climate is dominated by road traffic noise, predominantly from the A12. There are 21 NIAs between J19 and J25 on roads near to the existing A12. These are identified specifically due to high noise levels and are generally those close to the A12. There are also sensitive locations including the large areas of existing and planned housing in the major settlements (e.g. Boreham, Hatfield Peverel), smaller communities (e.g. Rivenhall End), along with isolated properties along the route of the A12 [\[APP-079\]](#).
- 5.12.19. To inform their assessment [\[APP-079\]](#), the Applicant undertook noise surveys in May 2021, along with detailed noise modelling and an assessment to determine the likely future noise and vibration levels both with and without the Proposed Development in place.

Design, Mitigation and Enhancement Measures

- 5.12.20. The Proposed Development includes a number of measures aimed at reducing noise impacts during both the construction and operational phases. Some of these measures were part of the design of the Proposed Development, whilst others were added following the initial assessment of effects, to minimise its impact upon the receiving environment. Measures include:
- alignment of A12 to reduce noise impacts;
 - 4m high earth bunding to reduce noise levels as part of the new offline sections at the following receptors:
 - four dwellings on The Drive, Rivenhall End;
 - dwellings (e.g. Heathfield, Prested Hall Cottages) to the east of J24, to the south of the A12;
 - dwellings on Easthorpe Green, south of the A12 between junctions 24 and 25;
 - little Domsey Cottages, south of the A12 between junctions 24 and 25

- dwellings on Doggetts Lane, to the south of the A12 between junctions 24 and 25; and
- Hall Chase Farm House, Hall Chase, to the south of the A12 at Marks Tey.
- use of low noise surfacing on all the new offline sections of the route and any part of the existing route to be resurfaced;
- use of accepted industry standard construction noise mitigation;
- provision of noise barriers to either remove or reduce the identified likely significant adverse effects at the following locations:
 - at Doggetts Lane to ensure retention of 4m noise barrier;
 - a 4m high, 245m long barrier alongside Wishingwell Farm;
 - Easthorpe Green, a 4m high barrier for approximately 185m (overall height dependent upon the height of the earthworks of the Wishingwell Overbridge);
 - a 3m high noise barrier of around 175m in length alongside the Fair Rest Caravan Site;
 - at Witham, a 2m high noise barrier of approximately 115m in length to protect sensitive receptors on Pantile Close;
 - at Witham, a 2m high noise barrier of approximately 105m in length to protect sensitive receptors on the western side of Maldon Road; and
 - at Witham, a 2m high noise barrier of approximately 110m in length to protect sensitive receptors on Hodges Holt.
- part of the Proposed Development to be surfaced with better noise reducing properties than a conventional low noise surface:
 - between J19 and the existing J20a on the southbound carriageway;
 - through Hatfield Peverel from J20a to J20b on both carriageways;
 - just north of the proposed new J21 to the existing J23, to the south of Kelvedon, on both carriageways; and
 - on the offline section of the new alignment from just west of Easthorpe Green to where the offline section re-joins the existing A12 at Marks Tey at J25.

5.12.21. It is proposed that these measures would be secured through the REAC [[REP7-015](#)] and dDCO Requirements 3 (Second Integration of EMP), 9 (Traffic Management) and 13 (Noise Mitigation).

Residual Effects

Construction

5.12.22. During the construction stage, likely significant adverse effects are expected at a number of locations, including those near J19 (night-time), Hatfield Peverel (day and night-time), the Witham Bypass including the new J22 (night-time), Rivenhall End (daytime), Easthorpe Green, Wishingwell Farm, and Doggetts (daytime), London Road at Marks Tey (night-time) and at Latneys Kennels (daytime).

5.12.23. A significant effect is predicted [[APP-079](#)] due to an increase in local traffic through the Hatfield Grove and Bury Farm Estates during the closures of Station Road and Bury Lane Bridges, to allow for their replacement.

5.12.24. No significant effects are predicted from vibration, although potential adverse effects from vibration at 56 sensitive receptors near to where retaining walls, earthworks and structures would be built was identified. Activities at these locations are anticipated to likely only last for approximately one week at a time in any one location, however, vibration from the use of vibratory compaction for structures

backfilling may take place for longer than 10 days in one location. Where potential exists for vibration effects, the Applicant would explore measures to minimise vibration effects during construction.

- 5.12.25. During construction there would be the need to temporarily close the A12 and put in a diversion route. Over the four-year construction programme, the Applicant estimates that this could occur for 500 nights. This would cause likely significant adverse effects at 266 houses within 25m of the planned diversion routes. As the construction programme is developed, the Applicant would look to reduce the number of A12 closures where feasible.
- 5.12.26. Noise levels above the daytime SOAEL and the temporal thresholds are predicted to occur during the operation of borrow pit F [\[APP-079\]](#).

Operational

- 5.12.27. The Applicant's assessment [\[APP-079\]](#) concluded that there would be 123 significant adverse effects at dwellings and four at other sensitive receptors once operational, with the majority of these due to an increase in traffic volume on the road network away from the A12.
- 5.12.28. Of the sensitive receptors, the ES [\[APP-079\]](#) identifies a number of dwellings located at Copford which are predicted to have significant adverse effects due to an increase in traffic along London Road. Following the submission of the proposed design changes for J25 [\[AS-098\]](#), the Applicant undertook a further assessment and concluded that as a result of the changes, this would cause this increase in traffic to generate less than 1 dB(A) increase in noise and there would no longer be significant adverse effects at seven dwellings [\[AS-098\]](#).
- 5.12.29. The assessment [\[APP-079\]](#) also predicted that there would be 806 dwellings and 18 other sensitive receptors where there would be a significant beneficial effect. These were achieved through the mitigation measures outlined above.

Noise Impact Areas

- 5.12.30. Of the 21 Noise Impact Areas (NIAs) identified, the Applicant confirmed that the dwellings have been demolished at one [\[APP-079\]](#). Of the remaining 20 NIAs, there are predicted to be increases in noise at 2, decreases at 13, a mixture of increases/decreases/no change at 1, and no change at 4 [\[APP-079\]](#).
- 5.12.31. One of the 261 dwellings within NIA 4760 is predicted to experience a significant adverse effect at night due to an increase of 1.5dB(A), with the absolute noise level being above the SOAEL, due to the realignment of the A12 and the noise source increasing on a façade of the dwelling that was previously less exposed. At NIA 6145, four dwellings to the south would now experience an increase in noise on the rear façade from the new A12 alignment. This has been minimised through the provision of a 4m high bund and the use of a surface with better noise reducing properties than a conventional low noise surface. Thirty-two dwellings within this NIA would experience a reduction in noise.
- 5.12.32. NIA 5147 contains two dwellings, both of which are to the south of the A12. Both would experience a reduction in noise on the façade of the dwelling that would have caused them to be classed as an NIA, however they would now experience an increase in noise on the rear façade from the new A12 alignment, but this has been minimised through the use a 4m high earth bund.

Planning Issues

5.12.33. Noise and vibration issues considered during the Examination included:

- overall approach;
- construction effects;
- operational effects; and
- adequacy of mitigation measures.

Overall Approach

5.12.34. The ExA sought clarification [PD-008a] from the host authorities that they were satisfied with the Applicant's identified methodology, and in particular the use of LOAEL and SOAEL as a means of assessment. In relation to construction noise, the ExA sought clarification [PD-008a] that the LPAs were content with the Applicant's approach towards construction noise and the assessment of effects arising from construction.

5.12.35. In its response, ECC [REP2-054] deferred to host LPAs. CoCC [REP2-045] confirmed that it was happy with both.

5.12.36. CCC confirmed [REP2-107] that it was satisfied with the Applicant's methodology. MDC, in its response [REP2-067] confirmed that that they had no issues with the methodology,

5.12.37. BDC referred to their LIR [REP2-041] in their response, which confirmed that the construction noise assessment in their view was acceptable. In relation to operational noise, they submitted that the noise assessment was thorough, although this was dependent on confirmation that the low noise surface would be in place for the year 2042 (modelled year) and that appropriate maintenance had been provided for, to ensure its continued performance.

5.12.38. In response [REP3-020], the Applicant acknowledged that the noise reducing properties of a low noise surface will reduce over time. However, the timescale for any resurfacing would depend upon the wear of the surface, which may vary lane by lane. To allow for this, in relation to surfacing with better noise reducing properties, the assessment of impacts in the future assessment year (2042) assumed a surface correction of -3.5 dB. The Applicant confirmed [REP3-020] that this did not result in any additional significant adverse effects being identified.

5.12.39. In relation to sound insulation, the Applicant referred to NV7 of the REAC [REP7-015], which requires an assessment of likely eligibility for sound insulation measures to be undertaken.

5.12.40. In relation to the accuracy of noise levels, Mr Roger Wacey [REP1-061] and [REP3-078] expressed concern that the benefit of proposed barriers and road surface specifications cannot be assessed properly unless accurate noise levels are known at specific points. In his view, accurate measures had not been taken at his property and as a result, it was not possible to know that the specification of the road surface and sound barrier would have the desired effect.

5.12.41. In response [REP2-030] and [REP3-012], the Applicant explained that, in accordance with DMRB LA 111, baseline noise measurements were not used to inform the assessment of road traffic noise impacts, but calculated noise levels were used to determine noise level changes. This follows the methodology prescribed within paragraph 5.191 of the NPSNN.

Construction Effects

- 5.12.42. The ExA sought confirmation [PD-008a] from the LPAs that they were satisfied with the Applicant's approach towards the consideration of construction activities.
- 5.12.43. In relation to construction noise at ExQ1 [PD-008a] we sought further clarification on the use of vibratory compaction, the noise effects of these works and what mitigation was proposed to minimise these. We also sought further clarification [PD-008a] in relation to night-time closures for construction purposes and the impact upon local villages, along with mitigation measures and details with regards to consultation with local communities [PD-009]. In relation to the proposed construction compounds and activities associated with the proposed borrow pits, we sought [PD-009] further details on the proposed mitigation measures.
- 5.12.44. We also requested further details [PD-009] on construction noise mitigation measures at Columbine Cottage, a property we had visited at the Accompanied Site Inspection (ASI) [EV-010].
- 5.12.45. CCC [REP2-106] identified that during the construction some receptors were expected to experience likely significant effects, however considered these to be both temporary and could be mitigated.
- 5.12.46. BDC, in its LIR [REP2-041] referred to the Noise and Vibration Management Plan (NVMP) contained within the EMP, which provides mitigation measures to reduce the impacts from noise and vibration as far as practicable. The NVMP also sets out hours of working. In relation to where it is necessary to work outside of the identified hours, BDC considered that the relevant LA and affected residents should be advised in advance.
- 5.12.47. In its LIR [REP2-045a], CoCC identify that there are predicted to be significant adverse effects (above SOAEL) during the day owing to earthworks at two groups of receptors. Furthermore, during night closures, properties within 25m of the diversion route (A120 to Marks Tey) would likely experience a significant adverse effect as the threshold of 40 nights in any six-month period would be exceeded. Where significant adverse effects cannot be removed, noise insulation and temporary accommodation should be considered. In health terms, owing to the scale of exposure, there is likely to be temporary sleep disturbance and an impact on wellbeing, resulting in a negative (significant) impact.
- 5.12.48. The night closures of the A12 required for construction works would cause significant adverse effects at 266 dwellings within 25m of the planned diversion route.
- 5.12.49. The impact of construction activities was raised by a number of IPs, who expressed concern about the potential effect of noise from construction activities upon their land or property. Representations included:
- Paul Hedges [RR-055];
 - Mark Hedges [RR-058];
 - Mr and Mrs Whittle [RR-067];
 - The Executors of the late Barry Belchem [RR-089];
 - Mr Daniel Wilkins [RR-090]; and
 - The Holland Family [RR-218]
- 5.12.50. Overall, the Applicant identified [REP2-025] that the main construction activities which would have the potential to result in temporary noise impacts included site

clearance, earthworks (including borrow pits excavation), regrading land for infrastructure such as new bridges and junctions, piling activities and road construction. The Applicant [REP2-025] would adopt established mitigation measures to reduce the noise from construction activities, such as locating noisy equipment away from residential areas where feasible, building some structures offsite, and the use of temporary noise barriers and bunds, where possible.

- 5.12.51. The Applicant confirmed [REP2-025], that night closures were in relation to where the A12 is either fully or partially closed. Such closures would be required as, due to the existing dual two-lane configuration, the closure of a single lane would not provide a safe working area.
- 5.12.52. In these situations, traffic would be diverted along the strategic diversion route as set out in the OCTMP [APP-272]. To avoid A12 traffic diverting through local communities the strategic diversion route would be implemented between J19 and J25, meaning that even for a localised element of works on the carriageway the A12 would be closed from J19 to J25, except for local traffic. This was the reason for the expected number of carriageway closures. Within the REAC [REP7-015] there is a commitment (NV8) to attempt to reduce the number of closures of the A12.
- 5.12.53. Mr Joseph Taylor [RR-003] raised concern over the potential temporary removal of an existing noise barrier at Market Lane, Witham. In response, the Applicant confirmed [REP1-002] that if it needed to be removed it would be for a period of up to 6 months, and the effects would be further mitigated by the reduced speed limits on the A12 during construction work. In any event, the Applicant confirmed [REP1-002] that it would endeavour during detailed design to retain the existing noise barrier during construction as far as reasonably practicable and that Action NV5 of the REAC [REP7-015] provides for its replacement, if necessary.
- 5.12.54. Parker Strategic Land [RR-027] raised the issue of impact of construction noise arising from the proposed borrow pit. In response [REP1-002], the Applicant confirmed that no significant adverse effects are predicted for noise and vibration due to the excavation of this borrow pit.
- 5.12.55. Mr Stephen Butcher [RR-096] raised the question about night-time working hours and how effects upon residents would be mitigated. In response [REP1-002], the Applicant acknowledged that due to the online nature of the highway widening, night-time construction activities would be required, but best practice noise, vibration and lighting mitigation would be used. The timing, duration and phasing of construction activities would be considered to minimise nuisance to sensitive receptors where practicable and reasonable.
- 5.12.56. Throughout the Examination, both Mr Roger Wacey [RR-061, REP1-061, REP2-101, REP3-078] and Mr and Mrs Lindsay [RR-103, RR-195, REP1-046, REP2-077, REP4-087, REP5-045, REP7-069], were concerned about the proximity of construction activities to their respective properties. Mr John Macrae [RR-122] was concerned about noise and nuisance from reversing HGV construction vehicles in the planned compound/laydown area in close proximity to his home.
- 5.12.57. In response to the submissions from Mr and Mrs Lindsay, the Applicant acknowledged there would be some disruption during the construction, due to the proximity of the works, in particular the widening of Park Bridge and the associated laydown area and haul road. During the Examination, the Applicant undertook to reduce these impacts as far as reasonably practicable by, committing to carrying out the majority of the works during the day, or, where traffic management is required,

at weekends and during evenings, and by minimising noise, dust and light pollution and screening haul roads. Further detail was also provided [REP4-025] in the form of a plan showing the layout of the laydown area and mitigation proposed. Further measures included giving advanced notice of works and maintaining regular contact with a dedicated Community Liaison Manager.

- 5.12.58. In response to the submissions made by Mr Roger Wacey, the Applicant confirmed their assessment [APP-079] concluded that the daytime SOAEL would be exceeded at the property during the earthworks stage in the construction process, however no significant night-time effects were identified. In relation to vibration, the Applicant confirmed [REP2-030] that structures piling would be undertaken in excess of 300m to the west and east of the property. As a result, being more than the 100m away, the level of vibration would be negligible.

Operational Effects

- 5.12.59. With regards to operational effects, for ease of reference and understanding, this part has been considered on a locational basis.

Boreham

- 5.12.60. In relation to the Applicant's proposed mitigation, we sought justification and further explanation [PD-008a] as to their proposed mitigation measures at Boreham, in particular why only the southbound side of the existing A12 between J19 and existing J20a is to be surfaced with enhanced noise reducing surface. We also sought further explanation [PD-008a] as to why other mitigation measures, such as noise barriers were not deliverable alongside the A12 to further mitigate the impact upon Boreham.
- 5.12.61. In its LIR [REP2-106] CCC expressed a wish for both sides of the A12 between J19 and J20a to be surfaced with a better noise reducing surface, along with further consideration given to the introduction of a noise / air quality barrier along the A12 roadside frontage. CCC considered it to be premature to discount the environmental effects of introducing a noise barrier along the A12 roadside frontage. CCC considered that mitigation should be provided for the 28 dwellings along Main Road.
- 5.12.62. Similar submissions were made in the majority of the RRs received from Boreham residents. The matter was also the subject of further discussions at ISH1.
- 5.12.63. In response to operational noise within Boreham, the Applicant identified that the predicted increase in noise [APP-079] was due to a modelled increase in traffic along Main Road, not from increased traffic using the Proposed Development [REP2-025]. The Applicant confirmed [REP1-002] that a reduction in speed limit along Main Road would mitigate some of the effects. The predicted increases in noise reported along Main Road [APP-079] are between 1 and 3 dB(A). Whilst the Applicant considered [REP1-002] that this increase would generally be considered as not noticeable, due to the proximity of some sensitive receptors to Main Road, the absolute noise level would be above SOAEL. As a result, these receptors were classed as experiencing a likely significant adverse effect [APP-079]. The Applicant confirmed [REP1-002] that there were 28 such receptors within Boreham, however the Applicant considered that [REP1-002] the character of this noise will not change and neither would its location. The Applicant did not consider [REP1-002] that this small increase in noise would lead to any change in sleep disturbance.
- 5.12.64. In response to the comments relating to the lack of provision of enhanced low noise surfacing on both sides of the carriageway between J19 and J21, the Applicant

confirmed that its first approach towards mitigation in Boreham was to consider surfacing first [REP3-012]. The Applicant initially assessed the re-surfacing of just one carriageway and this was found to be sufficient to remove the significant adverse effects. As a result, given that this was predicted to reduce the noise level to the level it would be without the Proposed Development, the Applicant confirmed [REP3-012] that this option was therefore taken forward. Whilst the Applicant accepted that the provision of the enhanced low noise surface on both carriageways would deliver further reductions in noise, its provision on both carriageways would provide only a minor benefit compared with the identified mitigation. The Applicant considered [REP3-012] that the Proposed Development would therefore meet the first aim of paragraph 5.195 of the NPSNN by avoiding significant adverse impacts on health and quality of life from noise as a result of the new development.

- 5.12.65. In relation to the potential for the insertion of a noise barrier along the A12 at Boreham, the Applicant confirmed [REP2-025] that this was considered, however as the enhanced low noise surface had delivered the necessary mitigation, it was considered not to be required. In any event, the Applicant submitted [REP2-025] that a noise barrier would potentially have landscape impacts as to deliver the optimum mitigation it would necessitate the removal of existing trees and landscaping. Furthermore, whilst the Applicant acknowledged [REP2-025], that a 3m-4m barrier option would deliver better acoustic screening for locations close to the barrier, these would diminish further away from the it, unlike the enhanced noise surface which addresses the matter at source.

Messing and Inworth

- 5.12.66. In its LIR, CoCC [REP2-045a] commented that if traffic mitigation could be introduced to benefit the roads impacted by J24, as outlined in Section 7.3 of the J24 Inworth Road and Community Bypass Technical Report [APP-095], receptors around Messing that are predicted to experience a significant adverse effect would be removed, although around 10 added to Tiptree and two in Inworth, resulting in a reduction of approximately 60. This was CoCC's preferred option and asked the Applicant to investigate further.
- 5.12.67. At ISH2, MIAG highlighted that of the total of 123 adverse effects predicted by the Proposed Development, 71 were in Messing and 4 were in Inworth demonstrating the devastating impact the Proposed Development would have upon the Villages. In their view, the most appropriate mitigation for these villages, the adoption of the alternative route, had not been pursued. The PC estimated that 66% of total adverse noise effects would be avoided if the alternative option put forward by the Action Group was adopted.
- 5.12.68. Mr Andrew Watson [RR-075] raised a concern in relation to the impact of traffic noise and vibration upon his property, which is a Grade II listed, timber framed cottage. Due to its nature, it is considered to be particularly susceptible to disturbances caused by traffic noise and vibration, due to its lack of modern insulation and glazing. This would increase due to a predicted increase in the number of HGVs using the road, it being the preferred route for accessing J24. As part of our ASI, the ExA visited this property [OD-002].
- 5.12.69. In relation to noise impacts within Messing, the Applicant confirmed [REP3-012] that 71 dwellings and three other sensitive receptors (All Saints Church, Messing Village Hall and Brook Farm on Kelvedon Road) along the route from Inworth Road to the B1022 are predicted to experience a significant adverse effect. This was as result [REP3-012] of a moderate (3–5dB(A)) increase in noise at 16 dwellings and a major

(+5dB(A)) increase at 55 dwellings, which was caused by an increase in traffic volume along this route. The daytime absolute noise level at those dwellings closest to Kelvedon Road/The Street would be between 58 and 62dB(A), which is below the SOAEL [APP-079]. The acoustic character and context of the noise is not expected to change with the Proposed Development, as the noise would still be from road traffic on the same façade of a sensitive receptor as existing.

- 5.12.70. The Applicant confirmed [REP3-020] that it had assessed potential mitigation, but due to the low speeds of the vehicles, a low noise surface would not be effective. Neither would the installation of noise barriers as this would potentially block visibility and access [REP3-020]. As a consequence, the Applicant was not proposing any mitigation.
- 5.12.71. The Applicant identified [REP1-002] that there were 4 dwellings along the B1023 where the absolute noise level would be just above the SOAEL and would result in a significant adverse effect, caused by increased in traffic on the B1023. For reasons similar to those in Messing, mitigation was not possible. The Applicant highlighted [REP1-002] that, with the re-surfacing of the concrete part of the existing A12 with an improved surface, seven dwellings within Inworth would experience a significant beneficial effect.
- 5.12.72. In response to Mr Watson, the Applicant confirmed [REP1-002] that an increase in HGVs was predicted to occur. However, potential impacts from vibration during operation are unlikely to arise and this has been scoped out of the assessment [APP-079]. In the Applicant's view [REP1-002], the overall level of vibration generated by a single passing vehicle should not change with the proposed development, as it should not introduce vehicles that do not currently use Inworth Road. However, the Applicant acknowledged [REP1-002] that due to the predicted increase in traffic along the B1023, including HGV's, there is likely to be more instances of vehicles passing that generate noticeable levels of vibration.

Hatfield Peverel, Witham, Rivenhall End and Kelvedon

- 5.12.73. At locations in Hatfield Peverel, the Applicant confirmed [REP1-002] that due to the use of the enhanced noise surfacing, a significant beneficial effect was predicted.
- 5.12.74. The Applicant confirmed [REP1-002], that within Witham a significant beneficial effect at 49 dwellings was predicted, along with a general reduction in noise throughout the area. This was due to the use of a low noise surface and acoustic mitigation, in the form of noise barriers.
- 5.12.75. At Rivenhall, the Applicant identified [REP1-002] a significant beneficial effect at 76 dwellings and three other sensitive receptors. This was due [REP1-002] to the realignment of the A12, along with the provision of a surface with enhanced noise reducing properties and a high noise barrier. As a result, no significant adverse effects were predicted within Rivenhall End.

Columbine Cottage

- 5.12.76. Mr and Mrs Lindsay of Columbine Cottage, made a number of submissions during the Examination [RR-194, RR-195, REP1-046] in relation to the effects of the Proposed Development, once operational, upon their home. The ExA visited the property as part of our ASI [OD-002]. Their concern related to potential increased noise from the A12 once widened and requested that sections in proximity to their home should be surfaced with a low noise surface with enhanced noise reducing properties.

- 5.12.77. In response [REP2-030], the Applicant confirmed that on the nearby sections, the existing concrete surface of A12 was proposed to be replaced by a conventional low- noise surface, which would provide a reduction in noise of just under 4 dB(A). Based on the assessment criteria, the Applicant confirmed [REP2-030] that this would represent a significant beneficial effect and as such, there was no justification to use a higher specification material.

Fishing Lakes

- 5.12.78. Mr and Mrs Bibbey [RR-039] expressed concern about the impact upon their fishing lakes business from a reduction in the height of an existing bund, which had originally been created to reduce noise from the A12. The ExA viewed this aspect as part of ASI.
- 5.12.79. In response [REP1-002], the Applicant confirmed that the bund needed to be reduced to enable widening work to take place. However, at this location, it was proposed to re-surface the A12 with a surface with enhanced noise reducing properties and, as a result, the predicted increase in noise in this area is between 1 and 3 dB(A). In the view of the Applicant [REP1-002] this is considered to be not noticeable or significant.

Braxted Road

- 5.12.80. MDC expressed [REP2-067] disappointment that there are four dwellings within their area on Braxted Road that would suffer from significant adverse effects despite embedded, standard and additional mitigation being considered.
- 5.12.81. The Applicant acknowledged [REP3-016] that there is predicted to be significant adverse effects and that is due to a predicted increase in noise of over 3dB(A) due to an increase in traffic flow on Braxted Road. However, the daytime absolute noise level at these dwellings would be between 60 and 64dB(A), which is below the SOAEL. Mitigation was not possible [REP3-020] as a low noise surface would not be effective due to low vehicle speeds and noise barriers would potentially block visibility and access.

Wishingwell Farm

- 5.12.82. Mr Roger Wacey at ISH2 [REP3-078] highlighted that his property would be 22m away from the realigned section of the Proposed Development, it currently lies 530m away. Mr Wacey expressed concern over the accuracy of the predicted noise levels, considering that they would be much higher than those put forward by the Applicant. He also referred to a recording studio which a member of his family runs from the property. Mr Wacey expressed concern that bringing the road, and its associated noise, closer to his property would have an unacceptable impact upon his family's health and the continued operation of the business.
- 5.12.83. In response [REP3-012], the Applicant confirmed that measures to remove the likely significant adverse effect had been applied in the form of a noise barrier, along with the use of a surface with enhanced noise reducing properties. Despite the adoption of these mitigation measures, there would still be a major increase in noise both at the dwelling and one other sensitive receptor (the Recording Studio). Whilst the daytime absolute noise level at Wishingwell Farm would be around 61dB(A), which is below the SOAEL, the increase would still result in a significant adverse effect. The Applicant confirmed [REP3-012] that no further mitigation measures were considered feasible in this location.

Operational Monitoring

- 5.12.84. We questioned [\[PD-008a\]](#) the lack of operational noise monitoring and sought further explanation for its exclusion. This matter was also the subject of discussions at ISH1 and also ISH2 in relation to the Applicant's proposed Requirements as part of the dDCO.
- 5.12.85. In response, the Applicant confirmed [\[REP2-025\]](#) that whilst they proposed measures to mitigate noise effects, no monitoring to measure the effectiveness of the proposed mitigation measures was proposed. The Applicant submitted [\[REP2-025\]](#) that noise monitoring cannot provide a reliable gauge as to whether the predicted magnitude and extent of operational adverse impacts are greater or lesser than those predicted in the assessment. Instead, the Applicant considered [\[REP2-025\]](#) that there is a reliance within DMRB LA 111 on ensuring that the installed mitigation measures meet the correct specifications.
- 5.12.86. At ISH1 [\[EV-017\]](#), the Applicant explained that their assessment [\[APP-079\]](#) is based on calculated road noise levels because monitoring based on ambient noise levels on the ground is impacted by many factors, with environmental noise varying on an hourly, daily and seasonal basis, with any measurement only representing a snapshot of the noise environment. Therefore, in order to arrive at monitoring figures that can be relied on, measurement over very long periods of time would be needed to obtain reliable data. It is for this reason the Applicant submitted that section 4.2 of DMRB LA 111 says operational noise monitoring is not necessary.
- 5.12.87. The preferred approach of the Applicant [\[REP2-025\]](#) to check that mitigation measures will perform is best done prior to their installation against performance specification to identify any defects. The product performance specification of operational mitigation measures would be confirmed at the detailed design stage to ensure that the chosen product used meets the performance assumed in the noise assessment.

ExA Considerations

Overall Approach

- 5.12.88. We have had regard to the policies set out in the NPSNN in our consideration of the approach taken by the Applicant towards the assessment of the impacts of the Proposed Development in relation to noise and vibration. We have also had consideration to relevant sections of the NPSE, the NPPF and the Planning Practice Guidance (PPG) as required by paragraph 5.193 of the NPSNN.
- 5.12.89. In relation to noise, the ExA find no evidence to doubt that the consideration of baseline conditions, the identified study area, baseline surveys, noise models, identification of receptors or assessment methodology is not appropriate for the purposes of the assessment. None of the statutory bodies raised any issues with the Applicant's approach. On this basis, the ExA is satisfied with the Applicant's approach and methodology for the assessment of noise and vibration.

Construction

- 5.12.90. Whilst the exact details have yet to be finalised, from the evidence, the ExA is satisfied that the consideration of construction duration in the assessment is consistent with relevant codes of practice and relevant guidance. Based on the Applicant's assumptions, we are content that reasonable worst-case noise and vibration effects during the construction phase have been identified.

- 5.12.91. The ExA finds that, given the size, scale and linear nature of the Proposed Development, construction activity will cause some disturbance to surrounding residents. In terms of working hours, whilst limiting them may keep this disturbance to certain times of the day, this has a potential consequential effect of increasing the overall duration of the construction activities, thereby prolonging the effects. In this instance, the ExA is satisfied that the Applicant has found the correct balance between delivery and minimising the potential for significant effects. We welcome the inclusion of commitments to consult on and notify effected parties where works are required outside of the proposed hours.
- 5.12.92. In respect of night-time works and associated closures, the ExA acknowledges the complexity of the Proposed Development, along with the need to balance its construction with the need to protect the safety of road users. We agree with the Applicant that the most efficient way to achieve this is through the use of night-time closures to create a safe working environment. We are content with the agreements reached between the Applicant and the relevant LAs to manage and mitigate these works, including the measures secured for notification and, where necessary, prior approval. We are satisfied that Action G1 within the EMP [\[REP7-015\]](#) is sufficient to deliver this.
- 5.12.93. With regards to the comments received from IPs, in particular residents of Columbine Cottage and Wishingwell Farm, the ExA agree that the proximity of the construction activity is likely to give rise to an element of noise and disturbance, albeit for a temporary period. As part of our ASI, we observed the proposed relationship of Columbine Cottage with the Proposed Development.
- 5.12.94. The commitments made by the Applicant during the course of the Examination to minimise the impact upon Columbine Cottage are welcomed [\[REP7-017\]](#). In this respect however, the ExA note that before this change, the Applicant's assessment does not predict a significant effect on these properties [\[APP-079\]](#). These commitments should therefore help to reduce any disturbance further. On this basis, we are therefore satisfied that the noise and disturbance from construction activity in proximity to Columbyne Cottage would be adequately managed so as not to adversely affect the living conditions of residents.
- 5.12.95. In relation to Wishingwell Farm, whilst the Applicant identifies that no significant night-time effects would occur, there would be daytime effects from construction activities, which would be above SOAEL. The ExA notes the duration of these works and their temporary nature, however we find that the construction effects would be significant. These effects weigh negatively against the making of the Order, although given their temporary duration, they are attributed limited weight.
- 5.12.96. With regards to other receptors, the ES identifies that significant effects would occur, without mitigation at those closest to the construction works. However, with the use of acoustic barriers and noise monitoring at these locations, these effects would be reduced. We are satisfied that appropriate mechanisms, through the EMP [\[REP7-015\]](#), in particular NV1 of the REAC, to be delivered through Requirement 3 of the dDCO, are in place to ensure the delivery of this mitigation. As a result, we are content that, the Applicant is proposing adequate mitigation to minimise the effect of construction noise on these properties.

Operational

Boreham

- 5.12.97. We note the Applicant's assessment and overall conclusions in relation to noise impact upon Boreham. We agree that the introduction of mitigation, in the form of an enhanced low noise surface on the southern carriageway, would mitigate significant effects from the Proposed Development.
- 5.12.98. The ExA agrees that the 28 receptors which would experience significant effects, are as a result of additional traffic on Main Road. We accept the Applicant's position in relation to existing noise and the fact that the noise source, location and type would remain as existing, with only the level of noise increasing. We agree with the Applicant that a reduction in speed limits along Main Road would help to mitigate these effects, however we conclude that it would not be possible to remove these significant effects in their entirety, as other forms of mitigation would be ineffective.
- 5.12.99. We accept the submission of the Applicant in relation to the difficulty in providing a noise barrier between J19 and existing J20a, and consider that the mitigation of noise at source, via appropriate surfacing, represents the best solution. We are satisfied that the provision of an enhanced noise reduction surface along the southern side of this section of the Proposed Development would deliver the necessary mitigation. That said, the ExA considers that the exclusion of such treatment along the northern carriageway is a missed opportunity to deliver further benefits. We do however recognise the submissions of the Applicant and agree that, whilst the provision of an enhanced surface on the northern carriage would be a nice to have, on the basis of the conclusions of the assessment, there is no justification for its inclusion within the Proposed Development. Neither would the provision of either of these measures remove the residual significant effects identified within Boreham.
- 5.12.100. Overall, the ExA concludes that the significant effects identified within Boreham weigh against the Proposed Development.

Messing and Inworth

- 5.12.101. The ExA agrees with MIAG in relation to the impact of traffic related noise within Messing, in terms of the proportion of the receptors that would be impacted. For the reasons identified by the Applicant, and following our ASI [\[OD-002\]](#), we consider that mitigation measures are not deliverable in either location. As a result, we consider that the Proposed Development would give rise to significant noise effects both within Messing and Inworth.
- 5.12.102. The ExA note that there would be some properties that would benefit from a reduction in noise levels, however these are not considered to outweigh the harm we have identified.
- 5.12.103. During the Examination, the Applicant agreed to the inclusion within the dDCO of a number of measures aimed at discouraging traffic through Messing. It is therefore conceivable that, with these measures in place, traffic noise within Messing could potentially decrease from that predicted. However, no evidence was presented to the Examination to support this case or explain how these measures would impact upon traffic noise, therefore, the ExA concludes that traffic and associated traffic noise would be as modelled by the Applicant. In this respect, a significant adverse effect is expected, which weighs negatively against the making of the Order.

Other locations

- 5.12.104. With regards to operational noise at other locations, such as Hatfield Peverel, Witham, Rivenhall End and Kelvedon, we are satisfied that, with the identified mitigation, no significant effects would occur. The ExA comes to a similar view on the effect of the Proposed Development upon the fishing lakes, that with mitigation, the reduction in height of the bund would have no significant adverse effect.
- 5.12.105. In relation to Columbine Cottage, the ExA accepts the Applicant's position and is content that, due to the resurfacing of the concrete surface with a low noise surface, operational noise at Columbine Cottage would be reduced and would not cause adverse effects on health and quality of life at the receptor.
- 5.12.106. With regards to the Braxted Road, we find that a significant adverse effect is expected, although the noise levels are predicted to be below SOAEL [APP-079]. We find that, for the reasons identified by the Applicant, these effects cannot be mitigated. As such, we find that this weighs against the making of the Order.
- 5.12.107. We find that Proposed Development would have a significant effect upon the property of Mr Wacey, along with the business that is run from the same site. In this respect, even with the provision of low-noise surfacing and a barrier, a significant adverse effect is expected, although the noise levels are predicted to be below SOAEL [APP-079]. This weighs against the making of the Order.

Monitoring

- 5.12.108. The ExA have considered the Applicant's confirmation and related commitment in the First Iteration EMP that all mitigation measures would be delivered to required design standards subject to the approval by the SoS. According to the Applicant, this would ensure their effectiveness and compliance with associated design standards and being retained thereafter. On this basis, the ExA is satisfied that no associated operational noise monitoring at specific receptor points would be necessary.
- 5.12.109. In drawing this conclusion, the ExA also notes the evidence provided by the Applicant about other made DCOs for highway projects where this approach to operational noise mitigation from road traffic has been accepted.
- 5.12.110. The ExA is satisfied that the mitigation measures and approach described above are secured in the First Iteration EMP [REP7-015] and in the dDCO.

Conclusions

- 5.12.111. Based on the above, we are satisfied that appropriate consideration has been given to relevant policy for the Proposed Development and that, subject to the provisions of the rDCO (Appendix D), the likely significant effects have been identified in respect to noise and vibration.
- 5.12.112. We find that the significant beneficial reductions in operational traffic noise at 806 dwellings and 18 other sensitive receptors, as a result of improved mitigation and re-alignment of the existing A12 brought about by the Proposed Development, weigh positively in favour of the DCO being made.
- 5.12.113. We find that the following effects weigh negatively against the DCO being made:

- adverse noise effects at a number of locations due to construction works, along with increased traffic due to works and night-time closures; and
- adverse noise effects at 116 dwellings and four other receptors during the operational phase.

- 5.12.114. Those effects, which NSPNN paragraph 5.195 notes as grounds for development consent not to be granted are taken forward into the consideration of the case for making the DCO in Chapter 7.
- 5.12.115. In our view, appropriate mitigation has been secured in the rDCO (Appendix D) and through the EMP [REP4-022] and REAC [REP7-015] to ensure delivery of the mitigation measures, as required by paragraphs 5.196 and 5.197 of the NPSNN. Noting comments made during the Examination, we are also satisfied that the appropriate options for mitigation, during both construction and operation have been considered and that the secured mitigation measures are proportionate and reasonable, consistent with paragraph 5.198 of the NPSNN.
- 5.12.116. In summary, the ExA are satisfied that opportunities to minimise and mitigate noise and vibration levels have been identified through the Proposed Development. As a result, there would be a number of receptors that would experience positive benefits. However, there would still be a number of receptors that would experience adverse effects, where mitigation cannot be provided.
- 5.12.117. Taking all the matters reported above into account, the ExA attributes negative weight against making the Order to noise and vibration. Given the benefits in respect of improvements to the noise environment that would also be delivered, this harm has been afforded limited weight in the planning balance.

5.13. POPULATION AND HUMAN HEALTH

Introduction

- 5.13.1. This section deals with the effects of the Proposed Development upon human health. The consideration of effects on human health should be read in conjunction with Section 5.3 on Air Quality and Section 5.12 on Noise and Vibration. The need for the development is dealt with in Section 5.2.

Policy and Legal Context

NPSNN

- 5.13.2. The NPSNN promotes the delivery of environmental and social benefits as part of new schemes and requires any adverse impacts to be mitigated in line with the principles set out in the NPSNN (paragraph 3.3). Paragraph 4.79 advises that schemes have the potential to affect the health, wellbeing and quality of life of the population. Direct impacts on health can arise because of traffic, noise, vibration, air quality and emissions, light pollution, community severance, dust, odour, polluting water, hazardous waste and pests.
- 5.13.3. Paragraph 4.80 states that new or enhanced national network infrastructure may also have indirect health impacts. This could be via access to key public services, local transport, opportunities for cycling and walking or the use of open space for recreation and physical activity.
- 5.13.4. Where the proposal would have likely significant environmental impacts affecting human health, Paragraph 4.81 requires applicants to assess any likely significant

adverse health impacts. Paragraph 4.82, requires measures to avoid, reduce or compensate for adverse health impacts, including cumulative impacts to be identified.

Draft NPSNN

5.13.5. The policy requirements of draft NPSNN at the close of the Examination in respect of health was largely consistent with those policy requirements of the extant NPSNN. However, relevant additions/amendments include the following:

- enhancement opportunities should be identified by promoting local improvements for active travel and horse riders driven by the principles of good design to create safe and attractive routes to encourage health and wellbeing; this includes potential impacts on vulnerable groups within society, i.e. those groups within society which may be differentially impacted by a development compared to wider society as a whole (paragraph 4.71).

The Application

5.13.6. The relevant parts of the application include:

- ES Chapter 13, Population and Human Health [[APP-080](#)];
- ES Figure 13.1 Population and Health Context [[APP-236](#)];
- ES Figure 13.2 Land Use and Accessibility Impacts [[APP-237](#)];
- ES Figure 13.3 Human Health Baseline and Impacts [[REP6-049](#)];
- ES Appendix 13.1 Human Health Literature Review and Evidence [[APP-153](#)];
- ES Appendix 13.2 Stakeholder Engagement and Scoping for Human Health [[APP-154](#)];
- ES Appendix 13.3 Land Use and Accessibility Assessment Table [[APP-155](#)];
- ES Appendix 13.4 Mental Wellbeing Impact Assessment [[APP-156](#)]; and
- ES Appendix 13.5 Legislative and Policy Framework for Population and Human Health [[APP-157](#)].

Overall Approach

5.13.7. In terms of defining human health, the assessment adopts [[APP-080](#)] the WHO definition of health which is *'a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity'*.

5.13.8. The Applicant confirmed [[APP-080](#)] that the approach to the assessment on human health had been undertaken in accordance with DMRB LA 112 Population and Human Health, along with those produced by Institute of Environmental Management and Assessment (IEMA) and the International Association of Impact Assessment and European Public Health Association (2020).

5.13.9. The study area for human health is shown on Figures 13.1 and 13.3 [[APP-153](#) and [APP-155](#)] and comprised:

- the study area for operational effects on air quality, plus a buffer of 200m from the edge of the carriageway;
- the study area for the operational effects on noise, which was defined as the area within 600m of new road links or road links physically changed or bypassed by the Proposed Development;
- the study area for noise associated with the strategic diversion route which commences at J19 and follows the A130 and A131 to Braintree, followed by the A120 to J25; and
- the land within the OL, together with a 500m buffer.

5.13.10. In relation to human health, the assessment considered:

- health profiles of affected communities;
- health determinants (including access to healthcare, community, recreation and education facilities, access to green and open space, existing and predicted levels of air and noise pollution, landscape amenity, sources and pathways of potential pollution (such as land and water contamination) and safety); and
- likely health outcomes.

5.13.11. The Applicant's assessment [[APP-080](#)] identifies that potential impacts to human health during construction may arise from:

- anxiety and wellbeing effects from exposure to sustained construction activity affecting noise, vibration, air quality, light pollution and visual amenity;
- reduced accessibility to facilities and open space;
- community severance and social networks caused by loss of access along existing routes, in particular at locations such as at Hatfield Peverel and Rivenhall End;
- reduced access to facilities, services, employment, education and skills;
- disruption in access to active travel routes; and
- increased risk of road traffic collision due to traffic diversions and construction activities.

Potential Operational Effects

5.13.12. Potential impacts for human health during operation include:

- traffic noise;
- changes to air quality;
- changes in access to facilities and open space;
- community severance;
- psychosocial effects from concerns about changes in the environment;
- stress, anxiety and wellbeing effects from changes to landscape amenity;
- disturbance from increased light pollution;
- secondary impacts from consequential developments;
- reduced accident rates and severity; and
- increased accessibility to key employment locations, with potential for improved employment opportunities and increased accessibility generally.

Design, Mitigation and Enhancement Measures

5.13.13. Measures to mitigate or reduce adverse effects during construction include:

- appointment of a Community Liaison Manager to address local concerns during the construction phase;
- implementation of a Construction Traffic Management Plan (CTMP);
- adoption of best practice methods to control dust from construction activities;
- retention and protection of existing trees and vegetation where possible, along with implementation of a Landscape and Ecology Management Plan;
- measures to minimise light spill towards sensitive receptors during construction;
- pollution control measures to minimise potential effects to ground conditions; and
- implementation of relevant noise mitigation and monitoring of construction activities.

Residual Effects

- 5.13.14. During the construction stage, the residual effects [\[APP-080\]](#) are identified as follows:
- significant night-time and daytime noise affecting some residents in Hatfield Peverel, near Witham bypass, Rivenhall End, Easthorpe, Marks Tey and the 266 receptors associated with the planned A12 diversion route, resulting in potential reduced mental wellbeing and sleep disturbance; and
 - disruption of east-west shared-use cycle track during construction with the potential risk of discouraging existing commuters from undertaking active travel journeys during the construction phase, resulting in potential health issues and reduced mental wellbeing.
- 5.13.15. During the operational stage, the residual effects [\[APP-080\]](#) are identified as follows:
- a negative, significant effect from noise causing potential sleep disturbance; and
 - access to greenspace (physical and visual) – combination of loss of vegetation, visual intrusion and effects on landscape character and tranquillity, as well as improvements to physical access to the countryside and outdoor recreation.
- 5.13.16. The Case for the Scheme [\[APP-249\]](#) is also relevant to this section and worth noting here. It concludes that:
- The A12 experiences congestion and is currently operating at over capacity, leading to longer and unreliable journey times.
 - Further population in Chelmsford and Colchester and the immediate local area around the A12 will exacerbate this.
 - Safety on the road is currently compromised with a high accident rate.
 - Improving this section of the A12 offers a solution to the above issues and, further, would unlock economic growth and development in the area which is considered essential at a regional level.

Planning Issues

- 5.13.17. We sought clarification [\[PD-008a\]](#) in relation to overall loss of land and property and how those properties to be acquired prior to construction would be made re-available upon completion of the Proposed Development. We also sought further details from the Applicant [\[PD-008a\]](#) to support the submission that the design of the Proposed Development had limited land take where practicable.
- 5.13.18. In response [\[REP2-025\]](#), the Applicant confirmed that, whilst some owners had chosen to be temporarily re-housed for the duration of the works, other properties would be bought permanently. For the latter, through the Applicant's estates department, these properties would be brought back to the market upon completion of the Proposed Development.
- 5.13.19. We questioned the Applicant in relation to their proposed mitigation measures [\[PD-008a\]](#), and how they would be delivered. The Applicant confirmed [\[REP2-025\]](#) that these measures would be for the Principal Contractor to deliver prior to construction. The overall detail of the measures would be prescribed through the REAC [\[REP7-015\]](#), which forms part of the EMP.
- 5.13.20. With specific regards to construction measures in Hatfield Peverel to accommodate the replacement of Station Road bridge, we questioned the Applicant [\[PD-008a\]](#) about the suitability of the proposed temporary access arrangements, in particular

the proposals to have restricted access through Hatfield Grove and Bury Farm Estates. We also sought confirmation that consultation with affected residents had been carried out prior to the submission of the application [PD-008a].

- 5.13.21. Hatfield Peverel Parish Council (HPPC) [RR-056] raised concerns about the diverted traffic through the Estates, during the six-month replacement of Station Road Bridge within Hatfield Peverel. HPPC were also concerned that the alternative routes for restricted vehicles were unsuitable for additional traffic due to its narrow nature, along with potential conflict with local farm traffic [RR-056].
- 5.13.22. The Applicant confirmed [REP2-025] that extensive consultation had taken place with residents of Hatfield Peverel and that engagement was on-going with stakeholders. The Applicant considered that the unrestricted route was viable as it would avoid obstructions. The Applicant proposed a suite of options, set out in the Outline Construction Traffic Management Plan (oCTMP) [REP6-054] to reduce the number of journeys on this diversion route.
- 5.13.23. In response to a submission from the UK Health Security Agency [RR-028], the Applicant [REP1-002] referred to continuing to work with them to agree a strategy and assessment to address their concerns with regards to the design of bridges and potential suicide risks. The ExA [PD-009] sought an update on the progress of these discussions.
- 5.13.24. In response [REP4-055], the Applicant identified that this was a matter which would be taken forward at detailed design stage, but discussions had taken place with key stakeholders to ensure that matters had been considered in the initial stages.
- 5.13.25. In their LIRs, ECC [REP2-055], CCC [REP2-106], CoCC [REP2-045a] and MDC [REP2-068] made submissions in relation to the effects of noise, air quality and construction works upon health of residents. BDC [REP2-041] raised concerns regarding the effects of construction on mental wellbeing and sleep disturbance for occupants of residential properties, including noise, air pollution and night-time light from construction, diversions, movements of construction vehicles and HGVs.
- 5.13.26. BDC in its LIR [REP2-041] raised a concern that the baseline information, used data that was over 10 years old and no longer accurately reflected the baseline population of the area. BDC considered that more recent census data, published in January 2023, should be used.
- 5.13.27. In response [REP3-020], the Applicant acknowledged the availability of more up to date data, but highlighted that the 2011 data was the latest data available at the time the assessment was undertaken. Overall, the Applicant did not consider [REP3-020] that the differences in ward populations would materially affect the assessment conclusions presented in the Population and Human Health chapter [APP-080] since the assessment relates to the likely scale of population exposure to impacts on land use, accessibility or other health determinants, rather than the overall population within the study area.
- 5.13.28. MIAG [REP1-048 and REP2-084] considered that the Proposed Development would result in severance in Inworth and considered that the appraisal and reasoning for the conclusion of no significant effects to be unsound.
- 5.13.29. In response [REP3-009] the Applicant confirmed that it had identified that there would be an increase in severance due to traffic and accepts that this is an issue of

local concern, however they did not consider it to be significant in terms of population health outcomes.

- 5.13.30. The wider issue of severance was also raised by other IPs [[RR-002](#), [RR-060](#) and [RR-086](#)] stating that there would be increased severance for people walking, seeking to access public transport or cycling, sending them on long detours or involving complicated and awkward crossings.
- 5.13.31. In response [[REP1-002](#)] the Applicant confirmed that bus routes within the Proposed Development would be agreed with local operators at the detailed design stage. The Applicant also highlighted that it was proposing a series of interventions to provide better pedestrian, cycling and horse riding (WCH) across the Proposed Development [[REP1-002](#)].
- 5.13.32. The impact of the Proposed Development upon their health was raised specifically by Mr Daniel Wilkins [[RR-090](#)] and Mr John Lindsay [[RR-103](#)]. Mr Mark East [[RR-212](#)] raised the issue of the impact on the health of residents in Hatfield Peverel, in particular from emission of NO₂, PM_{2.5} and PM₁₀.
- 5.13.33. Mr Andrew Watson [[RR-075](#)] made submissions in relation to the impact of additional traffic and consequential increased noise and worsening of air quality upon his property and the overall health of his family. MIAG raised similar concerns in relation to the residents of Messing [[REP1-048](#) and [REP2-084](#)], and also highlighted the impact of the additional traffic upon a specific local resident, who as a result of increased traffic through the village would, due to their disability, potentially become further isolated.

ExA Considerations

- 5.13.34. Detailed consideration of impacts arising from specific aspects, such as air quality, noise, ground, and water pollution, on human health are considered in relevant sections of this recommendation report.
- 5.13.35. We note that the Applicant's findings on human health matters were not disputed by UK Health Security Agency or the Environmental Health departments of the relevant LAs. As such, we find that the Proposed Development would comply with paragraphs 4.79 to 4.81 of the NPSNN.
- 5.13.36. We are satisfied that the findings of the ES are reasonable and that, where necessary, mitigation measures, which are proportionate to the adverse effects that would result from the Proposed Development, would be secured through the rDCO. We therefore find that appropriate consideration has been given to human health matters in accordance with NPSNN paragraphs 4.79 to 4.82.
- 5.13.37. The ExA considers that the Proposed Development would offer a solution to congestion and safety issues, which are otherwise likely to get worse. It would assist with unlocking economic growth and development in the area, delivering benefits at a local and regional level. These matters weigh in favour of the Proposed Development.
- 5.13.38. We find that the temporary arrangements to accommodate the replacement of the bridges within Hatfield Peverel would lead to a degree of separation within the Village. The ExA considers that this would have a negative effect upon the health of certain sections of the population. However, we are satisfied that these effects

would only be temporary and, with the mitigation proposed, the harm caused would be limited.

- 5.13.39. The ExA finds that there are likely to be a number of negative health impacts during the construction period. These include increased traffic congestion and driver frustration, additional noise and dust, and the effect of closures and diversions on WCH routes. The ExA considers that these effects would be experienced particularly by the communities situated closest to the Proposed Development. The ExA finds that these effects would however be short term and they could be mitigated through the Construction Environmental Management Plan (CEMP) and the other measures set out in the EMP and the REAC, which are secured through Requirement 3 of the dDCO.
- 5.13.40. The ExA considers that a positive human health outcome is anticipated to result from improvements in air quality on roads bypassed by the Proposed Development. The provision of new and enhanced WCH routes also has the potential to deliver health improvement opportunities.
- 5.13.41. We find, in Section 5.12, that there would be adverse noise effects at 116 dwellings and four other receptors during the operational phase. We find that there would be beneficial noise effects, with a positive human health outcome, to 806 dwellings and 18 other receptors.
- 5.13.42. We find that there would be adverse severance effects caused by an increase in traffic through a number of villages, however, we conclude that these would be localised in their nature and would not be significant.

Conclusion

- 5.13.43. We find that the following beneficial health effects weigh positively in favour of the DCO being made:
- local economy and human health outcomes from the creation of employment during the construction phase;
 - human health outcomes from improved journey times and enhanced highway safety;
 - human health outcomes from decreases in noise at 806 dwellings and 18 other receptors during the operational phase;
 - human health outcomes from improvements in air quality on roads bypassed by the Proposed Development; and
 - enhanced facilities for WCH providing a safer and more comforting environment and improving connectivity and social cohesion.
- 5.13.44. We find the following adverse effects weigh negatively against the DCO being made:
- temporary effects from severance in Hatfield Peverel to accommodate the replacement of bridges;
 - temporary health and social cohesion effects from disruption to traffic, the loss of access to community facilities, public open space, leisure facilities and PRowS, the influx of temporary workers to the area and from construction activities;
 - localised effects from severance as a result of additional traffic;
 - human health outcomes from increases in noise and adverse vibration effects at representative receptors during the construction phase; and from increases in noise at 116 dwellings and four other receptors during the operational phase;

- permanent effects on human health from harm to amenity, tranquillity and other effects on visual amenity and noise pollution in the area around the Proposed Development; and
- human health outcomes in relation to highway safety due to changes in traffic levels and lack of awareness of altered traffic patterns.

5.13.45. We consider that the human health impacts of the Proposed Development have been considered, minimised and mitigated as much as possible. Whilst there will be some positive effects, there are however a number of significant adverse effects, in particular in relation to the health effect of noise, along with effects upon visual amenity.

5.13.46. Consequently, the ExA conclude that this weighs negatively against the making of the Order and have attributed this harm limited negative weight in the overall planning balance.

5.14. SOCIO-ECONOMICS

Introduction

5.14.1. The Socio-economic effects of the Proposed Development were identified as a principal issue in the Rule 6 letter [\[PD-005\]](#). This Chapter reports on matters relating to such effects on individuals and communities, including direct jobs creation, and inter-related effects on community well-being.

5.14.2. In addition to the issues identified in the Rule 6 letter, this Chapter also considers the effects of the Proposed Development on the lives, homes, and businesses of local people within the assessment framework of NPSNN.

5.14.3. The overall need for the Development is considered within Chapter 5 of this Recommendation Report whilst the effects of the Proposed Development on individuals with an interest in land within the OL is covered in the CA Chapter of this Report.

Policy Context

NPSNN

5.14.4. The NPSNN identifies a need for development on the national networks to support national and local economic growth and regeneration, particularly in the most disadvantaged areas (paragraph 2.6). However, the Government recognises that for development of the road network to be sustainable, it needs to be designed to minimise social as well as environmental impacts and improve quality of life (paragraph 3.2). Applicants are therefore expected to avoid and mitigate social impacts.

5.14.5. Paragraphs 4.3 and 4.4 explains that the potential benefits of the Proposed Development including the facilitation of economic development, will be considered as part of the overall balance. It advises that environmental, safety, social and economic benefits and adverse impacts should be considered at national, regional, and local levels.

5.14.6. Paragraph 2.13 states that strategic roads provide a vital role in people's journeys and drives prosperity by supporting new and existing development, encouraging trade and attracting investment. Paragraph 2.16 advises that traffic congestion constrains the economy and impacts negatively on quality of life. It constrains

existing economic activity by increasing costs to businesses and damaging their competitiveness. Congestion also leads to a marked deterioration in the experience of road users.

- 5.14.7. Additional guidance is provided by the NPPF which requires significant weight to be afforded to the need “... *to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*” (paragraph 80).

Draft NPSNN

- 5.14.8. The policy requirements of draft NPSNN at the close of the Examination in respect of socio-economics was largely consistent with those policy requirements of the extant NPSNN. However, relevant additions/amendments include the following:
- the construction and operation of nationally significant infrastructure projects may have short or longer term economic and social impacts on local communities, businesses or services. The construction period for significant projects can be lengthy; however, this can generate employment through the construction period and benefit the local economy. Applicants should look to maximise local employment opportunities during construction and operational phases (paragraph 5.234); and
 - the Secretary of State should consider any relevant positive provisions the applicant has made, or is proposing to make, to mitigate impacts (for example, through planning obligations), and any legacy benefits that may arise. As well as any options for phasing development in relation to the socio-economic impacts (paragraph 5.242).

Applicant’s Approach

Environmental Statement

- 5.14.9. The case submitted by the Applicant relating to the effects on Socio-economic effects as reported in this Chapter is in the ES Chapters 6 and 7, Population and Health [\[APP-080\]](#), the Case for the Scheme [\[APP-249\]](#), Local Planning Policy Accordance Tables [\[APP-252\]](#), Mental Wellbeing Impact Assessment [\[APP-156\]](#), and Equality Impact Assessment [\[APP-270\]](#).
- 5.14.10. The Applicant outlined the overall purpose of the proposed A12 Chelmsford to A120 widening scheme in its Case for the Scheme [\[APP-249\]](#) as addressing longstanding issues of connectivity, congestion, reliability, and safety between Junctions 19 and 25. This 15-mile (24km) section currently experiences congestion at peak times and is vulnerable to collisions and traffic incidents which can cause significant disruption.
- 5.14.11. The Applicant identifies that the area is generally used for arable farming with pockets of other farming types. There are several large commercial plots (over 100ha in size) along the route. Smaller plots are located at either end of the study area and around the fringes of the towns and villages. The Applicant identified thirty agricultural landholdings which coincide with the OL and are therefore at risk of land take or direct impacts on access. The locations of agricultural landholdings are indicated on Figure 13.2 [\[APP-080\]](#). Particular concerns are the severance of agricultural units and access to and from them especially in busy traffic conditions.
- 5.14.12. There is currently significant population growth in Essex which has a projected increase of 13% between 2018 and 2043 and, at the same time, the area is experiencing employment growth with the major port developments at Felixstowe

and Harwich and the steady expansion at Stansted Airport. The Applicant contends at paragraph 2.3.8 of its Case for the Scheme [APP-249] that congestion on this section of the A12 will inhibit further business investment and limit the amount of housing which can be given planning permission. These various benefits were outlined again in the Applicant's Closing Statement [REP7-078] and are also referred to in Chapter 5 of this Report.

- 5.14.13. Further detail and statistics concerning the importance of the port of Felixstowe and Stansted Airport in the local economy is given at paragraphs 2.3.14 to 2.3.16 of the Applicant's Case for the Scheme [APP-249].
- 5.14.14. Several of the LAs along the route have recently adopted Local Plans. CCC adopted its Plan in May 2020; BDC adopted their Local Plan in July 2022 and Colchester Borough Council (CBC) also adopted their Plan in July 2022. MDC adopted its Local Plan in 2017. The LAs have all set out ambitious targets for housing and employment growth to be delivered over the relevant Plan periods. The Applicant submits that the Proposed Development will play an important part in facilitating this planned growth [APP-249].
- 5.14.15. The Applicant has been promoting the Proposed Development for some years and it was identified as a national priority in the National Infrastructure Delivery Plan (2016) and also within various subsequent plans. The Applicant set out an economic appraisal of the Proposed Development over its lifetime in the Case for the Scheme [APP-249]. This explains what are seen as the benefits of the Proposed Development both in user benefits and disbenefits, accident savings, monetised estimates of greenhouse gas differences, air quality and noise effects, indirect tax revenue based on fuel used, journey time reliability and wider economic impacts. These are set out in Table 5.1 of that document.
- 5.14.16. One of the main objectives of the Proposed Development is to address the problem of congestion, which causes slow and unreliable journeys and reduces economic efficiency. The largest predicted source of monetised benefits is due to travel time savings, as the predicted outcome of the scheme will relieve congestion that would otherwise worsen if the Proposed Development is not built.
- 5.14.17. It is anticipated that there will be journey time savings once the Proposed Development is open. These are repeated at paragraph 4.1.7 of the Closing Statement [REP7-078] and, as an example, are forecast as a reduction of over nine minutes in journey time towards Colchester in the evening peak with a similar though slightly smaller reduction if travelling towards Chelmsford in the morning peak. The Applicant has identified some smaller impacts on road users which have also been considered including disbenefits for road users as they experience some additional delays while the Proposed Development is being constructed; and disbenefits from the increases in vehicle operating costs, as vehicles on average would travel faster and further once the Proposed Development opens. These issues were repeated at paragraph 4 of the Applicant's Closing Statement [REP7-078].
- 5.14.18. In total, it is calculated by the Applicant that the economic efficiency benefits arising from the scheme are worth £434.8 million [paragraph 6.3.4; Case for Scheme APP-249] which is comprised of consumer users (commuting): £78.3 million; consumer users (other): £121.1 million and business users and providers: £235.5 million. The breakdown of economic benefits is repeated in the Closing Statement [REP7-078] which also emphasises the increase in tax revenues and productivity improvements

in the wider economy which are estimated as £253.9 million. This is partly a result of the creation of additional jobs and particularly during the construction phase.

- 5.14.19. The largest source of these productivity benefits is from increases in the clustering of disparate businesses (£216 million). This is due to the improvements in journey time that the Proposed Development provides between and within urban areas leading to an improvement in the productivity of jobs. There are also benefits from increasing the labour supply as some people decide to enter the workforce as travel costs fall. Other benefits include increase tax revenue (£29.1 million) and savings in safety (£13.1 million) but off-set by disbenefits from noise, air quality and increase in greenhouse gases which are calculated as £136.3 million.
- 5.14.20. The Applicant considered that the overall monetised benefits can be assessed to give an overall value of £775.4 million [paragraph 6.3.15, Case for Scheme: APP-249] when set against the Present Value of Cost calculation of £452.1 million which translates to around 1.70 return on each £1 of costs.

Existing Businesses

- 5.14.21. The Applicant recognised that certain businesses along the proposed route would be significantly affected by the proposal [paragraph 8.13.5: Case for Scheme: [APP-249](#)]. These included a civil engineering firm in Feering; Coleman's Farm Quarry and aggregate business (Witham); a car boot sale; a recording studio at Wishingwell Farm; and impacts on the various businesses operating at Prested Hall. Representations were made from other businesses including Edmundson Electrical which are mentioned later in this Chapter.
- 5.14.22. The Applicant identifies that the area is generally used for arable farming with pockets of other farming types. There are several large commercial plots (over 100 hectares in size) along the route. Smaller plots are located at either end of the study area and around the fringes of the towns and villages. The Applicant identified 30 agricultural landholdings which coincide with the OL and are therefore at risk of land take or direct impacts on access. The locations of agricultural landholdings are indicated on Figure 13.2 [\[APP-080\]](#). Particular concerns are the severance of agricultural units and access to and from them especially in busy traffic conditions.
- 5.14.23. The Applicant recognises that there will be impacts on the community, businesses and individuals during the construction phase. From operation, potential impacts on employment land and businesses would arise from changes in accessibility related to changes in local road alignments and traffic conditions. To mitigate these impacts, the Applicant is proposing a series of measures set out at paragraph 13.9 Population and Human Health [\[APP-080\]](#) including the appointment of a Community Liaison Manager to address local concerns during the construction phase. Appropriate mechanisms to communicate with local residents would be set up to highlight potential periods of disruption through the construction phase. An ALO would be appointed prior to construction for ongoing engagement about practical matters with affected agricultural landowners, tenants and their agents. For residential properties, businesses, development land, community assets and agricultural landholdings where access would be directly affected during construction, an appropriate alternative temporary or permanent access would be provided where practicable. In a small number of cases where this may not be practicable, support would be provided for occupiers who may need to find alternative accommodation and the Compensation Code would apply.

- 5.14.24. During operation the Applicant also submitted [\[APP-080\]](#), that there are a greater number of dwellings that would experience a significant positive effect from a reduction in noise levels than those predicted to experience significant adverse effects. This has been achieved through route alignment and the adoption of mitigation measures including noise barriers and low noise surfacing. However, a negative effect on sleep disturbance is assessed as significant for some residents during operation.

Matters Raised at the Examination

Local Impact Reports

- 5.14.25. The comments from all of the host LPAs highlight the benefits of the Proposed Development and, in particular, with the employment generating opportunities. The relevant LIRs are:
- ECC [\[REP2-055\]](#)
 - BDC [\[REP2-041\]](#)
 - CCC [\[REP2-106\]](#)
 - CoCC [\[REP2-045a\]](#)
 - MDC [\[REP2-068\]](#)
- 5.14.26. As to specific references, ECC [\[REP2-055\]](#) in their LIR emphasised the opportunities that the Proposed Development would bring to the two local universities and concentrations of high skilled jobs.
- 5.14.27. BDC stressed the importance of employment opportunities [\[REP2-041\]](#) during the construction period. BDC noted that the Applicant expected 1,500 peak full time equivalent roles to be created during the 4-5 year construction period with 300 of these predicted to come from the local area. However, BDC did raise a caveat to their support as they did not know if the loss of agricultural land would result in a loss of employment.
- 5.14.28. CCC referred in their LIR [\[REP2-106\]](#) to the improvements already taking place around J19 as part of the Beaulieu development and the changes which are being made by and funded by the developer Countryside Zest. Construction is due to be completed by mid-2023. Overall CCC consider that the proposals would be beneficial to the growth of the Beaulieu development and the emerging Chelmsford Garden Community. They give this factor significant weight in reaching their decision to be in favour of the proposal.
- 5.14.29. As to CoCC, concerns were raised in their LIR [\[REP2-045a\]](#) as to the impact on the ability to access key health and education establishments. However, the A12 widening project is seen as a strategic improvement enabling both economic recovery and sustainability and also growth for the communities along its route and beyond. CoCC considered that the proposed improvements would improve transport connectivity for commuters and particularly for businesses ensuring that their supply chains can rely on this part of the logistical chain and that their employees can get to work at whatever time is required. CoCC felt that the current proposals were broadly positive but there was scope for improvement by connecting transport networks and installing high-capacity fibre broadband which could transform the socio-economic potential of these communities into the future.

Questions Raised and Submissions Made

- 5.14.30. The Statement of Reasons [APP-042] and the Case for the Scheme [APP-249] provided a breakdown of the monetised benefits of the scheme. The ExA asked [PD-008a] if there had been an update on these figures since the Application was lodged in August 2022. The Applicant confirmed in their replies to ExQ1 [REP2-025] in February 2023 that there had not been any.
- 5.14.31. The NFU represented several local family businesses and expressed concerns (as did some of the individual businesses) about the creation of island sites and difficulties in access both during construction and after when the scheme was in operation. The ExA noted this concern and raised a question as to the severance of various sites at ExQ1 [PD-008a].
- 5.14.32. The ExA noted that various emergency services [Ambulance: RR-076; Police, Fire and Ambulance at RR-037, Fire and Rescue [RR-066] and Police at RR-081] had concerns as to accessibility during the construction period. We raised the issue of the ability of emergency services to operate during the period of construction at ExQ1 [PD-008a] and this was also raised by the local NHS Integrated Care Boards [RR-065 and 069].
- 5.14.33. A number of submissions were received from the operators of a car boot sale business [RR-050-51-52] near J19 and Chelmsford. This was raised by the ExQ1 when we asked what mitigation could be put in place to protect the operation of this business [PD-008a]
- 5.14.34. The Brice family [RR-119] originally referred to the effect on their quarry and aggregates business in a variety of different ways. However, as significant landowners, there was considerable engagement with the Applicant throughout the Examination leading to a SoCG [REP7-023]. The impacts on the business are considered later in this Chapter in the Coleman's Farm Quarry section and other aspects in the CA chapter.
- 5.14.35. A number of submissions were made at each stage of the Examination by Edmundson Electrical [RR-030], [REP2-099], [REP5-054], [REP6-116], [REP7-073], [REP8-030] in connection with the impacts on their business. Whilst the issue is primarily covered in the CA Chapter, it was reported that there were a very significant number of traffic movements into the site which would be affected by the temporary access required to divert the gas main. This was calculated as being 25 lorries, 120 van and 38 car movements each weekday. The ExA asked at ExQ1 as to what steps were being proposed to minimise disruption to this business. The IP raised further concerns at DL7 but by the close of the Examination, this objection remained unresolved.
- 5.14.36. Mr Roger Wacey spoke at the OFH about what he saw as the significant effect that the noise and vibration of the construction works would have on the recording business at Wishing Well Farm and added to these comments at the RRs subsequently lodged [REP1-060 to REP1-063] which included references to the impact that the lighting used during construction would have on the recording business.
- 5.14.37. Representations were made on behalf of Prested Hall [RR-034 and RR-048] which has a number of connected businesses but primarily as a venue for weddings. They made submissions at the CAHs concerning the impact on the various businesses. The ExA visited the Hall whilst conducting their USI2 on 16 June 2023. The ExA

also asked about the impacts on this business in their ExQ2 [PD-009], especially as a further meeting was planned with the IP in March, and received a response in the reply to ExQ2 [Pages 36-38: REP4-055].

- 5.14.38. The ExA asked in ExQ1 [PD-008a] about the possibility of the scheme adversely affecting the development potential of land within the OL. This was addressed by the Applicant in its response [REP2-025] when it explained that it had undertaken a review of planning permissions, planning applications and development plan site allocations for sites within the OL and the immediate surrounding area. The impacts of the proposed scheme on existing and proposed development and associated mitigation measures is detailed in the Case for the Scheme Section 8.13 [APP-249] with the explanation that dialogue with the major landowners had been maintained and a route alignment as close as possible to the existing A12 was being proposed to minimise the impacts on land.
- 5.14.39. One of the sites visited during the ASI was the fisheries business at Little Braxted. The proposal involves the acquisition of a parcel of land running adjacent to the existing A12 with the proposed ownership boundary abutting to the fishing lake. This would in the view of the IP [RR-039] have a detrimental impact on their business as it could prevent anglers accessing the northern area of the lake to fish and cut off use of the car park which is currently available.
- 5.14.40. The operators of a number of petrol stations together with their ancillary functions along the existing route of the A12 had raised concerns as to the impact on their businesses. These included BP Oil [RR-006], Shell UK [RR-010], Euro Garages [RR-013]. The ExA questioned this at EXQ1 [PD-008a].

The Applicant's Response to Matters Raised

- 5.14.41. In response to queries raised by ECC concerning the social value benefits of the A12 scheme, the Applicant confirmed [REP7-027] that it would produce an Employment and Skills Plan prior to the commencement of construction that sets out measures it would implement in order to advertise and promote employment opportunities associated with the project in the local area. The commitment to produce this Plan is contained at PH13 of the REAC [REP7-015]. The REAC is included in Appendix A to the Environmental Management Plan [REP4-022] and is designed to help maximise positive gains for the local economy, including upskilling the construction workforce and supporting emerging modern green methods of construction within education settings, as well as jobs and skills retention in Essex. This Plan would be developed in conjunction with ECC and other local organisations.

Farming Businesses

- 5.14.42. As mentioned, the NFU had raised concerns [RR-024] about the creation of island sites and difficulties in access both during construction and after when the scheme was in operation. The Applicant explained [REP1-002] that four businesses had contacted the Applicant regarding the prohibition of slow-moving vehicles from the A12. The Applicant was approaching the issue by balancing the safety risk for all road users.

Emergency Services

- 5.14.43. The Applicant confirmed that it was currently in discussion with Essex Police with regards to drafting a SoCG, and a draft version was submitted at DL4. In addition,

an updated oCTMP was also submitted at Deadline. Discussions developed as to the possibility of a holding location for emergency vehicles generally.

Edmundson Electrical

- 5.14.44. The Applicant referred to the relevant Land Plan [Page 1/21: [AS-009](#)] and confirmed that further mitigation was included in the updated oCTMP [[REP6-055](#)]. In its initial response [[REP1-002](#)], the Applicant claimed that the OL had been designed not to encroach on any of the parking bays within the limits of the plot occupied by the business. The land was required solely for access and no construction vehicles would need to park or obstruct this area. The Applicant assessed that during peak works on the scheme only approximately 20 vehicles a day concerned with the construction plus occasional material and plant movements would use this access. The Applicant submitted in its reply [[REP6-089](#)] to ExQ3 an email from Cadent, dated 10 May 2023, in which Cadent confirmed that there was no possibility of construction vehicles being allowed over their site partly for health and safety reasons in view of the proximity of the gas main and partly since the service road on the site was never designed to take the weight of heavy vehicles.

Car Boot Sale

- 5.14.45. The Applicant committed to maintain access to the site as far as was practicably possible and they published further mitigation measures in the oCTMP [originally [APP-272](#) but updated at [REP4-034](#) and again at [REP6-055](#)].

Coleman's Farm Quarry

- 5.14.46. Notwithstanding the SoCG [[REP7-023](#)] certain issues remained outstanding including access to the adjoining farm owned by the IPs for agricultural vehicles during the construction period to ensure continuity of farming operations. The Applicant confirmed [[REP1-002](#) at page 806] that accesses are maintained during daytime operational hours where practicable and during construction, traffic would be kept on the Braxted Road until the new Braxted Road and overbridge is built. The construction phasing is being developed to maintain access to the Brice Family's land and to minimise impacts on business continuity. Measures were also being taken to protect the operation of the Brice Family's commercial shoot and also the various commercial business lettings currently in place as far as possible. [[REP8-010](#)].

Wishingwell Farm

- 5.14.47. The impact on the recording business at Wishingwell Farm was said by Mr Roger Wacey to be considerable. The Applicant replied to these concerns [[REP1-002](#)] but acknowledged the likely impacts on the dwelling and the recording studio at this location. Despite proposed mitigation measures, the Applicant accepted there would be a major increase in noise which would cause a significant adverse effect and no further mitigation was considered feasible in this location. As a result, discussions over this property and business have progressed with a blight claim from the owners being accepted by the Applicant and a building condition survey undertaken on 22 June 2023 [[REP8-015](#)]. This property will also be referred to in the CA chapter.

Prested Hall Businesses

- 5.14.48. The Applicant responded to the question raised at ExQ2 [Pages 36-38: [REP4-055](#)] when it confirmed that the in-person meeting at Prested Hall was held on 28 March 2023. The Applicant has been made aware of the constraints the Proposed Development may put on the business and confirmed that it is committed to working

with the IP in order to mitigate this wherever practicable. This included preparing a Construction Phase Communication Plan and allocating a stakeholder manager to ensure that any disruption to the business from construction traffic is minimised, fully communicated in advance and priority is given to the traffic from Prested Hall when the plant crossing is operational. Later in the Examination, it was reported [REP7-045] that a further meeting with the IP took place on 1 June 2023 which was attended by the District Valuer to address compensation issues for the various businesses although input would be required from property specialists in the leisure industry who would need to review the trading accounts. At the same meeting, the Applicant shared detailed phasing of the construction within the vicinity of Prested Hall and detailed mitigation measures to reduce impacts on the business. Additionally, the Applicant proposed to create a brochure of the detailed construction phasing which could be used as information to provide prospective customers of the business with reassurance concerning the timings of construction work. Furthermore, the Applicant has also agreed to reimbursing the costs for some further legal advice in this case which the IP considered necessary owing to the complexities of the case and the issues involved.

Fisheries Business

- 5.14.49. The Applicant has considered in detail [paragraph 2.16.4: REP4-055] various design changes to reduce the impact on the business but acknowledged that fishing from the northern bank would not be possible for several years during the construction works. It was accepted by the Applicant that lost profits because of this impact could well form part of a claim for disturbance compensation. The Applicant did not accept [REP4-055] that there will be an increase in operational noise nor an increased water pollution risk.

Existing Service Stations

- 5.14.50. Lynfield Properties is the owner of a service station affected and made a RR [AS-108] and further WRs during the Examination [REP1-036] and [REP5-039]. They had concerns over access to the Co-op supermarket trading on their land. They also had reservations as to the stopping up of the existing J21 and the effect on access. The ExA asked about this site at ExQ2. The Applicant attempted to reach agreement and provided details of HGV manoeuvres via a private means of access [REP3-049] and whilst the objection was maintained, a site meeting took place on 05 June 2023 between the Applicant and the IP and it was reported [REP7-045] that these discussions were ongoing with the Applicant developing the detailed design of the petrol station.
- 5.14.51. As far as the other existing service stations are concerned, the Applicant confirmed that access would be maintained as far as reasonably practicable but accepts that there would be situations such as full road closures where access may not be possible. The Applicant would communicate these as early as possible with the IPs.

ExA's Considerations

- 5.14.52. The ExA notes that the A12 widening scheme has been promoted and discussed over many years. The strategic importance of the A12 as an economic link in Essex and across the east of England is recognised as it provides the main south-west/north-east route through Essex and Suffolk, connecting Ipswich to London and to the M25. In addition, the A12 is an important commuter route between Chelmsford and Colchester, but current congestion often affects drivers' average speed during commuting times. Due to the limited suitable diversion routes, the ExA appreciates that the current A12 route is vulnerable to collisions and incidents,

which can cause significant disruption over a wide area. Overall, the scheme is welcomed by the LPAs, and we accept the economic case that has been submitted and note the planned significant employment growth due to the opportunities arising from the ports of Felixstowe and Harwich and Stansted Airport.

5.14.53. During the Examination, the Applicant has tried to maintain a continual dialogue with the affected businesses and progress has been made in agreeing alternative solutions which is welcomed by the ExA. In several cases, it was possible to agree alternative solutions to address issues.

5.14.54. The Applicant has set out the economic benefits of the scheme due to the employment opportunities and also the reduction in journey times together with greater journey reliability. The summary reached at paragraph 6.6, Case for the Scheme [APP-249] is that for each £1 spent on the proposed scheme there will be a £1.70 return to society in benefits). The assessment of the respective benefits and disbenefits have been considered earlier in this Chapter in paragraphs 9.14.17 to 9.14.19. The Applicant submits (and the ExA accepts) that the proposed scheme is considered to represent medium value for money.

Farming Businesses

5.14.55. Both within and adjoining the OL, there are a number of farming businesses which operate close to the Proposed Development. Whilst there maybe disruption during the period of construction, the Proposed Development will deliver improved junction arrangements which will allow more suitable and safer means of access. During the construction phase, this will be managed by the oCTMP [REP6-055] and the Applicant will appoint an ALO who will be able to support local businesses.

Fire and Rescue Service

5.14.56. As to the representations received from the various emergency services; there had clearly been a considerable amount of engagement with all these services which included the suggestion of a holding location for emergency vehicles generally and by the SoCG with the Police [REP7-035]. The Police also confirmed [REP8-026] that discussions concerning funding for a Traffic Management Officer post would continue. The ExA notes the SoCG [REP7-035] reached with Essex Police and the intention of reducing disruption to their operations.

Car Boot Sale

5.14.57. The updated oCTMP alleviates this concern and whilst the IP is not satisfied, this will resolve the impact during construction. Once the Proposed Development is operational, the ExA concludes that the mitigation in place is sufficient. Following completion, the improvements to J19 should allow easier access and certainly no deterioration in the present situation.

Coleman's Farm Quarry

5.14.58. Notwithstanding the SoCG, there are a number of issues still outstanding which will have to be resolved in the commercial negotiations between the parties. The business is therefore adequately protected. As to the impact on the business, in our view this has been mitigated as far as possible by the measures proposed and, in any event, will only be temporary during construction.

Edmundson Electrical

- 5.14.59. The Applicant has updated the oCTMP and considers that this meets the concerns of the IP concerning access. It seems there have been a number of meetings but it is difficult to understand why the Applicant has not been able to arrange a meeting with Cadent who will be undertaking the required work. There has been a period of some months when this could have been progressed but we take the view that the IP's concerns over the access can be resolved by the terms of the oCTMP since this sets out measures for managing traffic and access during the construction phase. The oCTMP is secured through Requirements 3 and 4 of the dDCO [[REP8-002](#)].

Wishingwell Farm

- 5.14.60. As explained above, the blight claim has been accepted and is being advanced. This would appear to resolve the issue since the Applicant has accepted that the business would suffer significant adverse effects during construction.

Prested Hall

- 5.14.61. The ExA viewed the site at some length during the USI2 [[EV-002a](#)] on 16 June 2023. The position with the business had been discussed previously at CAH2. The Applicant has endeavoured to reduce the impact on the businesses but accepts that some will remain, and that compensation will be payable. The ExA accepts that any disruption to the businesses which will only occur during the construction phase, can be resolved by compensation.

Fisheries Business

- 5.14.62. The Applicant acknowledges that there will be some impact on this business and the ExA were able to appreciate this from their visit to the site during the ASI [[EV-010](#)]. The Applicant has accepted some disruption will occur during construction, but it has attempted to design out these impacts as far as possible. However, the proximity of the business to the Proposed Development limits the possibility for such modifications.
- 5.14.63. We note that the Applicant has considered the possibility of further design changes including the height of the existing noise bund and also rerouting the haul road but has found the design constrained for safety reasons. The ExA accepts the arguments from the Applicant and also notes their acceptance that compensation may well be payable for loss of profits.

Existing Service Stations

- 5.14.64. As far as the businesses operated by Lynfield Properties are concerned, the Applicant has provided further detail enabling HGV vehicles to access the site.
- 5.14.65. There will undoubtedly be impacts during the construction period which will include additional delays from roadworks, noise and inconvenience. Difficulty with access will impact on some local businesses. However, the various mitigation measures introduced have reduced the impacts on the affected businesses during the construction phase as far as possible. Once the scheme is operational, then the outcome is that there will be an improvement on the existing access arrangements.

Conclusion

- 5.14.66. The Application highlights the current difficulties with the 15-mile section between Chelmsford and Colchester with longstanding issues of congestion, reliability and safety. When coupled with the planned significant employment growth due to the opportunities arising from the ports of Felixstowe and Harwich and Stansted Airport, the ExA, taking into account the embedded mitigation, concludes that the scheme will have beneficial consequences for the local economy and infrastructure and would therefore be in compliance with the NPSNN.
- 5.14.67. The ExA notes that the design of the Proposed Development has been evolving over some years and it has broad support from all the host LPAs. During the construction period we have found that there will be an impact on several local businesses as identified above, but they will continue to be able to operate. We therefore consider this harm to carry low weight.
- 5.14.68. Such harm to local businesses needs to be balanced against the economic benefits that would be delivered. The ExA accept that the Proposed Development will result in improved journey times and increased reliability and therefore would support economic development. We give these benefits substantial positive weight in favour of making the DCO.
- 5.14.69. On the basis of the submissions and responses, the ExA acknowledges that some harm would be caused to local businesses during the construction period, but this is outweighed by the strong economic case and the substantial economic benefits that would be delivered. Given the overall aims of the Proposed Development, this carries substantial positive weight in the planning balance.

5.15. TRAFFIC AND TRANSPORT

Introduction

- 5.15.1. This section considers the effects of the Proposed Development in relation to traffic and transport. This section also considers the Assessment of Scheme Alternatives.

Policy Background

NPSNN

- 5.15.2. The policy tests for impacts on transport networks are given in NPSNN paragraphs 5.201-5.216. In particular, these state:

“5.206 ... if a development is subject to EIA and is likely to have significant environmental impacts arising from impacts on transport networks, the applicant’s environmental statement should describe those impacts and mitigating commitments.

5.211 The Examining Authority and the Secretary of State should give due consideration to impacts on local transport networks and policies set out in local plans, for example, policies on demand management being undertaken at the local level.”

Draft NPSNN

- 5.15.3. The policy requirements of draft NPSNN at the close of the Examination in respect of traffic and transport was largely consistent with those policy requirements of the extant NPSNN. However, relevant additions/amendments include the following:

- consideration should also be given to whether the applicant has maximised opportunities to allow for journeys associated with the development to be undertaken via sustainable modes (paragraph 5.278);
- where a development negatively impacts on surrounding transport infrastructure including connecting transport networks, the Secretary of State should ensure that the applicant has taken reasonable steps to mitigate these impacts (paragraph 5.280); and
- where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should expect applicants to accept requirements and/or obligations to fund infrastructure or mitigate adverse impacts on transport networks (paragraph 5.280).

Development Plan policies

5.15.4. Relevant local policies include:

- Chelmsford City Council - Strategic Policy S9 – Infrastructure Requirements;
- Colchester Borough Council:
 - Policy TA1 - Accessibility and Changing Travel Behaviour;
 - Policy TA4 – Roads and Traffic;
 - Policy DP18: Transport Infrastructure Proposals; and
 - Policy DP18: Transport Infrastructure Proposals.
- Braintree District Council - Policy RLP 54: Transport Assessments; and
- North Essex Authorities - Policy SP6 - Infrastructure and Connectivity.

5.15.5. The policy tests regarding Alternatives are dealt with under the Assessment of Scheme Alternatives below.

Applicant's Approach

5.15.6. The Case for the Scheme [[APP-249](#)] details the purpose of the Proposed Development in addressing issues of connectivity, congestion, reliability and safety. The benefits have been identified as a result of technical assessments set out in the application, including:

- the Transport Assessment [[APP-253](#)] and Transport Statement Addendum [[AS-071](#)];
- the Combined Modelling and Appraisal Report [[APP-261](#)]; and
- the Environmental Statement [[APP-068](#) to [APP-085](#)] and Environmental Statement Addendum [[AS-098](#)].

ES Chapter 7.2 Transport Assessment is supported by a number of appendices [[APP-254](#) to [APP-267](#)].

5.15.7. The purpose of the Transport Assessment was to describe the likely impacts of the Proposed Development on the SRN; Local Road Network (LRN); road safety; WCH; and public transport users.

5.15.8. A traffic model was developed using industry-standard SATURN software to identify the study area and to assess the likely impacts of the Proposed Development. Forecast traffic flows with and without the Proposed Development in place were used to identify those communities likely to see a significant increase or decrease in traffic, or no significant change. For those communities likely to experience a significant increase in traffic, key junctions were identified and assessed. In addition, the existing and proposed junctions on the A12 were also assessed, including those

affected by the construction phase. The outputs from the traffic model were used as inputs into the assessments described within the Transport Assessment.

5.15.9. The Transport Assessment sets out details of the baseline data and development of the traffic model used to test the Proposed Development, including:

- the study area;
- baseline data collection;
- model development process;
- junction model development; and
- forecast years and scenarios.

Assessment of Scheme Alternatives

5.15.10. The route selection process has followed an options appraisal process using the Transport Analysis Guidance and Project Control Framework processes normally used to assess road schemes.

5.15.11. The NPSNN outlines the approach required in respect of alternatives and, in short, sets out that:

- Applicants should comply with all legal requirements and any policy requirements set out in the NPSNN on the assessment of alternatives including in respect of specific policy tests, requirements of the EIA Directive and other legal requirements for the consideration of alternatives, paragraph 4.26;
- The project should be subject to an options appraisal and the decision-maker must be satisfied that such a process has been undertaken, paragraph 4.27.

5.15.12. Regulation 14 of the EIA Regulations requires an ES to include at least ‘a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment’.

5.15.13. Chapter 3: Assessment of alternatives of the Environmental Statement [[APP-070](#)] outlines the alternative design options that were considered during the development of the Proposed Development. Four options were short-listed and developed to present at a public consultation, as follows:

- Option 1 – online widening throughout and provision of a local access road to provide alternative access to existing single tier junctions;
- Option 2 – online widening with two offline bypasses between junctions 22 and 23 and between junctions 24 and 25;
- Option 3 – online widening with an offline bypass between junctions 22 and 23; and
- Option 4 – online widening with an offline bypass between junctions 24 and 25

5.15.14. Details of the consultation, process of technical, economic and environmental assessments, and taking onboard feedback from the public consultation are contained in Chapter 3 of the ES [[APP-070](#)].

5.15.15. Following the Preferred Route Announcement and throughout the preliminary design, the environmental assessment and scheme development considered design refinements and alternative ways of delivering the Proposed Development to avoid or reduce environmental impacts where practicable. These considerations are detailed in Section 3.3 of Chapter 3: Assessment of alternatives of the ES [[APP-070](#)].

Issues Arising During the Examination

5.15.16. The key issues raised during the Examination were:

- the approach to detrunking;
- design of J21 and accommodation for a future bypass;
- impact on the B1137 particularly through Boreham;
- the arrangement and impacts of the new J24;
- consideration of alternatives in relation to J24;
- issues regarding the LRN and impact on villages; and
- the need for an agreed approach to post-opening monitoring.

Matters Raised by the ExA

5.15.17. The ExA raised matters relating to traffic and transport in written questions and ISHs as follows:

- ExQ1 [[PD-008a](#)];
- ExQ2 [[PD-009](#)];
- ExQ3 [[PD-014](#)];
- OFH1 [[EV-003](#)];
- OFH2 [[EV-005](#)];
- ISH1 [[EV-011a](#), [EV-013a](#), [EV-015](#), [EV-017](#), [EV-019](#), and [EV-021](#)]; and
- ISH3 [[EV-031](#), [EV-033](#), [EV-035](#), and [EV-037](#)].

5.15.18. In summary, the main issues raised were:

- follow-up on Applicant's answers to IP's questions;
- additional traffic in Messing, Inworth and Tiptree and alternatives options;
- traffic mitigation measures in Boreham;
- Assessment of the uncertainties in the traffic modelling;
- implications of accounting for Covid-19 in transport modelling;
- the need for the scheme, improvements/benefits that will be delivered/alternatives considered;
- J20a/20b - Boreham/Hatfield Peveler;
- proposed J24 – Messing/Inworth/Tiptree;
- J25 and its impact upon existing junctions and local roads;
- detrunking sections of the existing A12;
- whether there was a need to widen Hinds Bridge;
- additional mitigation to minimise the impacts on local communities;
- monitoring and management of wider impacts on the local highway network; and
- construction traffic and in particular disruption during the proposed night-time closures and diversion works.

Matters Raised in LIRs

5.15.19. All the LAs submitted LIRs as listed below. For transport and traffic matters the LAs primarily deferred to ECC as the Local Highway Authority. For conciseness these issues are reported on under the heading of ECC and not repeated for each LA.

- BDC [[REP2-041](#)];
- CCC [[REP2-106](#)];
- CoCC [[REP2-045a](#)]; and
- MDC [[REP2-068](#)].

5.15.20. ECC's LIR [[REP2-055](#)]

“...sets out ECC’s view of the impacts of the scheme on Essex and some of the changes that we think are required to the scheme to minimise and mitigate adverse effects and in some cases to take advantage of opportunities presented by the scheme. Of particular interest to the council in our role as local highway authority is the interaction with and impacts on the local highway network. ...

While the council supports the principle of the scheme, we strongly believe that there is a justifiable and proven need for material changes to be made to some aspects of the scheme. A commitment is needed from NH that these changes will be made now, as opposed to some unspecified time in the future, and in most cases we believe these changes should be secured through the DCO.”

5.15.21. ECC lists the key issues from a highways and transport perspective at paragraph 0.1.11 [\[REP2-055\]](#). ECC believes that their position on the issues is shared by the majority of local stakeholders. In summary, the issues listed are:

- the approach to detrunking;
- provision for pedestrians and cyclists;
- changes to the design of J21 (including the Duke of Wellington Roundabout/Maldon Road);
- impact on the B1137 particularly through Boreham;
- the arrangement and impacts of the new J24;
- the need for an agreed approach to post-opening monitoring; and
- the need for an approach to managing construction impacts.

Matters Raised by IPs

Boreham Conservation Society

5.15.22. Boreham Conservation Society’s (BCS) RR [\[RR-046\]](#), on behalf of its 300 members, listed 5 main points as summarised below:

- the Proposed Development increases traffic on Boreham’s local roads;
- adequacy of the consultation process and closure of the on-slip at J20a;
- an alternative proposal for J20a has been arbitrarily dismissed by NH;
- mitigation measures for J20a; and
- NH traffic data ambiguities.

5.15.23. BCS actively engaged during the Examination and made the following submissions:

- any further information requested by the ExA [\[REP1-022\]](#);
- comments on RRs [\[REP1-023\]](#);
- WRs and summaries [\[REP2-039\]](#);
- written submissions of oral representations made at Hearings [\[REP3-026\]](#);
- comments on LIR [\[REP3-027\]](#);
- comments on any further information received [\[REP4-070\]](#);
- comments on any further information received [\[REP5-024\]](#);
- written submissions of oral representations made at Hearings [\[REP5-025\]](#); and
- DL6 submission [\[REP6-109\]](#).

5.15.24. In its DL6 submission BCS highlighted the key issues it had made detailed submissions on during the Examination which were with regards to:

- Southbound access to the A12 between the villages of Hatfield Peverel and Boreham;
- The split of traffic between J21 and the B1137; and

- The volume of additional traffic through Boreham and on its local roads and the capacity of those roads to cope with such traffic.

BCS's position generally reflects the position adopted by ECC at the close of the Examination. For conciseness these issues are reported on under the heading of ECC and not repeated here.

Boreham Parish Council

5.15.25. BPC's RR [\[RR-023\]](#) concerns the forecast increase in traffic through Boreham. BPC actively engaged during the Examination and made the following submissions:

- written submissions of oral representations made at OFHs [\[REP1-024\]](#); and
- written submissions of oral representations made at Hearings [\[REP3-028\]](#).

5.15.26. In the SoCG [\[REP7-030\]](#) the outstanding traffic and transport matter was closure of J20A.

ECC

5.15.27. ECC's RR [\[RR-025\]](#) summarises key issues, those related to traffic and transport are listed below:

- ECC is a strong supporter of the Proposed Development overall;
- J19 design modifications;
- increase in forecast traffic flow on the B1137 around Boreham;
- J21 design and accommodation for a future bypass;
- the approach to the sections of the existing A12 which will be detrunked;
- J24 design including the proposed Inworth Road roundabout, and issues regarding the local road network;
- monitoring and mitigation of the Proposed Development; and
- construction impacts.

5.15.28. ECC engaged throughout the Examination; the submissions relating to traffic and transport are listed below:

- Response to submissions made by IPs at OFH [\[REP1-015\]](#);
- Responses to ExQ1 [\[REP2-054\]](#);
- Local Impact Report [\[REP2-055\]](#);
- Comments on the Applicant's draft itinerary for the ASI [\[REP2-056\]](#);
- Comments on responses to ExQ1 [\[REP3-032\]](#);
- Inworth, Messing and Tiptree Mitigation Options Technical Note [\[REP3-033\]](#);
- B1137 Main Road, Boreham, Technical Note [\[REP3-034\]](#);
- Written submissions of oral representations made at Hearings [\[REP3-035\]](#);
- Detrunking Brochure [\[REP3-081\]](#);
- Detrunking Technical Note [\[REP3-082\]](#);
- Responses to ExQ2 and comments on other matters at DL4 [\[REP4-075\]](#);
- Written submissions of oral representations made at Hearings [\[REP5-033\]](#);
- Draft requirement matrix with NH [\[REP5-034\]](#);
- Comments on the dDCO [\[REP6-098\]](#);
- Responses to ExQ3 [\[REP6-099\]](#);
- Any further information requested by ExA [\[REP6-100\]](#);
- Summary of ECC's position [\[REP7-049\]](#);
- Summary submission from Cllr Wagland [\[REP7-050\]](#); and
- Comments on any further information received by the previous deadline [\[REP8-020\]](#).

5.15.29. The 'Summary of ECC's position' [REP7-049], and the 'Summary submission from Cllr Wagland' [REP7-050]; detail the key outstanding issues for ECC by the close of the Examination. In summary these were:

- proposed treatment of the detrunked sections of the A12, with main issues being:
 - maintenance burden;
 - over provision;
 - potential for speeding and anti-social driving behaviour;
 - enhancing the sense of place; and
 - active and sustainable travel provision.
- consultation on multiple topics requiring further discussions during detailed design;
- Article 16 on speed limits (6 locations where there is disagreement);
- further mitigation measures relating to the villages of Messing, Inworth and Tiptree; and
- need for a mechanism for agreeing on future mitigation;

5.15.30. With regard to Hinds Bridge, ECC's position was stated in its DL4 submission [REP4-075], and reiterated in written submissions of representations at hearings [REP5-033], which states that ECC's:

"... position remains ... that the bridge should be widened so that it can accommodate two large vehicles passing in opposite directions as it is an existing pinch point. By 2042 there is predicted to be an increase in peak hour traffic (circa 80 vehicles in the AM peak hour, a 9% increase) and incidents are most likely to occur at these busier times. ...

The load-bearing capacity of the bridge is not a concern; it underwent strengthening works in summer 2018 and it doesn't have a weight restriction. The closure of the bridge to undertake these works resulted in significant disruption to the local road network and we are concerned that the new junction 24 arrangement would result in greater disruption overall when works are required at the bridge in future (noting also that widening of the bridge could enable single lane working to minimise disruption)."

5.15.31. The summary of ECC's position [REP7-049] contained suggested amendments to dDCO Articles and Requirements to deal with the outstanding issues ECC identified.

5.15.32. ECC withdrew its request for a new Requirement associated with a power for ECC to inspect works that affect its local highway network during construction [REP8-020]. This relates to ECC's proposed change to the dDCO detailed in its closing summary [page 20, REP7-049].

Hatfield Peverel Parish Council

5.15.33. Hatfield Peverel Parish Council's RR [RR-056] principally concerned traffic flows on the B1019 (Maldon Road) and B1137 (The Street).

5.15.34. In the SoCG [REP7-034] the outstanding traffic and transport matter related to traffic on Church Road.

Local Authorities

- 5.15.35. As noted previously, for transport and traffic matters the LAs primarily deferred to ECC as the Local Highway Authority. Each LA engaged actively throughout the Examination, however, for conciseness their submissions are not listed here, but these issues are reported on under the heading of ECC.
- 5.15.36. The final SoCGs summarised the issues in disagreement between each LA and the Applicant as follows.
- 5.15.37. SoCG with BDC [\[REP7-029\]](#) issue in disagreement - Detrunking for communities in Witham, Rivenhall End and Feering.
- 5.15.38. SoCG with CCC [\[REP7-025\]](#). All items agreed or agreed in principle/deferred to ECC.
- 5.15.39. SoCG with CoCC [\[REP7-024\]](#) no issues in disagreement.
- 5.15.40. SoCG with MDC [\[REP8-008\]](#) issues in disagreement:
- Options for Maldon link road;
 - Level of Service at Duke of Wellington mini roundabout; and
 - Omission of Maldon Link Road/Hatfield Peverel Bypass.

Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council

- 5.15.41. Messing and Inworth Action Group Limited (MIAG) represents a number of residents from the villages of Messing and Inworth who have concerns particularly at and around the newly proposed J24 [\[RR-168\]](#). Messing cum Inworth Parish Council (McIPC) provided a separate RR and endorsed MIAG's position [\[RR-166\]](#).
- 5.15.42. Both MIAG and McIPC actively engaged during the Examination and made the following submissions:
- Position paper and response to documents received from NH [\[AS-064\]](#);
 - Exchange between the parties concerning the SOCG for J24 [\[AS-065\]](#);
 - MIAG written submissions of oral representations OFH [\[REP1-047\]](#);
 - Clarification on status of MIAG and support [\[REP1-048\]](#);
 - McIPC written submissions of oral representations OFH [\[REP1-050\]](#);
 - MIAG Draft SoCG [\[REP2-083\]](#);
 - MIAG WRs and summaries [\[REP2-084\]](#);
 - MIAG WRs and summaries - Appendix 1 [\[REP2-085\]](#);
 - MIAG WRs and summaries - Appendix 2 [\[REP2-086\]](#);
 - MIAG WRs and summaries - Appendix 3 [\[REP2-087\]](#);
 - McIPC draft SoCG [\[REP2-088\]](#);
 - Comments on LIR – ECC, Letter from Ms Priti Patel, MP [\[REP3-058\]](#);
 - MIAG and McIPC - Written submissions of oral representations made at ISH [\[REP3-059\]](#);
 - Comments on LIR [\[REP3-062\]](#);
 - Written submissions of oral representations made at ISH - Traffic J24 [\[REP3-063\]](#);
 - Written submissions of oral representations made at ISH [\[REP3-066\]](#);
 - Written submissions of oral representations made at ISH - Traffic General [\[REP3-069\]](#);
 - Written submissions of oral representations made at ISH [\[REP3-070\]](#);

- Responses to ExQ2 [\[REP4-088\]](#);
- Responses to ExQ2 - MIAG- report on summary benefits of the Main Alternative [\[REP4-089\]](#);
- Responses to ExQ2 - Report on the Design of the Main Alternative For J24 [\[REP4-090\]](#);
- Responses to ExQ2 [\[REP4-091\]](#) and [\[REP4-092\]](#);
- Response to Proposed Scheme Changes - Comments on any further information received [\[REP5-047\]](#);
- Responses to ExQ3 [\[REP6-103\]](#) and [\[REP6-114\]](#);
- MIAG - Closing submissions [\[REP7-064\]](#); and
- MIAG Comments on any further information received by the previous DL [\[REP8-028\]](#).

- 5.15.43. MIAG and McIPC considered that there had been a failure to consider alternatives properly in relation to J24 including the option of a community bypass.
- 5.15.44. MIAG expressed concern with the modelling of the anticipated traffic flows resulting from the Proposed Development and the assessed impacts on the local road network.
- 5.15.45. The other main concerns were regards to vehicle speeds and rat running through the villages of Inworth and Messing.
- 5.15.46. Matters raised in relation to noise and air quality impacts from traffic are considered in the relevant section of this Report.

Applicant's Response to the Matters Raised

General Assessment of Alternatives

- 5.15.47. MIAG raised concerns that there had been a failure to consider alternatives properly in relation to J24 including the option of a community bypass.
- 5.15.48. The Applicant responded to MIAG's concerns in the Applicant's Response to OFH1 [\[REP1-009\]](#), Applicant's Response to OFH2 [\[REP1-012\]](#) and Applicant's Comments on Information Received at DL2 [\[REP3-015\]](#). The Applicant produced the J24, Inworth Road and Community Bypass Technical Report as part of the Environmental Statement [\[APP-095\]](#), this is summarised below.
- 5.15.49. The Technical Report records the work that has been carried out regarding the B1023, the proposed J24 and the surrounding area as part of the local roads strategy for NH during the pre-application process. It summarises the information contained within various existing technical notes produced documenting work undertaken on J24, the B1023 and the surrounding area.
- 5.15.50. It summarises the history of the proposed J24 design development, the existing conditions on the B1023, and the traffic assessment and the projected increase in traffic on the B1023 associated with the Proposed Development. It describes the history of the community bypass concept, raised by MIAG as an alternative route from J24 to Tiptree.
- 5.15.51. It sets out detailed assessments of the bypass options, including projected traffic and noise impacts of these throughout the wider area. Options for mitigation and improvement of the B1023 through localised interventions to cater for both the existing traffic and flooding issues and the projected increase in traffic are described, as well as the design principles underpinning these options. The

Applicant has conducted microsimulation traffic modelling of the traffic in this area to assess the traffic capacity and delays.

- 5.15.52. It presents an assessment of the two community bypass options, including the Main Alternative put forward by MIAG (see section on Inworth Bypass below for further details), compared to the online localised interventions, across several criteria including land acquisition, environmental impact, constructability, safety, stakeholder feedback and cost. The Applicant maintains that applying these criteria, overall neither bypass option mitigated the forecast increase traffic as well as the Proposed Development. The Applicant notes that ECC does not object to the Proposed Development as a result of a failure to assess alternatives at J24, nor has it presented a case which supports the Main Alternative suggested by MIAG.
- 5.15.53. In respect of submissions made regarding the potential to provide a bypass at the Maldon Road/The Street mini roundabout in Hatfield Peverel (commonly known as the Duke of Wellington mini roundabout). The ES included a technical report, the Maldon Road and Hatfield Peverel Bypass Technical Report [[APP-094](#)], which examined all of the options and compared the best of these against the Proposed Development. This included a detailed traffic assessment of the impact of a potential bypass.
- 5.15.54. Several options for a bypass were investigated to determine the most preferred option to score against the current J21 design. Following scoring, the preferred bypass option was then scored against the current Do Something J21 proposals, without a bypass.
- 5.15.55. The Applicant concluded that while a bypass did offer benefits in some respects, there were also disbenefits in creating a new link road through rural countryside, that the disbenefits of a link road were found to outweigh the benefits, and a bypass option was not to be preferred. The Applicant noted that this conclusion was similar to that reached in previous studies by ECC in 2017, wherein they concluded that a bypass poses serious challenges to feasibility including the environmental impact on farmland, greenspace and environmentally sensitive land, and public acceptance of this impact [para 5.1.21, [REP7-078](#)].
- 5.15.56. In response to the ExA's question regarding the uncertainties in the traffic modelling, the Applicant provided a summary assessment of the uncertainties in the traffic modelling [Q2.17.3, [REP4-055](#)]. The Applicant concluded:
- "... there are inherent uncertainties attached to traffic models which are known and outlined above. However, the approach taken by the Applicant follows national guidance and provides the required level of certainty needed to assess the proposed scheme, inform the design decisions taken and ensure that those decisions and the effects of the scheme are robustly assessed."*
- 5.15.57. In response to the ExA's question regarding implications of the forthcoming guidance on 'Accounting for Covid-19 in transport modelling' the Applicant explained that they had agreed an approach with the Department for Transport which
- "... involves analysis of the traffic changes since Covid-19, and how that compares to assumptions within the traffic model. Although it would not result in any changes to the traffic model at this late stage of scheme development, the aim is to provide insights into the effects of Covid-19 on traffic flows and highlight any disparities with modelled assumptions. This methodology strikes a balance between the constraints*

imposed by the scheme's advanced stage and the necessity to account for the impacts of Covid-19.”

5.15.58. This analysis was provided at DL8 - The impact of Covid-19 on traffic model forecasts [\[REP8-018\]](#), concluding at paragraph 1.1.6:

“The actual impact of the proposed scheme itself is likely to be similar to that predicted in the traffic model. This implies that the traffic models still provide a good prediction of the impact of the proposed scheme, despite the impact of Covid in slowing traffic growth.”

5.15.59. The Applicant's response regarding alternatives is now detailed under 3 subsections as follows:

- Maldon Bypass;
- Inworth bypass; and
- J20A.

Maldon Bypass

5.15.60. During the Examination there was significant focus on the assessment of potential alternatives to relieve congestion at the Duke of Wellington mini roundabout, in Hatfield Peverel.

5.15.61. In the Closing Statement [\[REP7-078\]](#) the Applicant noted:

“... that there is not a unified position from the various interested parties, with Essex County Council, in their capacity of Local Highways Authority, appreciating that the Applicant's Transport Assessment - Appendix G [\[APP-260, Chapter G.1\]](#) shows that the performance of the Duke of Wellington mini roundabout is not ameliorated by the proposed scheme, as demonstrated by their letter of 31 October 2022, and having moved away from its previous position that either improvements to this junction, or provision of a Maldon Road Bypass should be a requirement of the proposed scheme.”

5.15.62. The Applicant worked with ECC to include a requirement, Requirement 18 of the dDCO [\[REP8-002\]](#), to widen the proposed J21 slip roads to limit the amount of reconstruction work needed on the strategic road network to deliver a Maldon Road Bypass outside of the Proposed Development. This is based on a series of assumptions regarding the timescales of a bypass's future construction and focus of localised growth. The Applicant noted that in providing J21 a proportion of the delivery cost of a Maldon Road Bypass will have been addressed by the Proposed Development.

5.15.63. Regarding MDC's view in the Closing Statement [\[REP7-078\]](#) the Applicant stated:

“The Applicant appreciates that Maldon District Council's view differs slightly from Essex County Council's view. The District Council's view is that the current performance of the junction is poor, and whilst they accept the proposed scheme may not affect its overall performance, the projected changes to queuing lengths mean that the proposed scheme should include a Maldon Link Road. The Applicant does not share this view as the level of service is maintained. These matters have been addressed in the most recent responses at Deadline 6 in response to REP5-042 [\[REP6-090\]](#). Unfortunately, the Applicant and Maldon District Council remain in disagreement on this matter, as evidenced by reference point 3.1 in Table 3.3 of the Statement of Common Ground (SoCG) with Maldon District Council submitted at Deadline 7 [\[REP7-026\]](#).”

5.15.64. BDC, the district in which the Duke of Wellington mini roundabout is actually situated, have deferred matters of traffic congestion on Maldon Road to ECC, as evidenced by the agreed SoCG item 1.11 [\[REP6-071\]](#).

5.15.65. With regard to Hatfield Peverel, the host parish, in the Closing Statement [\[REP7-078\]](#) the Applicant stated:

“ ... the host parish acknowledges the challenging holistic situation that the existing roundabout does present and has concerns with regard to capacity with or without the proposed scheme, and therefore maintains their long-standing view that a bypass is required to overcome this concern, but agrees with the Applicant that the findings of the Applicant’s assessment of alternative solutions in the context of the proposed scheme is sound, as evidenced by the agreed SoCG items 2.1-2.3 [\[REP6-075\]](#).”

5.15.66. Regarding CCC and BPC the Applicant stated in the Closing Statement [\[REP7-078\]](#):

“Although Chelmsford City Council and Boreham Parish Council have not raised concerns regarding the Applicant’s position on the assessment of alternatives at the Duke of Wellington mini roundabout, Boreham Conservation Society has most recently in their deadline 6 submission [\[REP6-109\]](#) reiterated their view that a Maldon Link Road would encourage further traffic to use junction 21. The Applicant’s traffic forecasting, based on sound modelling methodology, has found that the majority of traffic using Main Road (B1137) to reach the southbound A12 originates from Hatfield Peverel itself, and a Maldon Link Road would not provide any meaningful incentive for that traffic to use junction 21 over and above the traffic calming measures included in Requirement 14 of the dDCO [\[REP6-036\]](#).”

Inworth Bypass

5.15.67. Another alternative that has been considered during both pre-examination and examination is the bypass of Inworth which has been raised by IPs as an alternative route from J24 to Tiptree and Feering. The bypass was raised by McIPC, and MIAG in various submissions when it became apparent that there would be an increase in traffic on the B1023. The Applicant responded to these submissions in Annex N of its Consultation Report [\[APP-062\]](#). The Main Alternative as it became known, would connect the southern dumbbell roundabout of J24 with the B1023 south of Inworth village and the northern dumbbell roundabout of J24 with the B1023, over the Domsey Brook, between Inworth and Feering.

5.15.68. Prior to the submission of the DCO application, the Applicant undertook a detailed assessment of the Main Alternative as well as a bypass option without the northern arm connection and a scenario with widening along the B1023 rather than a bypass. This assessment is documented in the ES Appendix 3.3 J24, Inworth Road and Community Bypass Technical Report [\[APP-095\]](#). In the Closing Statement [\[REP7-078\]](#) the Applicant concluded:

“The assessment found that while the Main Alternative bypass option with a southern and northern link reduces the traffic in Inworth Village and Messing, this option increases traffic in Tiptree, Feering and the B1023 to the north of junction 24. While a bypass does solve issues of traffic in some locations, it would create the same issues in other locations, to other communities, resulting in a greater number of receptors with a significant negative impact in the other communities when compared with the impacts on Inworth Village and Messing. In addition to this, a bypass would add an additional approximate cost of £10 million to the proposed

scheme and require significantly more land to construct the bypass road alone when compared to the land required to widen the B1023 to facilitate the proposed traffic increase. At the time of the original DCO submission, this amounted to 40% more land required to construct the bypass, and the comparative land take has significantly increased following the reduced land take along the B1023 as presented in the revised DCO submission.”

5.15.69. Following this assessment, the Applicant did not include the Main Alternative in the Proposed Development. Instead, the Applicant proposed localised widening at pinch points along the B1023 in Inworth with the aim of improving safety for pedestrians at those locations, through reducing the likelihood of vehicles overhanging or over-running the footway to pass oncoming vehicles.

5.15.70. The Applicant has also proposed measures to improve both the surface water drainage and overland flood storage adjacent to the B1023, to help mitigate seasonal flooding problems that had been reported throughout the preliminary design.

5.15.71. In response to IPs ongoing concerns regarding the forecast increase in traffic in Messing, and desire for the Main Alternative bypass, the Applicant reviewed each submission. The Applicant’s position as stated in the Closing Statement [\[REP7-078\]](#) is:

“that no new information has been submitted into the examination that would change the outcome of the options assessment undertaken in the junction 24, Inworth Road and Community Bypass Technical Report [\[APP-095\]](#). Overall, that detailed assessment demonstrated that the proposed scheme is the best option, when assessed against the full range of relevant objectives, with materially lesser impacts than the Main Alternative.”

5.15.72. ECC has also considered the case for and against the bypass and has reached the conclusion that the disbenefits in traffic terms to the network in Tiptree and Kelvedon would outweigh the benefit of reducing traffic flow through Inworth and Messing [\[REP4-075\]](#).

5.15.73. In the Closing Statement [\[REP7-078\]](#) the Applicant maintains:

“that the forecast increase in traffic in Messing as a result of the proposed scheme is within the capacity of the existing road network and a bypass of Inworth is not required. Analysis, including microsimulation of the road, has confirmed that the Applicant’s proposed widening along the B1023 would address both the historic issues caused by the existing pinch points along the B1023 as well as those caused by the projected increase in traffic.”

5.15.74. Following further discussions with ECC, McIPC and MIAG, the Applicant has considered additional mitigation measures in the villages of Inworth and Messing to reduce vehicle speed and discourage rat running through the villages, the Applicant has agreed to provide the following additional measures in Messing, secured in Requirement 15 of the dDCO [\[REP6-036\]](#):

- Gateway features for signage and speed limit roundels at Lodge Road, Kelvedon Road and Harborough Hall Road, marking the extents of the existing 30mph speed limit; and
- *“Unsuitable for heavy goods vehicles”* signage at the junction of the B1023 and Yewtree Farm Road, the junction of Harborough Hall Road and B1022, the junction of B1023 and Oak Road, and the junction of the B1022 and Oak Road.

Junction 20A

- 5.15.75. Concerns were raised during Examination regarding the proposed closure of J20a and the impact this would have on the residents of Boreham. The Applicant's proposal for J21 seeks to combine the movements of the existing J20a, J20b and J21 into an all-movements junction which facilitates northbound and southbound movements between Hatfield Peverel, Witham and the A12. The existing J20a and J20b are both considered substandard junctions in accordance with modern design standards.
- 5.15.76. Feedback regarding the closure of J20a was received during Statutory Consultation and RRs. Following this feedback, the Applicant revisited the decision to close J20a and undertook a detailed assessment of two alternative design options to reinstate the junction and provide direct access to the southbound A12 west of Hatfield Peverel. The first option consisted of a roundabout which is similar in concept to one proposed by BCS, the second a signalisation of the existing right-turn arrangement. The detailed assessment is presented in the J20a Southbound Merge Assessment of Alternatives report in Appendix B of the 9.3 Applicant's Response to RRs [REP1-002]. In the Closing Statement [REP7-078] the Applicant stated that the assessment found:
- “that with both alternatives, while reinstating the southbound on slip may reduce the traffic on Main Road in Boreham, the significant impacts on road user safety, natural and built environment, walking, cycling and horse-riding connectivity, cost and carbon increases, construction and drainage challenges and increased land take required to construct a compliant junction outweighs the benefits arising from the forecasted reduced traffic along Main Road in the morning peak.”*
- 5.15.77. This assessment was challenged by IPs at OFH2 and further alternative design sketches indicating a roundabout option with a smaller footprint were presented by BCS [EV-006]. The Applicant reviewed these sketches and assessed the reduced footprint to determine if this could be adopted by the Proposed Development. The Applicant found that the horizontal geometry of the alternative would be unsuitable for heavy good vehicles and would require departure from standards to implement. Amending the design to comply with design standards would result in a design similar to that presented by the Applicant in the J20a Southbound Merge Assessment of Alternatives report [Appendix B, REP1-002]. For these reasons and those presented in [REP1-002], the Applicant maintained the position that the J20a southbound on slip should not be reinstated.
- 5.15.78. Further to resident's concerns regarding increased traffic on the B1137 Main Road through Boreham, and discussions with ECC, CCC, BPC, and other IPs, the Applicant agreed to provide additional traffic calming measures through Boreham to further deter strategic traffic from using this route. These additional measures consist of:
- average speed cameras in Boreham as defined by the extent of the 30mph speed limit between reference A.010 and A.011 shown on Sheets 2 and 4 of the Traffic Regulation Measures Speed Limits plans [REP6-007];
 - average speed cameras on the B1137 between Boreham and Hatfield Peverel defined by the extent of the 40mph speed limit between reference A.011 and A.012 on Sheets 4 and 5 of the Traffic Regulation Measures Speed Limits plans [REP6-007];
 - a new controlled pedestrian crossing on the B1137 in the vicinity of the Boreham Co-op; and

- softer measures including road safety posters in the vicinity of Orchard Cottages, Boreham Recreation Ground and outside of the Little Hedgehogs Day nursery.
- These measures are secured in Requirement 14 of the dDCO [\[REP6-036\]](#).

5.15.79. The Applicant also considered narrowing of the B1137 within Boreham as requested by ECC, CCC and other IPs through the introduction of an advisory cycle lane to narrow the road. Referencing a recent research study, the Applicant concludes in its Closing Statement [\[REP7-078\]](#):

“It is therefore likely that removing the central hatching and installing cycle lanes will have no benefit and will actually increase cyclist injury rate. It is therefore inappropriate to remodel the road-space to provide cycle lanes denoted by road markings but no physical protection from motor vehicles. The large number of vehicular access and junctions present a challenge to providing protected cycle route options such as stepped tracks, or kerb-separated lanes.”

5.15.80. The following sections detail the Applicant’s response regarding the following issues:

- Boreham;
- Duke of Wellington mini roundabout and J21;
- Messing, Inworth and Tiptree;
- Hinds Bridge;
- Detrunking; and
- Construction traffic.

Boreham

- 5.15.81. Traffic on B1137 Main Road in Boreham is predicted to increase in the AM peak by an additional 184 vehicles per hour (a 34% increase) and reduce in the PM peak by 93 vehicles per hour (a 14% reduction). The removal of J20a southbound means that some drivers from the west side of Hatfield Peverel would choose to travel via Main Road to join the A12 southbound at J19, where they otherwise would have joined the A12 at J20a.
- 5.15.82. Traffic on Plantation Road is predicted to increase in the AM peak by an additional 74 vehicles per hour (a 25% increase) and the PM peak by an additional 41 vehicles per hour (a 12% increase).
- 5.15.83. The Applicant’s position was that although these roads would become busier due to the Proposed Development, comparing their predicted flows against the typical capacities of these type of single carriageway roads shows that the roads would not be operating above their maximum capacity.
- 5.15.84. There was discussion during the Examination relating to the assumptions that inform the traffic model predictions. The Applicant’s model predicts that, for traffic approaching Hatfield Peverel from the B1019 Maldon Road wanting to join the A12 southbound towards Chelmsford or London, the majority of traffic would turn right at the Duke of Wellington mini roundabout and join the A12 southbound at the proposed new J21. A considerable number of IPs disagreed, considering that traffic would be more likely to continue in a southbound direction by turning left along the B1137 Main Road through Boreham towards A12 J19, thereby further increasing traffic in Boreham.

- 5.15.85. At ISH3, ECC raised concerns that the traffic model predictions assume traffic will comply with the reduced speed limits on the B1137 Main Road, but that the Proposed Development did not include any additional measures to encourage this reduction in speed. Acknowledging the concerns expressed by ECC and other IPs such as CCC and BCS, the Applicant has committed within the new Requirement 14 of the dDCO [REP6-036] to the installation of average speed cameras, a new controlled pedestrian crossing on the B1137, and softer measures including road safety posters.

Duke of Wellington Mini Roundabout and J21

- 5.15.86. The Proposed Development does not include any changes to the Duke of Wellington mini roundabout junction between B1019 Maldon Road and B1137 The Street in Hatfield Peverel. However, traffic patterns would change at the junction as more traffic from the B1019 Maldon Road would turn right to use the new J21 to join the A12 southbound, instead of turning left to J20a. There would also be a significant reduction in traffic arriving from J20a to turn right for the B1019 Maldon Road.
- 5.15.87. MDC raised concerns during the Examination that the poor performance of this junction negatively affects people living and working in Maldon district. The Applicant's assessment shows that the Proposed Development would not make the performance of the junction worse, overall, there is predicted to be a slight improvement.
- 5.15.88. In the Closing Statement [REP7-078] the Applicant stated:

"The Applicant's position (supported by Essex County Council) is therefore that the proposed scheme does not make the performance of the junction materially worse and so the Applicant should not be responsible for its improvement."

- 5.15.89. At J21, the Applicant has worked with ECC to include a requirement, Requirement 18, to amend the proposed J21 slip roads to limit the amount of reconstruction work needed on the strategic road network to deliver a potential future Maldon Road Bypass outside of the Proposed Development.

Messing, Inworth and Tiptree

- 5.15.90. The Applicant predicts traffic on the B1023 north of the proposed J24 will reduce slightly overall as a result of the Proposed Development. However, the Applicant acknowledges that traffic is predicted to increase on the section of the B1023 through Inworth by 30-40%. This is because more traffic from Tiptree would use the proposed J24 to access the A12 southbound instead of travelling via Braxted Park Road. The Applicant maintains that analysis has confirmed that the proposed widening along the B1023 would appropriately address both the historical issues caused by the existing pinch points along the B1023 as well as those caused by the projected increase in traffic.
- 5.15.91. In Messing, the Applicant predicts that traffic will increase as some traffic from south of Colchester would travel via Messing to access the A12 via J24 from the B1022. The traffic through the village is predicted to increase from less than one car per minute to around two cars per minute. The Applicant considers that the forecast increase in traffic in Messing as a result of the Proposed Development is within the capacity of the existing road network.

- 5.15.92. Some IPs raised concerns regarding the forecast increase in traffic in Messing and expressed their desire for the Main Alternative bypass, this has been addressed above.
- 5.15.93. Following further discussions with ECC and IPs, the Applicant has considered the introduction of additional mitigation measures in the villages of Inworth and Messing aimed at reducing vehicle speed and at discouraging rat running through the villages. The Applicant has agreed to provide additional gateway features and signs in Messing and Tiptree, secured in Requirement 15 of the dDCO [REP8-002], the agreed measures are described above under 'Inworth bypass'.
- 5.15.94. As a result of the Proposed Development, traffic from Tiptree is predicted to use the proposed new J24 to access the A12 southbound instead of travelling via Braxted Park Road. This would increase traffic on the B1023 Church Road in Tiptree. Both ECC and Tiptree PC have suggested that a widened Appleford Bridge is needed as a result. That bridge forms part of the route between Tiptree and A12 J22. The suggestion is that reducing delays at this narrow bridge would reduce the likelihood of drivers from the south of Tiptree to use Church Road and the B1023 to access the A12 via J24, so that more drivers would use the route via Braxted Park to access the A12 via J22. They suggest that this would result in less of an increase in traffic on the B1023 and along Church Road (Tiptree High Street).
- 5.15.95. The Applicant's position is that the Proposed Development would reduce traffic over Appleford Bridge by 244 vehicles per hour in the AM peak and by 179 vehicles per hour in the PM peak, and that widening of Appleford Bridge is not justified.

Hinds Bridge

- 5.15.96. Hinds Bridge is an existing bridge on the B1023 between Feering and the new A12 J24. The bridge is owned and maintained by ECC as Local Highway Authority. In its DL4 submission [REP4-075], ECC confirmed that it believes Hinds Bridge should be widened so that it can accommodate two large vehicles passing in opposite directions. This is because, although there is predicted to be a reduction in traffic in this location due to the Proposed Development in 2027, in 2042 there is predicted to be a 9% increase in traffic in the PM peak hour.
- 5.15.97. The Applicant's position is as set out in section 3.24 of the Written Submission of Oral Case for ISH3 [REP5-020], and summarised in the closing statement [REP7-078] as follows:

"It considers that widening of this bridge is not necessary to make the proposed scheme acceptable. The Applicant's assessment has found that there are no geometric issues with two cars passing one another. The existing width only gives rise to a priority situation if at least one heavy goods vehicle (HGV) is involved. The worst-case 9% increase in total traffic predicted for 2042 is in the PM peak; this is the point in time when HGV traffic is at its lowest point compared to the rest of the day. Since the proposed scheme is predicted to decrease the number of HGVs in the PM peak hour even further (46% reduction), there is predicted to be an overall reduction in the number of times a car would meet an HGV. The Applicant maintains that the proposed scheme improves the existing situation in the context of Hinds Bridge."

Detrunking

- 5.15.98. The Proposed Development includes two sections of offline widening. Thus, the existing sections of the A12 in the vicinity of Rivenhall End, and between Feering

and Marks Tey will no longer form part of the A12. These existing sections are proposed to be detrunked and handed to ECC as the local highway authority. The Applicant is proposing to retain the existing carriageway and reduce the speed limit to 50mph between Feering and Marks Tey and 40mph in Rivenhall End. Roundabouts are proposed at the junctions with Easthorpe Road, Wishingwell Farm and Braxted Road to allow drivers to access both directions of the detrunked road. The Applicant maintains that these roundabouts will also act as a traffic calming feature and will discourage traffic from driving in excess of the speed limit.

- 5.15.99. ECC has expressed concerns about the Applicant's proposal to retain the dual carriageway form and stated that:

'the most pragmatic solution [for detrunking of the A12] is to retain one side of the dual carriageway as highway (likely to be the current southbound carriageway) and to repurpose the other side with green infrastructure and provision for pedestrians and cyclists.' [Appendix A, [REP1-002](#)].

- 5.15.100. ECC submitted an alternative detrunk proposal and technical note at DL3 [[REP3-081](#) and [REP3-082](#)]. ECC stated:

"We propose removing one carriageway from the existing dual carriageway and using it to create good off-road provision for active travel modes, such as walking, cycling and horse-riding. This would be known as an 'Active Travel Corridor' and would also provide space for environmental enhancements in the form of 'regreening'.

The retained carriageway would be a single carriageway road, with one lane in each direction."

- 5.15.101. The Applicant assessed this proposal as documented in the Applicant's Technical Note on Detrunking Proposals [[REP4-057](#)].

- 5.15.102. The Applicant maintains that there are technical challenges with ECC's proposals. The Applicant also maintains that adopting ECC's proposals would require the withdrawal and resubmission of the current application, in order to subject the proposals to EIA procedures, and that this would delay the Proposed Development by approximately two years.

- 5.15.103. The Applicant's Technical Note on Detrunking Proposals [[REP4-057](#)] also included a high-level cost estimate which indicated that ECC's proposal would cost approximately £5.4 million more than the Applicant's proposed design.

- 5.15.104. Following discussions with ECC and the ExA, including at ISH3 [[EV-011](#)], the Applicant has included a new requirement, Requirement 19, in the dDCO [[REP6-036](#)] and added in provision at Article 15(7) regarding detrunking. In the Closing Statement [Paragraphs 6.6.16 and 6.6.18, [REP7-078](#)] the Applicant maintains:

"These provisions ensure that the roads cannot be detrunked until the Secretary of State approves, in consultation with the relevant local highway authority, the detailed design of the detrunked road including how the proposals maintain a safe and reliable highway network, the provision made for non-car transport modes, how existing accesses will retain access to the detrunked road, how existing utilities will be safeguarded, the landscaping and planting details, the drainage details and a timetable for implementation of the proposal.

Requirement 19 also ensures that any proposals would not give rise to any materially new or materially different environmental effects in comparison with those

reported in the environmental statement, thereby ensuring consistency with the requirements of EIA procedures.”

- 5.15.105. In its summary position [REP7-049] ECC re-iterated its argument to remove one carriageway from the existing dual carriageway and using it to create good off-road provision for active travel modes. ECC went on to state:

“In a scenario where the Council’s proposed drafting of Requirement 19 is not included in the DCO, the Council does not consider it should be mandated to maintain the detrunked sections of the A12 and that the maintenance responsibility for these sections of road should be retained by National Highways. Notwithstanding this, if contrary to the Council’s position the ExA be minded to recommend to the SoS that the Applicant’s drafting of Requirement 19 on detrunking be adopted, then the Council strongly urges that the Applicant’s draft Requirement 19 wording relating to the detrunking be amended as follows: ... These amendments improve the drafting and the insertion of new sub-paragraph (f) would give the Council some comfort that some financial liabilities that might otherwise occur can potentially be mitigated.”

Construction Traffic

- 5.15.106. A separate oCTMP [REP6-054] sets out measures for managing traffic and access during the construction phase, including during the proposed night time closures and diversion works. These specific management plans will be updated and developed into the final management plans by the Principal Contractor prior to construction.

ExA Considerations

General Assessment of Alternatives

- 5.15.107. We consider that overall, the Proposed Development would deliver improvements to the SRN to meet long term transport needs and would be likely to result in a reduction to delays and congestion that currently occurs along the existing A12, especially at peak times. We note that the Proposed Development is supported by the LAs both in their LIRs and planning policy.
- 5.15.108. With regard to traffic modelling, we consider that the Applicant has followed appropriate national guidance to provide the required level of certainty needed to assess the Proposed Development.
- 5.15.109. With regard to accounting for Covid-19 in transport modelling, the Applicant has followed an approach agreed with the DfT which we consider is appropriate.
- 5.15.110. We consider that the Applicant has considered reasonable alternatives in respect of the options at J24.
- 5.15.111. We note that ECC does not object to the Proposed Development as a result of a failure to assess alternatives at J24. Furthermore, ECC has not presented a case which supports the Main Alternative suggested by MIAG.
- 5.15.112. We consider that the Applicant has justified the Proposed Development in respect of the options appraisal for the proposals at J24.
- 5.15.113. Regarding the potential to provide a bypass at the Maldon Road/The Street mini roundabout in Hatfield Peverel. We agree with the Applicant’s and ECC’s conclusion that a bypass option is not preferred.

Maldon Bypass

- 5.15.114. We consider that the Applicant has adequately investigated alternatives to address the traffic capacity issues at the Duke of Wellington mini roundabout and has demonstrated that the existing situation is not worsened by the Proposed Development.
- 5.15.115. In response to IP requests to relieve this historical bottleneck the Applicant, in its modified proposal of J21, is providing a suitable tie-in for this local road enhancement, and as such has increased its feasibility to be delivered, by others, outside the Proposed Development. Accordingly, Requirement 18 of the dDCO secures the amendment to the proposed J21 slip roads.
- 5.15.116. The traffic calming measures included in Requirement 14 are dealt with under the J20A section below.

Inworth Bypass

- 5.15.117. We consider that the Applicant has justified its assessment that the Main Alternative would relocate the forecast traffic from Inworth and Messing villages to Tiptree, Feering and the B1023 north of J24, resulting in more adverse significant impacts to the Tiptree community, including worse noise effects, compared with the impacts on Inworth village and Messing. We consider that the Applicant has balanced this, alongside the additional land requirements into its consideration of the J24 design and concluded it does not provide benefits across the whole Proposed Development area that are considered enough to justify the additional costs. We note that this position is supported by ECC.
- 5.15.118. Regarding the additional mitigation measures in the villages of Inworth and Messing to reduce vehicle speed and discourage rat running through the villages, the ExA's considerations are detailed under the section headed Messing, Inworth and Tiptree below.

J20a

- 5.15.119. We consider that the Applicant has undertaken reasonable steps to assess the reinstatement of J20a following feedback from IPs and has substantiated the position that the J20a southbound on slip should not be reinstated.
- 5.15.120. We consider the traffic calming measures proposed between Hatfield Peverel and Boreham and within Boreham village to reaffirm the reduced speed limits proposed by the Applicant are appropriate, and adequately secured through Requirement 14.

Boreham

- 5.15.121. We consider that the traffic calming measures proposed to reaffirm the reduced speed limits proposed by the Applicant are appropriate, and adequately secured through Requirement 14.
- 5.15.122. ECC set out its views on the measures required to mitigate the impact of the Proposed Development on the B1137 in its LIR [\[REP2-055\]](#), paras 8.3.17- 8.3.20 (pages 39-39). The measures proposed were justified in ECC's B1137 Main Road, Boreham Technical Note [\[REP3-034\]](#).
- 5.15.123. The Applicant has included most of these mitigation measures in the proposed text for Requirement 14. However, the Applicant has still not agreed to include minor road narrowing at three key locations on Main Road as proposed by ECC.

- 5.15.124. We agree with ECC that the proposed road narrowings are a key part of an overall package of measures of the need to travel at lower speeds and should be included within the requirement. Hence, we consider ECC's proposed wording for Requirement 14 is appropriate as set out in Summary of ECC's position [[REP7-049](#)].

Duke of Wellington Mini Roundabout and J21

- 5.15.125. We agree with the Applicant's position that the Proposed Development does not make the performance of the junction materially worse, and therefore the Applicant should not be responsible for its improvement.
- 5.15.126. The Applicant has included Requirement 18, to amend the proposed J21 slip roads to limit the amount of reconstruction work needed on the SRN to deliver a potential future Maldon Road Bypass outside of the Proposed Development.
- 5.15.127. We note that ECC wishes that the drawing is referenced in Requirement 18 to provide the clarity required [[REP7-049](#)]. The ExA find that the wording as contained within the Applicant's final dDCO [[REP8-002](#)] to be appropriate and that the works required to J21 to be adequately described, so as to provide the necessary precision.

Messing, Inworth and Tiptree

- 5.15.128. As detailed under 'Inworth Bypass' above we consider the Applicant's and ECC's conclusion that the disbenefits of the Main Alternative bypass, including its potential effects on other communities, outweigh the benefit.
- 5.15.129. ECC set out its views on the measures required to mitigate the impact of the Proposed Development on Messing, Inworth and Oak Road, Tiptree in its LIR [[REP2-055](#)], paras 8.3.62-8.3.74 (pages 46-49). The measures proposed were justified in ECC's Inworth, Messing and Tiptree Mitigation Options Technical Note [[REP3-033](#)].
- 5.15.130. The Applicant has only proposed to provide two of the measures ECC had identified. ECC maintain that:

"these measures alone will be insufficient for adequately mitigating the impacts of the new junction on the local road network in the vicinity of the new junction. It is the Council's firm view that these mitigations should be in combination with each other to effectively reduce the impact of traffic flow changes in the vicinity of Messing, Inworth and Tiptree" [[REP7-049](#)].

- 5.15.131. In 'Summary of ECC's position' [[REP7-049](#)] it proposed wording for Requirement 15 - Messing operation phase traffic mitigation measures. We consider the wording relating to the traffic mitigation measures is appropriate for inclusion in the dDCO.
- 5.15.132. We consider that the Applicant has justified that Appleford Bridge does not need widening.

Hinds Bridge

- 5.15.133. ECC has argued that the bridge should be widened so that it can accommodate predicted increased traffic, and in particular two large vehicles passing in opposite directions as it is an existing pinch point. ECC further argue that widening would facilitate future maintenance work on the bridge through single lane working to minimise traffic disruption.

- 5.15.134. However, we are persuaded by the Applicant's argument that the Proposed Development would not exacerbate the existing position, and therefore do not consider that the Requirement 15 wording relating to Hinds Bridge proposed by ECC should be included in the dDCO.

Detrunking

- 5.15.135. Having examined the arguments put forward by the Applicant and ECC, we are persuaded by ECC's argument in its summary position [\[REP7-049\]](#) that:

"... the Council does not consider it should be mandated to maintain the detrunked sections of the A12 and that the maintenance responsibility for these sections of road should be retained by National Highways. Notwithstanding this, if contrary to the Council's position the ExA be minded to recommend to the SoS that the Applicant's drafting of Requirement 19 on detrunking be adopted, then the Council strongly urges that the Applicant's draft Requirement 19 wording relating to the detrunking be amended as follows: ... These amendments improve the drafting and the insertion of new sub-paragraph (f) would give the Council some comfort that some financial liabilities that might otherwise occur can potentially be mitigated."

- 5.15.136. We therefore recommend the Applicant's draft Requirement 19 wording relating to detrunking be amended as proposed by ECC [page 19, [REP7-049](#)].

Speed Limits

- 5.15.137. We have reviewed ECC's submission [\[REP6-098\]](#) regarding speed limits and ensuring that these complied with ECC's Speed Management Strategy. We have also reviewed ECC's position at the close of the Examination [\[REP7-049\]](#). We do not recommend any changes to Article 16 of the dDCO. In relation to Schedule 3, we recommend that the SoS consults with Applicant and ECC on the speed limits.

Operation Phase Local Traffic Monitoring

- 5.15.138. We have reviewed ECC's Monitoring and Mitigation Plan Technical Note [\[REP6-100\]](#) and ECC's position at the close of the Examination [pages 13-14, [REP7-049](#)] regarding operation phase local traffic monitoring.
- 5.15.139. The Applicant's view is that it will not be possible to determine the extent to which the scheme is causing a particular change, given other contributory factors, and it is therefore not appropriate that they be required to mitigate any adverse effects observed through monitoring via a suitable mechanism included within Requirement 16.
- 5.15.140. In its closing summary [\[REP7-049\]](#) ECC suggests:

"... this is not reasonable as, if the scheme can reasonably be concluded to be having a significant material adverse impact on the basis of the monitoring data collected (taking account of control data as necessary), it is reasonable to expect the Applicant to address this. The Council has put forward how a suitable mechanism for agreeing post-opening mitigation could work in [REP6-100](#), as an example, and there are precedents where agreement of such a mechanism has been required by other highway DCO schemes."

- 5.15.141. We have considered the wording for Requirement 16 proposed by ECC, but suggest the following additional text more appropriate for the rDCO:

(h) any other locations that are agreed between the undertaker and the local highway authority.

Conclusions

Alternatives

- 5.15.142. In compliance with paragraphs 4.26 and 4.27 of the NPSNN the Applicant has undertaken an assessment of alternatives. In summary:
- ES Chapter 3 Assessment of alternatives includes an outline of the main alternatives studied by the Applicant and an indication of the main reasons for the Applicant's choice, taking into account the environmental effects.
 - The Applicant has conducted a robust, detailed and proportionate options appraisal.
 - The Applicant has considered reasonable alternatives suggested by IPs during the Examination and justified the reasons for selecting the preferred option.
- 5.15.143. With regard to MIAG and McIPC's contention that there had been a failure by the Applicant to consider alternatives properly in relation to J24 including the option of a community bypass. The role of the ExA is clear and we cannot recommend adding to the DCO scheme that has been sought. Thus, the only option would be to recommend rejection of the DCO, if we were persuaded other alternatives were better than the Proposed Development. In this respect, we acknowledge that there may well be other design solutions available, but we are not convinced that any are better, either from a transport perspective or an environmental viewpoint than that proposed within the DCO.

General

- 5.15.144. In compliance with paragraph 5.206 of the NPSNN the Applicant has described the impacts of the Proposed Development from traffic effects during construction and operation on the environment and associated mitigation measures proposed are reported in each aspect chapter of the ES.
- 5.15.145. In compliance with paragraph 5.211 of the NPSNN we have given due consideration to impacts on local transport networks and policies set out in local plans. We conclude that the mitigation measures regarding the LRN proposed by the Applicant, along with the additional measures detailed below (amendments to dDCO Articles and Requirements), are appropriate.
- 5.15.146. The following amendments to the Articles in the dDCO submitted by the Applicant [\[REP8-002\]](#) should be made:
- we do not recommend any changes to Article 16 of the dDCO. In relation to Schedule 3, we recommend that the SoS consults with Applicant and ECC on the speed limits.
- 5.15.147. The following amendments to the Requirements in the dDCO submitted by the Applicant [\[REP8-002\]](#) should be made:
- Requirement 14 – Boreham operation phase traffic mitigation measures. The wording proposed by ECC [page 11, [REP7-049](#)];
 - Requirement 15 – Messing operation phase traffic mitigation measures. The wording proposed by ECC [page 12, [REP7-049](#)], except for item (3) iii relating to widening of Hinds Bridge;

- Requirement 16 – Operation phase local traffic monitoring; and
- Requirement 19 – Detrunking. Amendments as proposed by ECC [page 19, [REP7-049](#)];

5.15.148. The need for the Proposed Development is discussed in Chapter 5.2; the ExA consideration is that there are benefits in terms of a reduction to delays and congestion, and improvements to highway safety. This leads the ExA to conclude that the need for the Proposed Development has been established in accordance with the requirements of the NPSNN and the presumption in favour of development is engaged. This carries high, positive weight in favour of the Proposed Development.

5.15.149. We conclude that whilst there may be an increase in traffic on the local road network and an impact on a number of villages, with some potentially negative effects, these are more than outweighed by the wider transport benefits that the Proposed Development would deliver.

5.15.150. Therefore, with the amendments to the Articles and Requirements of the dDCO we conclude that, overall, the matter weighs in favour of making the DCO.

5.15.151. Finally, we conclude that the Proposed Development delivers a number of important benefits from a transport perspective, which has been attributed substantial weight in the planning balance.

5.16. ROAD DRAINAGE, FLOOD RISK AND WATER

Introduction

5.16.1. This Section deals with the effects of the Proposed Development in relation to the water, drainage and flood risk. In particular it deals with whether the Proposed Development would:

- make adequate provision for drainage of water;
- be at risk of flooding or increase the flood risk off-site; and
- result in adverse effects on water quality and resources.

5.16.2. The effects of the Proposed Development on the relevant River Basin Management Plan (RBMP) (and the water bodies therein) are also considered in this Section, including whether there are implications for the UK's obligations under the Water Framework Directive (WFD).

Policy and legal context

NPSNN

Flood Risk

5.16.3. In undertaking an assessment of flood risk, the Applicant is required to undertake a Flood Risk Assessment (FRA) for projects in Flood Zones (FZ) 2 and 3 (Paragraph 5.92). The FRA should identify and assess the risks of all forms of flooding to and from the project, along with demonstrating how these flood risks will be managed, accounting for climate change (Paragraph 5.93).

5.16.4. The management of flood risk may include the use of Sustainable Urban Drainage Systems (SuDS) but could also include vegetation to help to slow runoff, hold back peak flows and make landscapes more able to absorb the impact of severe weather

events (paragraph 5.110). SuDs can cover a range of techniques and features (paragraph 5.111).

- 5.16.5. Paragraph 5.113 advises that the proposed surface water drainage arrangements should ensure that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.
- 5.16.6. In determining proposals, the SoS should be satisfied that the submitted FRA is appropriate and that the Sequential and Exception Tests have been applied as necessary (Paragraphs 5.98 and 5.105-5.109). The decision maker should also be satisfied that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant and gives priority to the use of SuDS (Paragraph 5.99).
- 5.16.7. The proposed drainage system should comply with any National Standards contained within the Flood and Water Management Act 2010 and the strategy makes provision for the adoption and maintenance of any SuDS, with the most appropriate body being given the responsibility for maintaining any SuDS (Paragraph 5.100).

Water Quality and Resources

- 5.16.8. In undertaking an assessment of water quality and resources, the NPSNN requires the Applicant to set out opportunities to improve upon the quality of existing discharges where these are identified and shown to contribute towards the WFD commitments (Paragraph 5.222). The application should describe the existing quality of waters, water resources, the physical characteristics of the water environment affected by the proposed project, the impacts of the proposed project on water bodies or protected areas under the WFD and Source Protection Zones (SPZs) around potable groundwater abstractions and any cumulative effects (Paragraph 5.223).
- 5.16.9. In reaching a decision the SoS should be satisfied that the interface between the planning and other relevant regimes, such as pollution control has been considered and appropriately applied in terms of discharges, water abstraction and controlled water (Paragraph 5.224). Greater weight should be given to the effects on the water environment where a project would be assessed to have adverse effects on the achievement of the environmental objectives established under the WFD (Paragraph 5.225).
- 5.16.10. Proposals should have had regard to the RBMPs and to the WFD and daughter Directives and aim to achieve no deterioration of ecological status in watercourses (Paragraph 5.226) and include proposals to mitigate adverse effects on the water environment through Requirements in the DCO (Paragraph 5.227).

Draft NPSNN

Flood Risk

- 5.16.11. The policy requirements of draft NPSNN at the close of the Examination in respect of flood risk was largely consistent with those policy requirements of the extant NPSNN. However, relevant additions/amendments include the following:

- a definition is provided of the term Sustainable Drainage Systems, and is taken to cover the whole range of sustainable approaches to surface water drainage management (paragraph 5.140);
- for construction work which has drainage implications, approval for the project's drainage system will form part of any development consent issued by the Secretary of State (paragraph 5.141);
- sustainable Drainage Systems should deliver multifunctional benefits and help to achieve Biodiversity net gain (paragraph 5.141);
- the Secretary of State should be satisfied that the most appropriate body is being given the responsibility for maintaining any Sustainable Drainage Systems, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the applicant, the landowner, the relevant local authority and the relevant Sustainable Drainage Systems Approval Body or another body such as the Internal Drainage Board (paragraph 5.141); and
- where infiltration type Sustainable Drainage Systems are proposed, pre-applications with the Environment Agency are recommended to ensure they do not cause pollution to surface and groundwater quality and applicants should consider the role of Sustainable Drainage Systems management trains to control and treat run-off (paragraph 5.141).

Water Quality and Resources

- 5.16.12. The policy requirements of draft NPSNN, in respect of water quality and resources, are largely consistent with the extant NPSNN, with no significant changes being identified.

National Planning Policy Framework

- 5.16.13. The National Planning Policy Framework (the Framework) sets out various planning policies to meet the challenge of climate change and flooding in paragraphs 152 to 173. This provides detail on the Sequential and Exception Tests as does the Flood risk and Coastal Change section of the National Planning Policy Guidance (NPPG).

The Application

- 5.16.14. The relevant parts of the application are:
- ES Chapter 14 - Road Drainage and the Water Environment [[APP-081](#)];
 - ES Figure 14.1 - Key Water Environment Features [[APP-239](#)];
 - ES Figure 14.2 - Aquifer Designations [[APP-240](#)];
 - ES Figure 14.3 - Potential Groundwater Receptors [[APP-241](#)];
 - ES Figure 14.4 - Existing Fluvial Flood Risk [[APP-242](#)];
 - ES Figure 14.5 - Existing Surface Water Flood Risk [[APP-243](#)];
 - ES Figure 14.6 - Existing Groundwater Flood Risk [[APP-244](#)];
 - ES Appendix 14.1 - Water Quality Assessment Report [[APP-158](#)];
 - ES Appendix 14.2 - Water Environment Regulations (WFD Regulations) Compliance Assessment [[APP-159](#)];
 - ES Appendix 14.3 - Hydromorphology Assessment [[APP-160](#)];
 - ES Appendix 14.4 - Groundwater Assessment [[APP-161](#)];
 - ES Appendix 14.5 - Flood Risk Assessment [[APP-162](#) to [APP-173](#)]; and
 - ES Appendix 14.6 - Surface Water Drainage Strategy [[APP-174](#) to [APP-179](#)].
- 5.16.15. As part of the Applicant's Change Request, which was accepted by the ExA [[PD-017](#)], modifications were made to the drainage arrangements on Inworth Road. These changes were as a result of further modelling work and in response to comments received. In support of these changes, the Applicant submitted a Flood

Risk Assessment Addendum [[AS-096](#)]. An Environmental Statement Addendum was also submitted [[AS-098](#)], which confirmed that there were no updates to the WFD assessment and its conclusions remained valid. The Surface Water Drainage Strategy [[AS-099](#)] was also updated.

Applicant's Approach

- 5.16.16. The following sections summarise the Applicant's approach towards flood risk and surface water drainage. Matters in relation to water quality and the Water Framework Directive (WFD) are considered in subsequent further below in 5.16.64.
- 5.16.17. The Applicant confirmed [[APP-081](#)] that the assessment in ES Chapter 14 had been prepared in accordance with the requirements of DMRB including LA 113 Road Drainage and the Water Environment, in liaison with statutory and non-statutory consultees and stakeholders, including the EA and Lead Local Flood Authorities (LLFA), in this case ECC.
- 5.16.18. The assessment focused on identifying the effects on surface water quality and groundwater from construction and operation of the Proposed Development; the potential for increased volume and rate of surface water runoff from new impervious areas leading to an impact on flood risk; the potential for changes in surface water drainage patterns; and effects on hydraulic processes and hydromorphology of potentially affected water bodies.
- 5.16.19. The scope of the assessment included features of the water environment within at least 1km of the OL of the Proposed Development. In relation to flood risk, the study area was increased to fully assess the impact of the Proposed Development.
- 5.16.20. The Proposed Development is mostly located within FZ1, but there are parts of it that lie within FZ2 and FZ3 [[APP-162](#)].
- 5.16.21. The Proposed Development crosses seven main rivers: Boreham Brook, River Ter, River Brain, Rivenhall Brook, River Blackwater, Domsey Brook and the Roman River. There are also 36 ordinary watercourses crossed by the Proposed Development, along with numerous tributaries, drains, ditches and ponds within the study area.
- 5.16.22. The water quality within the study area is described as generally poor, with all of the waterbodies currently 'failing' due to chemical pollution [[APP-159](#)].
- 5.16.23. The proposed scheme passes over a drinking water aquifer with 45 licenced groundwater abstractions within 2km of the Proposed Development. There are also several nature conservation sites which are dependent on surface water or groundwater.

Construction Effects

- 5.16.24. During construction the Applicant considers that the likely impacts would be sediment and other polluting substances in runoff from temporary working areas reaching watercourses. Mitigation is proposed through the REAC [[REP7-015](#)], including measures to tackle emergency spillages and measures to control the storage, handling and disposal of potentially polluting substances. The Applicant concludes that there would be no likely significant effects on surface water features [[APP-081](#)].

- 5.16.25. There is a potential impact on groundwater due to de-watering operations, which may affect nearby watercourses and nature conservation sites. To minimise the effect, the Applicant prepared a Water Management Plan as an appendix to the EMP [REP4-029], which sets out the measures to be used by the PC to mitigate potential adverse impacts on the water environment during construction. The Applicant confirmed that this would be updated with more detailed information in the second iteration of the EMP. The Applicant therefore concludes [APP-081] that there would be no likely significant effects on groundwater, or water resources and nature conservation sites dependent on that groundwater.
- 5.16.26. The risk of flooding during construction would be controlled by following good construction practice, such as locating construction activities outside of areas at risk of flooding where feasible, use of sustainable drainage systems and adopting the EA's flood early warning system [APP-081]. The Applicant predicts no likely significant effects on flood risk during construction.

Operational Effects

- 5.16.27. The Proposed Development would involve the realignment of the Rivenhall Brook, Domsey Brook, and Roman River. To avoid significant effects on these watercourses, design features, such as meandering river routes and use of natural materials and vegetation are proposed [APP-081].
- 5.16.28. The aim of the water management strategy for the Proposed Development is to attenuate and treat highway runoff using wet ponds, filter drains, swales, new highway ditches and other SuDs where applicable. As such, the Applicant considers [APP-081] that there would be no likely significant effects on surface or groundwater quality from the proposed scheme. The inclusion of features which would provide water quality treatment where currently there are none would lead to a betterment compared to the existing situation [APP-081].
- 5.16.29. The Proposed Development has been designed to minimise the risk of it flooding or causing flooding elsewhere by incorporating current design standards and future climate change allowances to improve its resilience, along with the use of measures to control and manage runoff [APP-081].
- 5.16.30. Flood risk mitigation would result in no significant adverse effects and three likely significant beneficial effects [APP-081] due to a reduced risk of flooding on the A12, local roads and residential receptors compared to the existing situation. These are at Ordinary Watercourse 21 (south of Kelvedon), Ordinary Watercourse 26 (south-west of Marks Tey), and Inworth Road.
- 5.16.31. Regarding flood risk, the Applicant concluded that the Proposed Development would be compliant with the NPSNN requirements.

Planning Issues

- 5.16.32. The main issues which emerged during Examination that the ExA has examined, considered, and concluded on are:
- flood risk;
 - drainage strategy;
 - water quality and implications for WFD; and
 - disapplication of Flood Risk Activity Permits (FRAPs).

Flood Risk

- 5.16.33. We sought clarification [[PD-008a](#)] from the LPAs that they were content with the Applicant's FRA and that the Applicant's assessment of baseline conditions was accurate.
- 5.16.34. In relation to the proposed works along Inworth Road, we sought [[PD-009](#)] an explanation of what provision was included to address existing flooding issues, along with any additional effects that may arise from the Proposed Development.
- 5.16.35. With specific regards to increased flood depths downstream of the Rivenhall Brook, we sought [[PD-009](#)] an update on discussions with the relevant third-party landowner.
- 5.16.36. ECC as the LLFA in its LIR [[REP2-055](#)] confirmed that they were satisfied with the level of information provided to support the Applicant's conclusion that the Proposed Development would not increase the risk of flooding from surface water, groundwater and from ordinary watercourses during the operational phase of the development.
- 5.16.37. ECC also expressed serious concerns with respect to discharging polluted runoff into the water environment once the Proposed Development was operational. The LLFA believe the runoff from the Proposed Development was not safe to discharge into the water environment and would further deteriorate Essex's water features.
- 5.16.38. The EA confirmed [[REP1-014](#)] that they were broadly satisfied with the Applicant's FRA [[APP-163](#)]. In relation to a number of the proposed main river crossings, the EA considered there to be a loss of flood storage in the 5% (1 in 20) Annual Equivalent Probability (AEP) event, which it stated would not be in accordance with paragraph 5.109 of the NPSNN which requires no net loss of flood storage in FZ3b. The EA considered that this net loss should be compensated, or the Applicant should provide further justification as to why compensatory storage was not provided. They also identified that at some of the crossings, the works would lead to minor increases in flood depths and considered it was unclear whether the affected land would remain within the ownership of the Applicant. If this was not the case, then the EA advised that it should be ensured that landowners are accepting of any increased risk, or compensatory storage should be considered.
- 5.16.39. Discussions continued throughout the Examination in relation to flood risk matters and, by the end of the Examination, the majority of matters had been agreed and formed part of the SoCG with the EA [[REP7-020](#)]. The unresolved matters, in relation to flood risk were:
- Rivenhall Brook increased water levels and flood flows– awaiting acceptance from landowner;
 - increased flood risks at haul road at Witham needs to be agreed with affected landowner;
 - risk of flooding of Proposed Development in extreme 0.1% event in vicinity of Ordinary Watercourse 7, the FRA had not clarified whether there was a need for the Proposed Development to remain operational during such events; and
 - de-watering effects upon Ordinary watercourse 10 require acceptance from landowner.
- 5.16.40. In their RR [[RR-066](#)] Essex County Fire and Rescue Service (ECFRS) considered that matters in relation to appropriate planning and mitigation to reduce the impact

of flood water should be considered during the design of the Proposed Development.

- 5.16.41. In response to ECFRS, the Applicant [\[REP1-002\]](#) referred to the submitted FRA [\[APP-162\]](#), which concludes that the Proposed Development includes mitigation to ensure it does not increase existing levels of flood risk for its lifetime (including an allowance for the predicted impacts of climate change). The Applicant also highlighted [\[REP1-002\]](#) that the Proposed Development would reduce the pre-existing risk of flooding to the A12 carriageway from Ordinary Watercourse 21.
- 5.16.42. Messing and Inworth Action Group (MIAG) raised [\[RR-168\]](#) issues in relation to the effect of flooding on local roads in the vicinity of new J24, including along Inworth Road. Comments were also made by Catherine Vigrass, Sarah Shuckburgh and William Shuckburgh [\[RR-038\]](#) with regards to the impact of the proposed works to the B1023 (Inworth Road) on existing flooding at Inworth, including the presence of a broken culvert under the road. Mr Shaun Norton made submissions with regards to flooding around Boreham [\[RR-105\]](#).
- 5.16.43. With regards to the issues raised around J24, the Applicant referred to the Surface Water Drainage Strategy [\[APP-174\]](#) which demonstrated that the Proposed Development includes mitigation measures, where appropriate, to not increase the levels of flood risk (including an allowance for the predicted impacts of climate change over its design life).
- 5.16.44. In relation to flooding in Inworth, the Applicant submitted [\[REP7-078\]](#) that the FRA addendum [\[AS-096\]](#) demonstrates how the drainage and flood mitigation proposals for the B1023 have been developed to ensure that the road would remain operational in up to a 1% (1 in 100) plus climate change flood event. The proposals would mitigate both the impact of additional impermeable surfacing and the existing surface water flood risk to the road. As such, the Applicant considered that the proposed drainage and flood mitigation works at Inworth fully met with the NPSNN requirements [\[REP7-078\]](#).
- 5.16.45. In response to the issues of flooding in and around Boreham, the Applicant confirmed [\[REP1-002\]](#) that Annex I of the FRA [\[APP-170\]](#) provides maps of historical flood events from rivers, sea incursions and groundwater springs obtained from the EA and show no history of river flooding in Boreham itself. The main risk of flooding in the wider Boreham area is from the Boreham Brook, which the FRA demonstrates is not anticipated to increase existing levels of flood risk as a result of the Proposed Development. The Applicant confirmed [\[REP1-002\]](#) that the Proposed Development has been designed to be operational during heavy rain and flood events, taking into account allowances for climate change.

ExA Considerations on Flood Risk

- 5.16.46. We find that the FRA [\[APP-162\]](#) to [\[APP-173\]](#) and its Addendum [\[AS-096\]](#) meets the requirements of paragraphs 5.92 and 5.93 of the NPSNN. This is reflected in the SoCG with the EA [\[REP7-020\]](#) and the LLFA [\[REP7-027\]](#).
- 5.16.47. Several areas have been identified to be at potential risk from flooding. However, we are satisfied that the risks posed to and from the Proposed Development have been properly assessed by the Applicant and an appropriate package of mitigation measures has been proposed by the Applicant, to be delivered through Requirement 3 of the dDCO (Appendix D) and the EMP [\[REP7-015\]](#). Furthermore, we welcome the addition of the EA as a consultee on the Requirement.

- 5.16.48. Reference was made by IPs to flooding in specific locations, such as around J24 [\[RR-168\]](#) and existing flooding at Inworth [\[RR-038\]](#) and [\[RR-168\]](#). However, the Applicant has proposed measures to improve both the surface water drainage and overland flood storage adjacent to the B1023, to help mitigate seasonal flooding problems that have been highlighted. The ExA notes that this is an agreed matter with the LLFA [\[REP7-027\]](#). The ExA therefore finds that the Proposed Development will not exacerbate flooding along the B1023 at Inworth.
- 5.16.49. We were presented with no evidence to contradict the Applicant's case that the Proposed Development has been designed to be operational during heavy rain and flood events, taking into account allowances for climate change. Consequently, with the proposed mitigation measures in place, we are satisfied that the Proposed Development would be likely to lead to a negligible increased risk of flooding. As such, the Proposed Development would accord with paragraphs 5.102 and 5.104 of the NPSNN.
- 5.16.50. The Applicant has applied the Sequential and Exception Tests in the FRA and concluded that it passed both. Neither the LLFA nor the EA questioned that conclusion.
- 5.16.51. We acknowledge that, as a linear form of development, the Proposed Development is required to cross a number of watercourses along its length. As such, we are satisfied that those parts of the Proposed Development that are located within FZ3 could not be re-located to an area of lower flood risk. It therefore follows that we find that the Proposed Development meets the Sequential Test.
- 5.16.52. We also find that the Proposed Development falls within the definition of Essential Infrastructure as defined in the NPPG, and as such, it can be located within FZ3.
- 5.16.53. We note that the Applicant undertook to submit a sensitivity test to the Examination, to reflect the latest values for climate change allowances for rainfall intensity (paragraph 1.6.1 of the FRA refers [\[APP-162\]](#)). The Applicant confirmed that the results of this sensitivity test would (as necessary) be the basis on which the detailed design of the scheme would be undertaken, should the DCO be granted [\[APP-162\]](#).
- 5.16.54. This sensitivity test was not provided to the Examination. However, we note that the EA has confirmed [\[RR-011\]](#), [\[REP2-053\]](#) and [\[REP7-020\]](#) it is broadly satisfied with the FRA and has not raised concerns regarding the absence of this sensitivity test. We also note that the First Iteration EMP (Water Management Plan [\[REP4-029\]](#) and REAC [\[REP7-016\]](#)) contains commitments to mitigate impacts associated with high intensity rainfall events. We are therefore satisfied that the application is supported by an appropriate FRA and that measures to mitigate flood risk have been proposed and secured through the dDCO.

Drainage Strategy

- 5.16.55. In relation to the use of SuDs as part of the drainage strategy and their treatment of potential contaminants from run-off, we sought [\[PD-008a\]](#) more detail on the design of the features and what monitoring was proposed to protect water quality.
- 5.16.56. Following on from comments from ECC [\[REP2-055\]](#), we sought further explanation [\[PD-009\]](#) of discharge locations that were not due to receive any treatment measures prior to discharge.

- 5.16.57. In its LIR [\[REP2-055\]](#), the LLFA made comments in relation to the Applicant's drainage design criteria. By the end of the Examination, details had been agreed between the parties [\[REP7-027\]](#).
- 5.16.58. The LLFA [\[REP2-055\]](#) were concerned that the current proposals do not include pollution mitigation on all outfalls and sought their inclusion. They recognised that whilst the current design meets national design standards, which allow increases in the level of pollutants in the environment, it still constitutes a worsening of current environmental pollution levels and does not take any steps towards enhancing the natural and local environment, which is a key principle of national and local guidance.
- 5.16.59. In response, the Applicant considered [\[REP3-021\]](#) some enhancement was being made to the water environment by providing water quality treatment (including the potential for biodiversity improvements) by way of SuDS retention ponds as outlined in the Water Quality Assessment Report (WQAR) [\[APP-158\]](#). This includes providing treatment at existing outfalls that currently have no treatment. The Applicant confirmed [\[REP3-021\]](#) that an internal review would be undertaken through the detailed design process to confirm whether feasible enhancement in the form of SuDS mitigation can be provided to any outfalls with no treatment.
- 5.16.60. In their submissions [\[RR-071\]](#) Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited, considered that any siltation entering the river from the ponds needs to be minimised, and arrangements put in place to clear any that does arise.
- 5.16.61. The Applicant confirmed [\[REP1-002\]](#) that any discharges to surface water courses will follow the appropriate legislation and they would obtain the appropriate consents or follow the appropriate exemptions. In any event, the Applicant confirmed [\[REP1-002\]](#) that best practice guidance measures to control sediment runoff would be followed during construction.
- 5.16.62. In their submissions [\[RR-024\]](#), the NFU, whilst not raising any specific issues in relation to the overall drainage strategy, sought clarification as to why there were so many balancing ponds required and requested further negotiations with landowners with regard to their design and refinement to assess whether some of the balancing ponds could be relocated next to field boundaries to minimise the impact on farmland.
- 5.16.63. In response [\[REP1-002\]](#), the Applicant identified that the proposed attenuation ponds were required to mitigate the increased rates of runoff from the Proposed Development by storing the increased runoff, prior to releasing it to receiving watercourses, at a rate mimicking the existing site runoff rates. Without the provision of attenuation storage, the Applicant stated that increased runoff would be likely to increase flood risk to receptors downstream in the receiving watercourse. The attenuation ponds were sized to store the runoff plus an allowance for the predicted impacts of climate change over the design life of the Proposed Development. Their locations were informed by the highway geometry and topography to ensure the proposed surface water drainage systems can be drained by gravity.

ExA Considerations on Drainage Strategy

- 5.16.64. As set out in the Surface Water Drainage Strategy [\[AS-099\]](#), the Proposed Development would seek to make use of SuDS. In relation to the overall strategy,

the ExA finds that there are a number of issues that need to be addressed, however no evidence was presented to the Examination to suggest that the design of the SuDS features would not comply with the relevant National Standards as required by paragraph 5.100 of the NPSNN. The ExA is therefore content that these matters can be appropriately dealt with during the detailed design stage. On this basis, the ExA considers that the Proposed Development meets paragraphs 5.110, 5.111 and 5.230 of the NPSNN and paragraph 165 of the NPPF.

- 5.16.65. In relation to the Surface Water Drainage Strategy, we find that the proposal would provide adequate surface water storage and attenuation capacity to ensure that the peak rate and total volume discharged from the site would not exceed the existing rates and volumes. As such, we find that the Proposed Development would meet the aims of paragraph 5.113 of the NPSNN.

Water Quality including WFD

Background

- 5.16.66. Throughout the Examination, the EA raised significant concerns in relation to the design approach taken by the Applicant towards the use of culverts, their impact upon water quality and implications for WFD compliance. We questioned both the Applicant and the EA on the matter [[PD-008a](#) and [PD-009](#)], and it was also the subject of discussions and questions at ISH1, ISH3 and ISH5.
- 5.16.67. By the close of the Examination, whilst there had clearly been significant discussions between the parties, as evidenced by the SoCG [[REP7-020](#)], agreement on matters relating to water quality and the Applicant's intended use of culverts, including compliance with the WFD, had not been reached. As a result, the EA maintained their position of being unable to support this aspect of the Proposed Development.

Policy background

- 5.16.68. The NPSNN requires proposals to have had regard to the RBMPs and to the WFD and daughter Directives and aim to achieve no deterioration of ecological status in watercourses (Paragraph 5.226) and include proposals to mitigate adverse effects on the water environment through Requirements in the DCO (Paragraph 5.227).
- 5.16.69. Greater weight should be given to the effects on the water environment where a project would be assessed to have adverse effects on the achievement of the environmental objectives established under the WFD (Paragraph 5.225).
- 5.16.70. The WFD (Directive 2000/60/EC) has the overarching objective of all water bodies in Europe attaining good or high ecological status/potential before 2027. The WFD is implemented in England and Wales by The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017). The WFD Regulations require the EA, as the 'appropriate agency' in England, to prepare RBMPs, setting out measures to ensure that WFD water bodies in England and Wales achieve good ecological status or potential.
- 5.16.71. The EA requires an assessment of the impact of any construction or modification to WFD water bodies in the UK. Ecological quality comprises a series of biological, physico-chemical (joint physical and chemical) and hydromorphological quality elements. NSIP developments that would directly modify any WFD water bodies must be assessed. It is also important that consideration is given to the potential impacts on headwater drains and small streams (not classified as water bodies)

which could be directly inputted to by a scheme, as potentially a receiving water body immediately downstream could be affected.

The Application

5.16.72. There are eight watercourse crossings along the Proposed Development and two watercourse crossings on the proposed detrunked section of the A12. The below table, taken from the Applicant’s Technical Note on Proposals for Main River Crossings [REP6-095 Table 4.1] provides a summary of the Applicant’s proposals.

Table 8 Summary of Applicant’s Main River Crossing Proposals

Structure	On- / off-line	Proposed Dimensions
Boreham Brook culvert	On-line	No change
River Ter Bridge	On-line	No change
River Brain Bridge	On-line	Width extended 7m to the east and 5m to the west. No change in span length at 28.7m.
Rivenhall Brook culvert (existing)	On-line of detrunked section of A12	No change
Rivenhall Brook culvert (new)	Off-line	46m long, 4.5m wide and internal height clearance of 3.1m
River Blackwater (Ashman’s Bridge)	On-line	Asymmetrical widening 10.1m to the south
Domsey Brook (west crossing)	Off-line as the section diverges from existing	Widen the existing arch structure by 34.6m to 70.1m in total
Domsey Brook (east crossing)	Off-line section	New box culvert 2.7m x 2.7.m, and 60m long
Domsey Brook (east crossing)	On-line of detrunked section of A12	No change to existing 2 No. 1m diameter culverts
Roman River Bridge	On-line section	Extend the existing box culvert 4.8m wide by 2.1m high along a 12m length

5.16.73. In support of the application, the Applicant prepared both a Water Quality Assessment Report [APP-158] and a Water Environmental Regulations (WFD Regulations) Compliance Assessment Report [APP-159].

5.16.74. The Proposed Development is located within the Anglian River Basin District. The scoping for the Assessment identified the relevant RBMP (Anglian RBMP) and potentially impacted designated water bodies directly linked to the Proposed Development (within 500m), along with water bodies upstream and downstream of those already identified. The WFD surface water bodies scoped in for further assessment were:

- River Chelmer;
- Boreham Tributary;
- River Ter;
- River Brain;
- Domsey Brook;

- River Blackwater (Combined Essex); and
- Roman River.

- 5.16.75. The approach scoped in all water bodies that fall into receptor categories against activities, which included crossings, new and extended culverts, realignments for construction and operation and then assessed the impact and whether these changes were positive, negative or negligible. This included assessment of the effects on WFD quality elements: biological quality (including macrophytes, invertebrates, fish), chemical and physicochemical quality (including oxygenation conditions), and hydromorphological quality (including river continuity and river depth and width variations).
- 5.16.76. The River Blackwater and River Colne transitional and coastal water bodies were scoped out of the assessment due to the distance between these water bodies and the Proposed Development (more than 1km), making it unlikely that impacts would be identified.
- 5.16.77. There is a single WFD groundwater body scoped in, known as the Essex Gravels.
- 5.16.78. The WFD assessment [[APP-159](#)] concluded that some of the construction and operation activities of the Proposed Development would lead to localised negative changes to water quality elements. However, with the additional mitigation provided, these impacts were unlikely to lead to deterioration in classification and/or prevent the water quality elements from either achieving good classification or achieving their RBMP objectives. Overall, the WFD compliance assessment [[APP-159](#)] concluded that there would be no deterioration to waterbody status and there would be compliance under the WFD.

EA Position

- 5.16.79. Throughout the Examination, the EA maintained substantial concerns in relation to the Applicant's proposed use of culverts, at a number of locations, and the negative impact, in their view, that they would have upon water quality and the associated implications for WFD compliance [[RR-011](#), [REP1-014](#), [REP2-052](#), [REP2-053](#), [REP4-074](#), [REP5-030](#), [REP5-031](#), [REP5-032](#), [REP6-104](#), [REP6-106](#), [REP6-107](#), [REP7-020](#), [REP7-058](#), [REP7-060](#), [REP8-024](#) and [REP8-025](#)].
- 5.16.80. At the request of the ExA, they set out their final position at DL8 [[REP8-024](#)].
- 5.16.81. In summary, their issues related to the following parts of the Proposed Development:
- proposed new culvert crossing of Rivenhall Brook;
 - proposed new culvert crossing of Domsey Brook (east);
 - proposed extension to a further existing culvert crossing of Domsey Brook (west);
 - proposed extension to the existing culvert crossing of Roman River;
 - proposed extension to the existing bridge crossing of the River Brain; and
 - proposed extension to the existing bridge crossing of the River Blackwater (Ashman's Bridge).
- 5.16.82. In relation to the new culverts for Rivenhall Brook and Domsey Brook (east) the EA were concerned that they would unnecessarily create lengthy dark tunnels causing significant breaks in riparian connectivity and the fragmentation of habitats, through the destruction of natural banks, loss of natural channel, excessive shading and macrophyte loss. The EA considered these would introduce a barrier to the

movement of protected species of fish, otter and water vole, all of which can be found throughout the affected river systems. They would also create a break in continuous geomorphological river processes and sediment transport. Similar concerns were raised in relation to the proposed extensions to the existing culverts at Roman River and Domsey Brook (west).

- 5.16.83. With regards to the River Brain, the EA's concern related to the extension of the existing concrete riverbed, with the current structure leading to the channel almost drying out during summer months. In the case of River Blackwater, the concern stems from the loss of natural banks and the impact upon water voles. In both instances the Applicant agreed to look at mitigation measures to address these concerns at the detailed design stage. The EA welcomed these commitments [\[REP8-024\]](#).
- 5.16.84. The EA referred to their policy opposing the use of culverts, for reasons including their potential for adverse ecological effects [\[REP5-030\]](#). This policy requires an applicant to first demonstrate why culverting is necessary and the only reasonable and practicable alternative to less damaging options. The EA considered that the Applicant had not followed this policy and considered that the use of clear span bridges or similar open structures was more appropriate. Such a design approach reflects the application of the mitigation hierarchy, that environmental harm should first be avoided, with habitat features retained and fragmentation minimised, in line the with NPSNN, the draft NPSNN, NPPF and DMRB requirements. The EA confirmed that it had expressed this view during pre-application discussions [\[REP6-104\]](#).
- 5.16.85. Therefore, the EA was of the view that the Applicant had not demonstrated that the Proposed Development could not be delivered using less environmentally damaging design options, and that it should be amended to reduce the harm that would be caused to the environment.
- 5.16.86. Their view was that the new and extended culverts were likely to have a severe detrimental impact on the invertebrates, vegetation, fish, and entire biodiversity elements across the whole river catchment where they act as barriers to species movement by:
- isolating habitats by destroying the river corridor which is the only migration route for aquatic ecology and the main migration route for terrestrial ecology;
 - causing problems for fish passage through increased water velocities, shallow depths, oxygen depletion and eroded culvert entrances as well as acting as a general behavioural deterrent;
 - introducing unnecessary challenges to habitat and population connectivity for all species associated with river habitats (including macrophytes, invertebrates, mammals, and fish) threatening species viability in the long term; and
 - increasing geomorphological risk including changes to channel stability, river bank and bed erosion and increased deposition around the culverted sections.
- 5.16.87. The EA also considered that there was limited empirical data to support the Applicant's view that long culverts will not act as a barrier to species movement.
- 5.16.88. By the end of the Examination, the EA [\[REP8-024\]](#) could not agree that the Applicant had demonstrated that the main river crossings as proposed would not cause unnecessary and avoidable environmental damage. They also could not agree with the results of the Applicant's Water Environment Regulations (WFD Regulations) Compliance Assessment [\[APP-159\]](#) which they considered to

undervalue the significant damage and risk of deterioration to the waterbodies. The EA consider that the proposed new and lengthened culverts risk waterbody scale deterioration across multiple waterbodies and a range of WFD elements: biological quality; chemical and physicochemical quality and hydromorphological quality [REP8-024].

Applicant's Position

- 5.16.89. The position of the Applicant was that the Proposed Development accords with the relevant environmental objectives of the Anglian RBMP and WFD objectives. Their submission was:
- adverse impacts from hydrological and water quality changes to surface water during construction would be avoided through standard mitigation [APP-076], specifically, the use of silt fencing, cut-off drains, baffles at discharge locations, and adoption of Construction Industry Research and Information Association (CIRIA) guidance;
 - mitigation measures to ensure continued permeability of existing structures where widening is proposed, and new proposed structures includes WFD-specific measures such as the introduction of sediment to regulate local flow dynamics for fish (as per commitment RDWE42 in the REAC) [REP7-015];
 - mitigation measures for riparian mammals include the provision of mammal ledges and retrofitting of mammal ledges to existing culverts where practicable (as per commitment BI32 in the REAC) [REP7-015] and the provision of otter fencing to dissuade otters from entering the carriageway and guide them towards culvert entrances;
 - there would be no deterioration of the status of surface waters and groundwaters and therefore the Proposed Development would accord with the requirements of the WFD and the RBMP [APP-159];
 - there would be no downgrading of status of any watercourses within the vicinity of the Proposed Development [APP-159];
 - ES Chapter 9 Biodiversity [APP-076], concludes no significant adverse effects on protected species (including fish, macrophytes and invertebrates) as a result of construction or operation of the Proposed Development; and
 - operational effects would be prevented through embedded mitigation measures, including approved drainage designs and water management, such as the proposed 71 attenuation ponds to store surface runoff.
- 5.16.90. The Applicant disagreed with the effects identified by the EA, submitting that the culverts were small at the river basin scale, and had been assessed as not having any likely significant effect on habitats at this level. They were designed to maintain river flows similar to the sections up and downstream of the culverts and maintain similar streambed material, thereby allowing fish to swim through the culverted sections as opposed to creating barriers to migration.
- 5.16.91. With regards to specific mitigation, the Applicant referred [REP6-095] to the following:
- retaining existing vegetation (including riparian habitat) as far as reasonably practicable and continuing to do so as the detailed design develops;
 - increase connectivity across the landscape and avoid fragmentation of habitats through landscape planting, as well as connect to existing wildlife corridors [APP-076]; and
 - proposed enhancement measures for Boreham Brook, Domsey Brook and Rivenhall Brook, including the implementation of a 10m buffer zone (either

through fencing, where practicable, or landscaping, (leaving the area to rewild)) to allow for a natural riparian zone and habitat creation [APP-076].

- 5.16.92. Furthermore, the Applicant identified [APP-076], that while there would be an overall loss of 230m of river lengths through the creation of the proposed new alignments, the realigned sections would improve the condition and therefore the river condition score [APP-138] of the affected reaches of Domsey Brook, Roman River and Rivenhall Brook under the WFD.
- 5.16.93. A number of enhancements of existing culverts on Roman River, Domsey Brook west and River Brain Bridge [REP8-014] would include the following measures:
- incorporation of gravels to improve sediment substrate of the riverbed and overall channel heterogeneity;
 - where practicable, in-channel works would be avoided for main rivers during freshwater fish spawning and migration periods;
 - where sections of watercourses are to be isolated as part of construction work, fluming would be used to protect any fish species present, preventing direct mortality of fish migrating from downstream;
 - culvert design and river morphology protection and introduction of sediments in culverts;
 - protection of vegetation and species during construction;
 - retention of existing vegetation as far as practicable; and
 - landscaping and habitat planting to tie in with culverts to guide bats through the culverts instead of over the A12.
- 5.16.94. All measures would be secured as part of the REAC, the EMP or the LEMP.
- 5.16.95. In response to the concerns of the EA, the Applicant considered that no reasoned assessment had been produced by the EA to support their assertions made. The Applicant considered nothing had been produced by the EA which addressed in detail the existing baseline conditions, which include culverts or how they acted as barriers to the movement of fish, mammals and reptiles. In relation to otters, the Applicant provided evidence [REP6-095] to show that they were found to be both upstream and downstream of a number of the existing culverts, which it considered to contradict the EA's suggestion that culverts were a barrier to them.
- 5.16.96. The Applicant acknowledged the mitigation hierarchy, but their position was that there are no significant adverse effects, as evidenced by the ES. As a result, it considered there was no need for alternatives to be assessed and no duty upon the decision maker to consider whether a yet more acceptable alternative could be identified.
- 5.16.97. The Applicant submitted a Technical Note on Proposals for Main River Crossings [REP6-095], which expanded on details provided in response to Written Representations [REP3-009]. The Technical Note concluded that either the replacement of existing bridges was not required for environmental reasons or that the option of providing a bridge instead of a culvert would not lead to significantly better environmental outcomes, given the low lying nature of the terrain. Culverts also offered the opportunity to provide mammal ledges and natural substrate to benefit movement of riparian mammals and fish. Replacing the proposed Main River crossings with open span bridges would be disproportionate in terms of whole life cost, embodied carbon, and adverse construction impacts compared with any environmental gains that would manifest during the operational phase.

- 5.16.98. With regards to the consideration of alternatives, Table 9.2 of ES Chapter 9, Biodiversity [APP-076] provided further detail of the Applicant's consideration of clear span bridges and the reasons for discounting them.
- 5.16.99. In response to the submitted EA policy, the Applicant was of the view they were internal policies and that they should carry little weight on the basis that they had not been subject to public consultation or independent examination [REP6-090].

ExA Considerations on Water Quality

- 5.16.100. With regard to the Applicant's WFD assessment, whilst the EA have raised a number of concerns over the detailed assessment and conclusions, which we deal with below, no substantial concerns were raised in relation to its overall scope and methodology.
- 5.16.101. The ExA agree that increasing the length of existing culverts will create additional dark areas. As will the provision of new culverts and the retention of existing culverts under those parts of the existing A12 that are to be detrunked. As a result, the amount of light that will be able to penetrate these areas will be reduced. This has the potential to impact upon the quality of the water which flows through the rivers, which in turn would have an impact upon the quality of the water from a biodiversity perspective. They also have the potential to discourage their use by mammals, such as water vole and otter, with construction works and the extended and new culverts resulting in the loss of existing habitat along riverbanks.
- 5.16.102. On the face of it therefore, and without any mitigation, the Proposed Development has the potential to have an adverse effect upon water quality in this regard.
- 5.16.103. We note the position in relation to the commitment from the Applicant to undertake further mitigation in relation to the River Brain and River Blackwater crossings at the detailed design stage. On the basis of the response to this commitment from the EA [REP8-024], the ExA are content that these elements have been addressed and will be resolved in more detail at a later stage via the FRAP application process.
- 5.16.104. The ExA note that some adverse impacts have been identified by the Applicant, who, as a result of their assessments, proposed a number of mitigation measures to address these impacts. The Applicant's WFD assessment concludes that following mitigation, the Proposed Development would not result in a deterioration in classification and/or prevent the water quality elements from either achieving good classification or achieving their RBMP objective. Furthermore, the ExA note the Applicant's ES assessment concludes that, after mitigation, no likely significant effects upon receptors sensitive to changes in the water environment, including protected species (including fish, macrophytes and invertebrates) as a result of construction or operation of the Proposed Development [APP-081] are predicted.
- 5.16.105. We acknowledge the submissions of the EA, however based on the evidence provided, the ExA considers that, with the inclusion of mitigation measures, there would be no deterioration in status of any of the quality elements within WFD water bodies as a result of the Proposed Development.
- 5.16.106. The ExA accepts the position of the EA that there may be other solutions and design approaches to the provision of new and existing river crossings. By following a different design approach, it is conceivable that other environmental benefits could be delivered by the Proposed Development. However, from the submissions of the Applicant and the evidence provided, it is clear that the current approach will have

no significant effects, therefore as set out in paragraph 5.25 of the NPSNN, the ExA finds that there is no requirement upon the Applicant to consider reasonable alternatives any further.

- 5.16.107. The ExA finds that the Applicant's proposed mitigation measures, along with their proposed enhancement measures will ensure that the Proposed Development does not result in a worsening of the existing situation. Therefore, we conclude that on the basis of the evidence before us, the use of culverts is an acceptable design approach.
- 5.16.108. Notwithstanding this, the ExA finds that the mitigation and other measures to control pollution and groundwater levels are only able to minimise risk to water quality and would not eliminate it in its entirety.
- 5.16.109. The ExA concludes that the mitigation provided through the dDCO and its associated documents including commitments within the REAC, along with the existing legal permitting system, provides practicable and proportionate safeguards. Therefore, whilst we have identified some residual risk, we conclude this to be small. As such, we conclude that the effects of the Proposed Development on the water environment in terms of water quality, though negative, would be unlikely to be significant.
- 5.16.110. In summary, the ExA considers that the Proposed Development would be unlikely to have a significant harmful effect on water quality. As such, the ExA finds that the Proposed Development meets the requirements of paragraphs 5.222, 5.223, 5.226 and 5.227 of the NPSNN.
- 5.16.111. With regards to the submitted EA policy, due to their internal nature, we find that given they have not been subject to public consultation or independent examination they should be afforded limited weight. As such, whilst the ExA considers these policies to be important and relevant considerations, any conflict with these policies is not considered to outweigh the support we have identified for the Proposed Development in the NPSNN.
- 5.16.112. We acknowledge the potential for the SoS, as competent authority in respect of the DCO application, to come to a different view regarding the potential for a deterioration in WFD water body status. We sought to obtain information from the Applicant to support a derogation (be it without prejudice or otherwise) so as to provide the necessary information to the SoS in determining whether a derogation may be justified under Article 4.7 of the WFD (if required) [\[EV-054\]](#). At DL8, the Applicant confirmed [\[REP8-014\]](#) it was producing an Article 4(7) derogation case without prejudice to the Applicant's position that the Proposed Development is compliant with WFD requirements. The Applicant was unable to submit its without prejudice derogation case prior to the close of Examination but confirmed it had held a meeting with the EA, at which it set out the proposed approach and structure for its case. The Applicant confirmed [\[REP8-014\]](#) its intention to submit the without prejudice derogation case to the SoS as soon as it reasonably could, allowing for ongoing engagement with the EA, following the closure of the Examination. If required, the SoS would need to pursue submission of this information from the Applicant in order to determine if the DCO application meets the tests and therefore whether a derogation may be justified under Article 4.7.

Flood Risk Activity Permits

- 5.16.113. The EA refused to give consent under s150 Planning Act 2008 for disapplication of the flood risk activity permitting regime under the Environmental Permitting (England and Wales) Regulations 2016 (EPR 2016) which means that the Applicant will need to obtain FRAP for any part of the works proposed in the application for the DCO which require such a permit. These applications fall to be considered by the EA, who advised [REP7-058] that they would be considered in the usual way on their merits at the time they are made.
- 5.16.114. In response, the Applicant submitted [REP6-095] that, in the event that the SoST makes the DCO in its current form, it would not then be open to the EA, in considering whether or not to grant a FRAP, to act inconsistently with the SoST independent factual judgment on the issue and to refuse to grant a FRAP on the basis that open span bridges should have been used instead of culverts. In the Applicant's view [REP6-095], such arguments would have been fully heard and rejected through the DCO application, and therefore the EA would not retain the right to maintain and act upon its original opinion.
- 5.16.115. In support of their position [REP6-095], the Applicant cited precedent set by the Court of Appeal in case of (R. v Warwickshire CC Ex p. Powergen Plc (1998) 75 P. & C.R. 89) (Powergen). Applying the reasoning in the Powergen case to the application, the Applicant submitted that if the SoST has considered the EA objection and rejected it, such a rejection would only be likely to arise where the SoS has accepted that the Proposed Development will not give rise to significant adverse effects, those effects cannot be described as conspicuous and thus no legal duty to assess alternatives arises. The DCO would thus be granted on the basis of that reasoning. It would not then be open to the EA to refuse to grant a FRAP on the basis that there has been no assessment of alternatives to culverting.
- 5.16.116. The EA disagreed with this submission [REP7-058]. Its view was that the DCO regime and the flood risk activity permitting regime are different systems of control and have an independent existence. In their view the Powergen case did not involve a situation where there was a quite separate statutory consent regime.
- 5.16.117. The Applicant disagreed [REP8-014] with the EA's position, highlighting that Powergen itself related to a consent required from a county council acting as local highway authority in relation to a planning application made to a district council as local planning authority. The Applicant's view [REP8-014] was that the rationale in Powergen was clear; once the issue regarding culverts has been determined by the SoST in the DCO process, it would not be rational for the Environment Agency to come to a different conclusion on the same issue in the permitting process.

ExA Considerations on Flood Risk Activity Permits

- 5.16.118. In relation to the legal points raised by the parties, the ExA concludes that it falls outside of the scope of the Examination. In our view it is a matter that will ultimately be decided during the FRAP consenting process and any subsequent challenges to decisions by other parties. We also note that part of the process for the consideration of FRAPs is compliance with WFD.
- 5.16.119. Given that the Applicant has agreed with EA and amended the dDCO to ensure that the necessary permits are not disappplied, we conclude that the matter has been addressed as far as our consideration of the DCO goes.

Conclusion

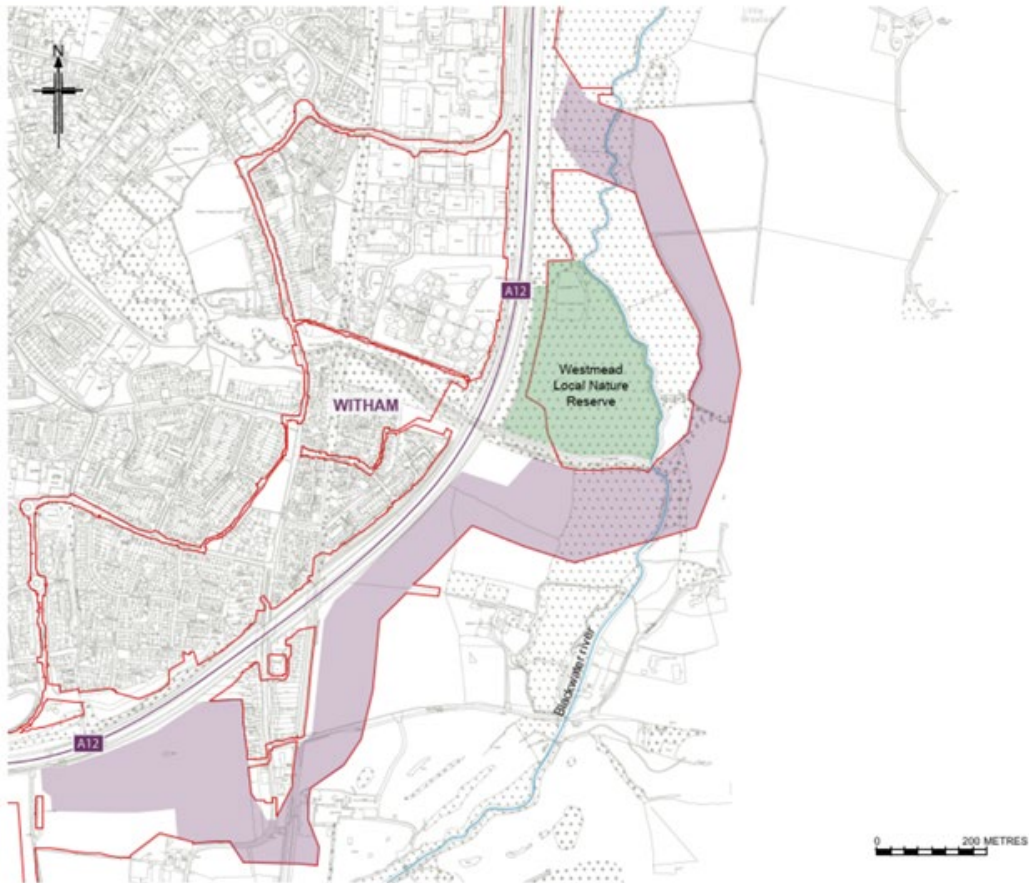
- 5.16.120. In conclusion, the ExA finds the following:
- The drainage run-off rates and the approach to the maintenance of drainage infrastructure is satisfactory.
 - The proposed development passes both the sequential and the exception tests.
 - The proposed development results in a low level residual flood risk, which would be safely managed through measures secured in the first iteration EMP and the FRA certified documents.
 - Appropriate pollution control measures, including attenuation ponds, planting and proprietary measures to protect the water environment of the area during the construction and operational phases were proposed by the applicant.
 - Satisfactory proposals to mitigate adverse effects on the water environment are proposed, as such, there would be no significant adverse effects on the water environment during either the construction or operation of the proposed development.
 - The use of culverts is acceptable.
 - With the proposed mitigation and if well maintained, the proposed development would not adversely affect water quality or resources.
- 5.16.121. In terms of the impact upon the water environment, the ExA concludes that the matter weighs neither for nor against the making of the DCO and therefore have attributed it neutral weight to be carried forward into the planning balance.

5.17. DIVERSION OF HIGH-PRESSURE GAS MAIN

Background

- 5.17.1. The Applicant identified, during the design-development process, that the high-pressure gas main Little Braxted to Springfield - AIA2, operated by Cadent Gas Limited (Cadent), would need to be diverted (gas main diversion) as the Proposed Development would be built where the current gas main is located.
- 5.17.2. The current gas main runs parallel with the southbound carriageway of the A12, between Maldon Road Bridge (B1018) and Colemans Bridge (B1389). It runs under residential back gardens and parallel to Whetmead LNR. There is also an 11kV cable that runs directly above it.
- 5.17.3. The proposed gas main diversion would run close to residential properties around Maldon Road (B1018), between the Witham disused railway linear country park and Bluemills Golf Course car park. To avoid the possible area of contaminated land around Whetmead LNR, it would involve two crossings of the Blackwater River. Through this part, a 100m wide corridor has been allowed to enable changes of direction or to allow for alternative methods of construction (such as directional drilling for river crossings). At the time of submission, Cadent, who would be expected to construct the pipeline, had not undertaken a detailed design study. The route can be seen in the below figure [\[APP-249\]](#):

Figure 3 Proposed Gas Main Diversion Corridor



- 5.17.4. As part of the ASI, the ExA observed that part of the route which would run through, and in close proximity to, the Blue Mills Nature Reserve [\[EV-010\]](#).

Policy Context

The Planning Act 2008

- 5.17.5. The gas main diversion must be treated as an NSIP if it meets the following thresholds in s20(3)(b) of the PA2008:
- is the construction of gas pipeline by a gas transporter;
 - is wholly in England;
 - is likely to have a significant effect on the environment;
 - will have a design operating pressure of more than 7 bar gauge; and
 - when constructed, will convey gas for the supply (directly or indirectly) to at least 50,000 customers, or potential customers, of one or more gas suppliers.
- 5.17.6. Having reviewed the submitted details from the Applicant, the ExA was content that the gas main diversion would, on the basis of the thresholds set out in the PA2008 comprise an NSIP. No substantive comments were received from participants at the Examination to suggest anything to the contrary.
- 5.17.7. In response to a question from the ExA [\[PD-014\]](#), the Applicant confirmed [\[REP6-089\]](#) that in instances such as this, the SoST would be the sole decision maker, but would consult the Secretary of State for Business, Energy and Industrial Strategy

(as was then) on the recommendations made by the ExA in relation to the energy NSIP and any comments would be taken into account when the SoST takes the final decision. The Applicant provided a letter [REP6-089 Appendix A] to confirm the process. A further email from The Department for Energy Security and Net Zero (DESNZ) [REP6-089 Appendix B] confirmed that this arrangement to be still valid, following recent changes to government departments.

National Policy Statement

- 5.17.8. As the gas main diversion is considered to be an NSIP in its own right, it falls to be considered against the Overarching National Policy Statement for Energy (NPS EN-1) and the National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (NPS EN-4), along with the draft revised NPS EN-1 and NPS EN-4, which were published by DESNZ in March 2023 for consultation.
- 5.17.9. The policy requirements in NPS EN-1 and NPS EN-4 that are not included in the NPSNN, but which are relevant for the assessment of the gas main diversion are:
- submission of an ES including an assessment of the impact of the project by the Applicant (NPS EN-1, Paragraph 4.2, NPS EN-4, Paragraph 2.19.3);
 - assessment of effects arising from commissioning infrastructure once it is completed but before it comes into operation (NPS EN-1, Paragraph 4.2.3);
 - national security considerations that apply across all national infrastructure (NPS EN-1, Paragraph, 4.15);
 - presumption in favour of the conservation of designated heritage assets (NPS EN-1, Paragraph 5.120 to 5.142); and
 - use of well-established standards, covering design, operation and maintenance of UK sector major accident hazard pipelines to demonstrate risks are as low as reasonably practicable, and consultation with the Health and Safety Executive (HSE) (NPS EN-4, Paragraph 2.19.6).

Other legislation and policies

- 5.17.10. Other legislation and guidance relevant to the gas main diversion are set out in the ES [APP-070] and in Chapter 3 of this Recommendation Report.

The Application

Environmental Statement

- 5.17.11. The assessment of the gas main diversion was undertaken by the Applicant within the main body of the ES, with the diversion assessed as an integral part of the Proposed Development. Table 2.1 in Appendix 5.2: Gas Main Diversion Screening Assessment, of the ES [APP-097] provided a summary of likely environmental effects of the gas main diversion for each environmental aspect.
- 5.17.12. In response to a question from the ExA [PD-008a] the Applicant provided further clarification and a further table [REP2-025 Appendix A] to signpost relevant chapters and sections of the ES where the gas main diversion was considered.

Scope and Methodology

- 5.17.13. The findings of the Applicant's assessment were that there would be no likely significant effects resulting from the gas main diversion on air quality, cultural heritage, biodiversity, geology and soils, material assets and waste, noise and vibration, population and health, road drainage and the water environment, and climate [APP-097, Table 2.1]. The Applicant did however conclude [APP-097] that

the diversion would give rise to likely significant adverse effects upon landscape and visual receptors.

- 5.17.14. The landscape effects of the gas main diversion has been assessed by the Applicant in the ES, Chapter 8 Landscape and Visual [\[APP-075\]](#) as part of the wider Proposed Development [\[APP-120\]](#) Appendix 8.2].
- 5.17.15. In relation to construction, the Applicant concludes [\[APP-075\]](#) that the gas main diversion would potentially affect local Landscape Character Area (LCA) A9 Blackwater River Valley and landscape sub-area A9A during construction. The physical disruption and the presence of numerous uncharacteristic elements would cause significant damage to the existing landscape character and affect tranquillity during construction.
- 5.17.16. In year one of operation, the assessment considers the gas pipeline diversion would present changes to the pattern of the low-lying valley landscape as a result of loss of woodland and characteristic willow plantations along the River Blackwater. In year 15, the gas main diversion easement would restrict the capacity to reinstate woodland and willow plantation within the River Blackwater Valley, however some replacement planting along parts of the 30m corridor, delivered via LV14 in the REAC [\[REP6-052\]](#), would be undertaken, in accordance with Cadent's guidance and best practice standards. Overall, the assessment concludes that the effects on local LCA would be of large adverse (significance) in year one and effects of moderate adverse (significance) in year 15.
- 5.17.17. The visual effects were assessed by the Applicant in the ES [\[APP-075\]](#) and [APP-121](#) Appendix 8.3]. In year one of operation, the assessment identifies that from representative viewpoint 35, the loss of vegetation would open up views across the Blackwater River Valley towards the A12 and concludes that there would be a significant effect (moderate adverse) for users of the various PRoWs. In year 15 of operation, the assessment notes that, with the establishment of mitigation planting within the gas main diversion easement, the character of the view of the Blackwater River Valley would be reinstated, although some slight adverse effects on visual receptors would remain.
- 5.17.18. In coming to these conclusions, the Applicant acknowledged that final alignment could reduce the magnitude of effect on landscape character and visual receptors, or that suitable mitigation could be implemented, so that it would not give rise to likely significant effects. However, as the final alignment was not known, and neither was the suitability of trenchless techniques to avoid or reduce tree loss, the Applicant assessed [\[APP-075\]](#) that the gas main diversion within the limits of deviation would result in a likely significant effect (moderate adverse) due to impacts on landscape character and visual receptors.

Mitigation

- 5.17.19. With regards to construction, the route for the gas main diversion and methods of construction would be refined during detailed design to retain as much existing vegetation as practicable, in particular mature vegetation and woodland. The working width for its installation would be reduced as far as reasonably practicable through woodland and where the gas main diversion crosses through hedgerow field boundaries. All main river crossings would be installed using trenchless techniques, such as Horizontal Directional Drilling (HDD). These measures are secured through the REAC [\[REP7-015\]](#).

- 5.17.20. The Applicant assumed that a 30m wide corridor of vegetation removal would be required along the centreline of the gas main diversion. Due to utility easements, the Applicant confirmed that there would be a no planting zone on or close to the edge of the gas main, however, there would be scope to replant parts of the 30m corridor to reduce the width of the gap in the long term. Planting proposals would be developed at detailed design stage. This mitigation would be delivered through the REAC [\[REP7-015\]](#).

Planning Issues

- 5.17.21. The issues that emerged during the Examination that the ExA examined, considered and concluded on are:

- Need for the gas main diversion, consideration of alternatives and final alignment;
- Impact upon biodiversity, in particular the Blue Mills LNR; and
- Landscape and visual impact from tree removal.

Need for Gas Main Diversion, Consideration of Alternatives and Final Alignment

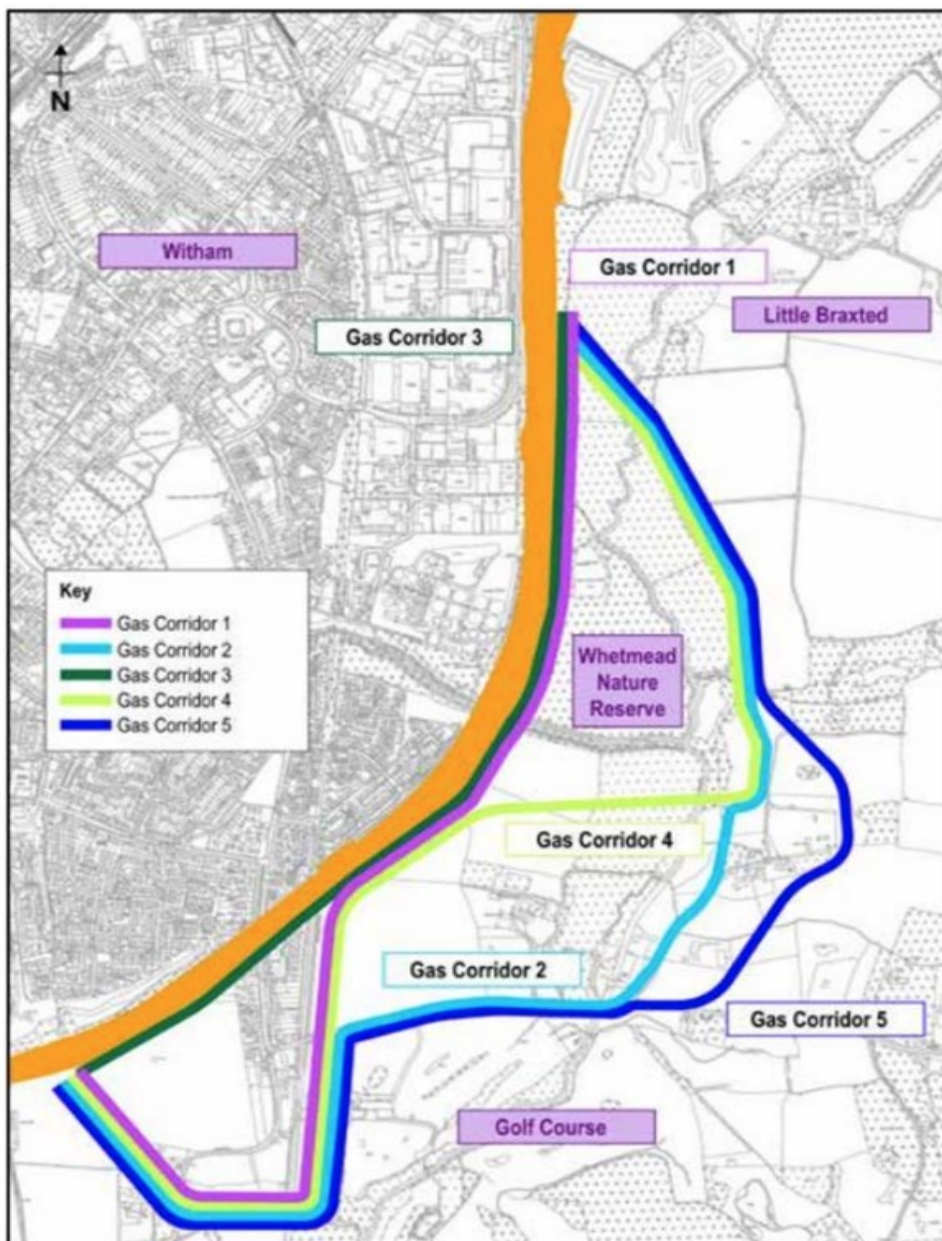
- 5.17.22. In their RR [\[RR-031\]](#) Cadent Gas, as licenced operator of the pipeline, confirmed that both this pipeline, and others within the OL could be affected by the proposed works, many of which would require diversion as a result.
- 5.17.23. We sought clarification and justification from the Applicant [\[PD-009\]](#) about the proposed options considered for the route of the gas main diversion and why they were discounted. In particular, following our ASI, which included a visit to Blue Mills LNR, we sought details of the alternative options considered which would avoid or mitigate the impacts of routing the gas main diversion through the LNR.
- 5.17.24. Throughout the Examination, we sought updates from the Applicant on progress of the preparation of a detailed design by Cadent and confirmation of the exact route of the gas main diversion. By the close of the Examination whilst the Applicant had provided additional detail on the design principles [\[REP7-017\]](#), the final design and the precise final alignment of the gas main diversion were unresolved.
- 5.17.25. In its LIR, MDC [\[REP2-068\]](#) considered that the impact of the gas main diversion on the landscape of Blue Mills LNR and the parishes of Wickham Bishops and Little Braxted would be significant. They were of the view that the ecological impacts on the Nature Reserve as a result of tree loss and disturbance to wildlife would also be significant and had not been fully surveyed and assessed by either the Applicant or Cadent.
- 5.17.26. At ISH1, MDC [\[REP3-051\]](#) expressed concern that the final alignment of the gas main diversion, construction methodology, and proposed mitigation were not known yet. By the close of the Examination, within their SoCG [\[REP8-008\]](#), MDC agreed matters in relation to the route of the gas main, and the reasoning behind its selection and the discounting of other considered options.
- 5.17.27. Mr Mark Cathcart [\[REP2-069\]](#) was of the view that other routes were less damaging and considered that these routes would be preferable from an environmental perspective and had been discounted mainly to avoid the expense of the technical and health and safety matters, which would be required in order to move the gas main onto the borders of an old landfill site. In his view [\[REP2-069\]](#) the selected route would have a huge ecological impact, cutting a 20-30 metre wide strip through

an area of fertile alluvial, wildlife-rich, greenfield land in the picturesque Blackwater valley, endangering the river environment and the animals which depend on it.

5.17.28. In terms of the need to divert the gas main, the Applicant submitted [APP-249 and REP7-078], that due to proximity of construction work, along with the nature of both the temporary and permanent works in the vicinity of the existing gas main, it was not feasible to keep the gas main in its current location. In their view [APP-249], the scale of earthwork operations, requiring vibration to compact materials and the piling activities to construct the retaining walls, would not be safe nor permissible were the gas main to remain in situ.

5.17.29. With regards to the identification of the route for the gas main diversion, the Applicant submitted that it had considered five corridors [APP-070]. The following plan shows considered alternatives [REP4-055]:

Figure 4 Potential Route Corridors for Proposed Gas Main Diversion



- 5.17.30. Corridors 1 and 3 were discounted, as they would involve diverting the gas main through the historic landfill at Whetmead LNR [REP4-055]. Corridors 2 and 5 were discounted [REP4-055] as there were strong objections during the supplementary consultation from local residents and councillors. These corridors would result in the loss of trees and hedgerows that line Blue Mills Hill and Ishams Chase, impacting the landscape character of these areas and potentially impacting on the setting of Listed Buildings.
- 5.17.31. Corridor 4 was chosen as the preferred option [REP4-055]. The Applicant acknowledged [REP4-055] that this would result in loss of woodland where it crosses the River Blackwater, but that following its selection, the route had been amended to avoid woodland on its east bank [REP4-055].

ExA Considerations on Need for the Gas Main Diversion, Consideration of Alternatives and Final Alignment

- 5.17.32. Given the existing location of the gas main in relation to the Proposed Development, along with the response from Cadent confirming that this gas main, amongst others, would be affected, the ExA considers that the gas main diversion is necessary to the delivery of the Proposed Development. We conclude that without the gas main diversion, the Proposed Development as submitted, cannot be implemented, as such we find that the diversion is needed and is intrinsically linked to the Proposed Development.
- 5.17.33. The ExA agrees with the Applicant in relation to the consideration of alternative routes and finds that a sufficiently robust exercise was undertaken to identify the most appropriate route. We consider that the preferred corridor is not without its environmental impacts, but from the evidence presented to the Examination, we are content that it represents the best technical solution.
- 5.17.34. We note the submissions of IPs highlighting a preference for other corridors, however we have no substantive evidence before us to conclude that these are more appropriate than the one preferred by the Applicant, nor that the reasons for discounting alternative routes are flawed.
- 5.17.35. Whilst the Applicant was clear with regards to the preferred corridor, the lack of clarity on the exact route of the gas main diversion was a source of frustration to IPs throughout the Examination. To our mind, whilst we understand that detailed and technical work needs to be completed to enable confirmation of the precise route, had a more focused corridor been established at the outset (or during the Examination) through the identified sensitive locations, then it would have made understanding the potential impacts much clearer and easier for all to understand.
- 5.17.36. That said, the ExA accepts the reasoning provided by the Applicant in relation to the further detailed and technical work to be undertaken, in particular by Cadent before the final design can be confirmed. We find the Applicant's approach of identifying a corridor and assessing the impact upon that corridor to be a reasonable and logical approach. We also consider that such an approach ensures the assessment of the worst-case scenario, especially in relation to tree loss. However, it does provide a degree of uncertainty to IPs in seeking to understand what the exact impact of the gas main diversion would be on their land and property.

Impact upon Biodiversity, in particular the Blue Mills LNR

- 5.17.37. As part of our ASI [\[EV-010\]](#) we undertook a site visit to the Blue Mills LNR, where we were shown the OL their interaction with the LNR, along with the key ecological features within it.
- 5.17.38. Through the course of the Examination, MDC raised a number of issues in relation to the impact of the gas main diversion upon Blue Mills LNR [\[AS-114, REP2-068, REP3-051, REP4-077, REP5-044, REP7-055 and REP8-021\]](#). They also confirmed that the area was covered by a Woodland Area TPO [\[REP2-068 Appendix L\]](#) and that as part of the Local Development Plan (LDP) Review, it had been recommended for designation as a proposed Local Wildlife Site (proposed LWS) [\[REP2-068 Appendix K\]](#).
- 5.17.39. By the close of the Examination, issues in relation to the impact upon trees within the LNR were agreed matters with MDC [\[REP8-008\]](#). Following further details from the Applicant with regards to the root protection area around the Black Poplar tree in the northern section of the Nature Reserve, MDC confirmed they were reassured about the impact upon this tree [\[REP8-023\]](#). They did however have some concerns [\[REP8-021\]](#) in relation to the Applicant's claim that a corridor would be cleared through that part of the proposed LWS that does not overlap with the areas subject to TPO, as their view was that the section of the proposed LWS within the OL is covered in its entirety by the TPO. MDC were also concerned about the reference to felling and the potential for the tunnelling to disturb wildlife as it implied that these operations would be undertaken only during daylight hours, which would result in additional stop/start and was contrary to earlier submissions from the Applicant that tunnelling would be continuous.
- 5.17.40. MDC [\[REP2-068\]](#) also raised concerns about the potential effects upon Barn Grove proposed LWS approximately 25m east of the OL for the gas main diversion. These concerns related to consequential effects as a result of impacts upon Blue Mills LNR, given their proximity and interdependency.
- 5.17.41. As operator of the gas main, Cadent Gas [\[REP2-042\]](#) confirmed that it would seek to minimise impact on the local area through both the route refinement and the construction techniques utilised. They would utilise industry best practice in ensuring environmental and safety commitments are met.
- 5.17.42. Mr Mark Cathcart, landowner of Blue Mills LNR, made a number of submissions throughout the course of the Examination [\[RR-106, REP1-037, REP2-069, REP2-070, REP2-071, REP2-072, REP5-048, REP7-068\]](#). Mr Cathcart highlighted the location as an area of exceptional ecological interest, both from a flora and fauna perspective, some of which were the only ones within Essex and nationally rare.
- 5.17.43. Throughout the Examination, discussions continued between Mr Cathcart and the Applicant and, by the end of the Examination Mr Cathcart confirmed [\[REP7-068\]](#) that the no-dig commitment/directional drilling method was acceptable. However, a number of concerns remained, namely:
- Mr Cathcart's view that Applicant had incorrectly failed to classify the sedge bed area;
 - potential impact upon wetland basin in LNR to the south of the OL, especially if route passes through any part of wetland within OL;
 - lack of a confirmed route or detailed design; and

- support for the provision of an alternative route to north of LNR, although this is not yet adopted by the Applicant.
- 5.17.44. Concerns about the impact of the diversion route on biodiversity were also raised by Philip Setter [[RR-016](#)] and Lorna Setter [[RR-072](#)].
- 5.17.45. The ExA sought details [[PD-008a](#)] regarding how the scope of the survey effort for the gas main diversion had been determined, as it was unclear why the field surveys had been limited to the species considered.
- 5.17.46. In response the Applicant confirmed that it had undertaken a suite of surveys to assess the effects of the gas main diversion [[REP2-025](#) and [REP3-012](#)], a number of which were completed after the submission of the Application. These included:
- Phase 1 habitat data (Appendix 9.8: Phase 1 Habitat Survey Report [[APP-132](#)]);
 - Riparian mammal data (Appendix 9.10: Riparian Mammal Survey Report [[APP-134](#)] and Supplementary Riparian Mammal Survey Report [[REP2-029](#)]);
 - Badger data (Appendix 9.2: Badger Survey Report [[APP-126](#)] and Supplementary Badger Survey Report [[REP2-026](#)]);
 - Bat data (Appendix 9.4: Bat Survey Report [[APP-128](#)] and Supplementary Bat Survey Report [[AS-032](#)]);
 - Dormouse data (Supplementary Dormouse Survey Report [[AS-036](#)]);
 - Botanical data (Supplementary Botanical Survey Report [[REP2-027](#)]);
 - Tree data (Supplementary Arboricultural Survey Report [[REP3-008](#)]); and
 - Supplementary Reptile survey report (Blue Mills) [[REP2-028](#)].
- 5.17.47. In terms of identified key receptors within the gas main corridor, the Applicant confirmed that the following had been identified:
- Blue Mills proposed LWS;
 - wet woodland priority habitat;
 - lowland mixed deciduous woodland priority habitat;
 - woodland subject to TPO 07/22;
 - potential veteran black poplar;
 - transitional veteran oak trees;
 - potential otter holt (within the black poplar);
 - low populations of slow worms and common lizards;
 - Barn Grove proposed LWS; and
 - two hedgerows qualifying as priority habitat.
- 5.17.48. In relation to both dormice and water voles, following surveys, the Applicant considered them to be absent from Blue Mills. However, in response to submissions from Mr Cathcart [[REP2-072](#)], the Applicant agreed to undertake pre-construction water vole surveys, to be secured through the REAC [[REP7-015](#)].
- 5.17.49. With regards to mitigation, the Applicant confirmed that the gas main diversion would be subject to the standard and embedded mitigation measures detailed within Section 9.10 of Chapter 9: Biodiversity [[APP-076](#)]. The Applicant also sought to avoid and minimise impacts within the preferred corridor through a number of additional REAC commitments [[REP7-015](#)]:
- LV13 - retain as much existing vegetation as practicable;
 - LV15 - reduce the working width as far as reasonably practicable through woodland and where the gas main diversion crosses hedgerow field boundaries and use trenchless techniques for all main river crossings;

- BI3 - exclusion zones around retained parts of Blue Mills proposed LWS in accordance with the Retained and Removed Vegetation Plans [[REP6-032](#), [REP6-033](#)];
- BI48 - results of the arboricultural survey [[REP3-008](#)] to inform appropriate control, through a combination of route and construction methodology to minimise the impacts on the black poplar and other sensitive features in this area;
- BI50 - Work No. U69 (gas pipeline diversion) to be installed using no-dig techniques underneath the River Blackwater and the woodland subject to TPO 07/22 at Blue Mills. The line, depth and locations of temporary works required to install the pipe including the launch and receptor pits would be selected to minimise impacts to the woodland protected by the TPO, the Blue Mills proposed LWS, the black poplar and other holt and transitional veteran trees [[REP3-008](#)];
- RDWE38 - trenchless techniques under the River Blackwater; and
- RDWE61 - hydrological impacts on wet woodland at Blue Mills proposed LWS to be mitigated through use of impermeable material to prevent flow of water along any trenches excavated during construction.

5.17.50. In relation to Barn Grove proposed LWS, the Applicant confirmed that the area would not be subject to any vegetation loss or other direct impacts as a result of the gas main diversion. The Applicant also anticipated, given the Barn Grove proposed LWS is outside of the OL there would be no impacts upon the very large population of opposite-leaved golden-saxifrage.

5.17.51. However, given the proximity to Blue Mills LNR, the Applicant acknowledged the potential for protected and notable species of fauna to move between the two, using the connecting hedgerow and ditch. This hedgerow would be severed by the gas main diversion, but mitigation measures would ensure the effects to be temporary and reversible.

5.17.52. The Applicant has identified the potential for operational effects on the wet woodland component of Barn Grove LWS should the backfilled trench at the crossing draw water away from the surrounding habitats, however this is considered unlikely given mapping indicates the ditch is downstream of the wet woodland component of Barn Grove LWS.

5.17.53. The Applicant confirmed that standard and embedded mitigation as set out in the ES [[APP-076](#)] and the REAC [[REP6-052](#)] would minimise effects. In summary the Applicant concluded as follows:

Table 9 Summary of Effects Upon Biodiversity from Proposed Gas Main Diversion

Receptor	Applicant's conclusion
Blue Mills LNR	Overall, the Applicant concluded that the adverse impact caused from the gas main diversion would be temporary and would not affect the integrity of the resource in the long term. Once the mitigation was taken into account, the residual significance of effect of a negligible adverse impact was considered to be neutral or slight adverse (not significant).

TPO 07/22, potential veteran black poplar and transitional veteran trees	With the consideration of REAC commitments, in particular BI50, there would be no effects on TPO 07/22, the potential veteran black poplar or the transitional veteran trees.
Otter Holt	The Applicant considered that through the use of trenchless crossing of the River Blackwater this would avoid impacts upon otters and the potential holt in the black poplar. Whilst acknowledging there would be disturbance impacts, the Applicant considered these would be temporary and of short duration. With mitigation, it is considered that there would be no long-term or significant impacts on the conservation status of otters.
Barn Grove LWS	The Applicant has assessed the level of impact as negligible adverse (not significant).
Hedgerows	There would be no significant effects on hedgerows [APP-076] .

ExA Considerations on Biodiversity

- 5.17.59. It was clear to the ExA the ecological interest that exists within the Blue Mills LNR and that a significant amount of this was down to the care and attention paid by the landowner to ensure that the area was retained and managed, whilst still being as undisturbed as possible. We shared the view of Mr Cathcart that the lack of detail provided by the Applicant in their original submissions was a cause of both frustration and confusion.
- 5.17.60. We note the additional survey work that was undertaken by the Applicant which was submitted to the Examination. No objections were raised by any of the statutory bodies over the nature or timing of these surveys. As a result, the ExA is content that the surveys are sufficient to understand the baseline environment, which along with input from the landowner, represent a robust basis from which to assess the impacts.
- 5.17.61. We note the mitigation that has been proposed, which includes a number of bespoke mitigation measures specifically introduced to address the impact upon the Blue Mills LNR. The ExA is satisfied that the REAC is a suitable mechanism for the delivery of this mitigation and we are therefore content that it will be delivered within the final scheme. The ExA is therefore satisfied that, with this mitigation in place, the impact upon Blue Mills LNR and its features, including the Black Poplar, along with other protected trees and species that use the area, will be as assessed by the Applicant.
- 5.17.62. With regards to the alternative route identified by both MDC and Mr Mark Cathcart, we note the submissions of the Applicant in terms of needing to await detailed technical work before the precise route can be confirmed. However, from the evidence before us and the information obtained from our ASI, the ExA is of the view that this route would appear to represent the most acceptable and least intrusive solution. Therefore, whilst accepting that the precise route is yet to be

determined, we would strongly advise that this alternative route is adopted, if technically possible.

- 5.17.63. We note the comments raised by MDC at DL8 [\[REP8-021\]](#), seeking clarification on the reference to felling within TPO07/022 (Blue Mills) contained within the Schedule 9, Part 3 of the dDCO [\[REP8-002\]](#).
- 5.17.64. The ExA considers that given the ecological importance of the Blue Mills LNR, had there been time left within the Examination we would have sought clarification from the Applicant on this point. The ExA therefore recommend that, if they are minded to make the DCO, the SoST may wish to seek clarification from the Applicant on the exact nature of the works to be carried out within the area subject to TPO 07/22, as set out in Schedule 8, Part 3 of the rDCO.
- 5.17.65. In relation to other ecological features, including Barn Grove LWS, we agree with the Applicant that the gas main diversion is unlikely to result in any significant effects and any effects would be adequately addressed through the proposed mitigation measures.

Landscape and Visual Impact from Tree Removal

- 5.17.66. Representations were received from IPs throughout the Examination process, regarding the landscape and visual impacts that would be caused by the loss of vegetation along the gas main diversion [\[RR-016, RR-072, RR-106, REP1-037, REP2-068, REP2-069, REP2-070, REP3-051, REP5-044, REP5-048, REP7-068 and REP8-021\]](#).
- 5.17.67. The Applicant submitted a Supplementary Arboricultural Survey Report [\[REP3-008\]](#), which assessed the trees along the gas main diversion in the vicinity of the River Blackwater, including the woodland subject to TPO at Blue Mills. This identified five A Grade trees, one of which was assessed as a potential veteran (Black Poplar).
- 5.17.68. In terms of the overall impact upon trees, the Applicant confirmed that, whilst the Retained and Removed Vegetation Plans [\[REP6-032 and REP6-033\]](#) illustrate trees at risk within the full extent of the lateral limits of deviation (for the gas main diversion), the ES Landscape and Visual assessment assumed vegetation loss would be restricted to a 30m corridor. The Applicant was committed to refining the route of the gas main diversion and would utilise methods of construction to retain as much existing vegetation as practicable, in particular mature vegetation and woodland, as set out in LV13 of the REAC [\[REP7-015\]](#). To minimise impacts, the working width for the installation of the gas main diversion would be reduced as far as reasonably practicable through woodland and where the gas main diversion crosses through hedgerow field boundaries.
- 5.17.69. As per commitment LV14 of the REAC [\[REP7-015\]](#), planting along the gas main diversion would be carried out in accordance with Cadent's guidance and best practice standards. Due to utility easements, the Applicant confirmed that there would be a no planting zone on or close to the edge of the gas main, however, there would be scope to replant parts of the 30m corridor to reduce the width of the gap in the long term. Planting proposals would be developed at detailed design stage.

ExA Considerations of Landscape and Visual Impacts

- 5.17.70. The provision of a corridor to provide for the gas main diversion would result in the potential loss of a considerable number of trees and hedgerows. These are important features and part of the defining characteristics of the area. Their loss

would be a noticeable feature once operational and, whilst its impact would have reduced by year 15, there would still be a negative impact. As a result, the ExA finds that the gas main diversion would have a significant adverse effect from a landscape and visual perspective.

5.17.71. We agree that the provision of mitigation in the form of re-planting and avoidance would, to some degree, help to minimise the overall impact, although the ExA do not consider this to be of such a level as to remove the significant effect. Furthermore, from the submissions of the Applicant in relation to the need for a utility easement, it is not possible to replant the whole width of the corridor. The harm is further compounded by the lack of an exact route, making it difficult to effectively judge the suitability of this mitigation.

5.17.72. Overall, therefore, the ExA finds that the gas main diversion would have a significant landscape and visual effect. This weighs negatively against the making of the DCO and has been attributed moderate weight in the planning balance.

Conclusion

5.17.73. We have concluded that the gas main diversion would avoid any significant effect upon identified ecological receptors and, in particular, through the delivery of mitigation measures, would not have a significant effect upon either Blue Mills LNR or Barn Grove LWS.

5.17.74. We have concluded that due to the level of tree loss and the uncertainty with regards to the level of mitigation planting that could be achieved, the gas main diversion would result in both a short and long-term significant adverse landscape and visual effect.

5.17.75. The ExA concludes that the gas main diversion would be needed to enable the delivery of the Proposed Development. As such, the benefit of the gas main diversion is intrinsically linked to enabling the delivery of the benefits relating to traffic improvements, road safety and economic growth from the Proposed Development.

5.18. CUMULATIVE EFFECTS

Introduction

5.18.1. This section considers the effects of the Proposed Development in relation to cumulative effects.

Policy Background

5.18.2. The EIA Regulations require an ES to include a description of the likely significant effects of the development on the environment resulting from the cumulation of effects with other existing and/or approved projects.

5.18.3. Furthermore, the NPSNN, under paragraph 4.16, stipulates that,

“When considering significant cumulative effects, any environmental statement should provide information on how the effects of the applicant’s proposal would combine and interact with the effects of other development (including projects for which consent has been granted, as well as those already in existence)”.

- 5.18.4. The NPSNN, under paragraph 4.17, states that the Examining Authority should “consider how significant cumulative effects and the interrelationship between effects might as a whole affect the environment, even though they may be acceptable when considered on an individual basis with mitigation measures in place.”

Applicant’s Approach

- 5.18.5. ES Chapter 16 Cumulative Effects Assessment [APP-083] considers both the interrelationships between environmental effects (intra-project effects) where multiple residual effects from the Proposed Development affect a given receptor and cumulative effects of the Proposed Development with other projects on receptors.
- 5.18.6. A long list and short list of other developments was provided in Appendix 16.1 [APP-182]. Table 16.2 shows the 48 developments that were shortlisted. A summary of the short list of other developments is provided below:

Table 10 Summary of Short List of Other Developments

Planning ID	LPA	Applicant or proponent	Description of development
1	ECC	ECC	Chelmsford North East Bypass
2	ECC	Tim Spicer	Importation of approximately 85,000 tonnes of inert waste material to stabilise former quarry
3	Chelmsford City Council	Countryside Zest (Beaulieu Park) LLP	Mixed use development
4	Number Not Used	Number Not Used	Number Not Used
5	Chelmsford City Council	Countryside, Broadway Malyan, David Lock Associates, Essex County Council and Bellway	1,000 residential dwellings, 1000 sqm of business and retail space, primary school, neighbourhood centre, leisure facilities
6	Chelmsford City Council	Aquila EHS Ltd	Retail food store, retail/café units, general industry and storage/distribution units
7	Chelmsford City Council	Barton Willmore	Request EIA scoping opinion for mixed use development.
8	Chelmsford City Council	EDF Renewables and Padero Solar Ltd (Longfield Solar Farm)	Longfield Solar Farm - a new solar photovoltaic array generating station (500MW).
9	Chelmsford City Council	Matt Rudling (Cell Energy Ltd)	Installation of a solar park generating up to 41.8 MW of electricity.

10	Chelmsford City Council	Chelmsford City Council	Single carriageway road, bridge and associated works, from Wharf Road to Baddow Road to provide access to the emerging Chelmer Waterside neighbourhood
11	Chelmsford	Redrow	Stage two masterplan East Chelmsford (Land North And South Of Maldon Road).
12	Chelmsford City Council	Redrow	Hybrid planning application, part full and part outline Comprising mixed use development.
13	Chelmsford City Council	Barton Willmore/ Bloor Homes	Outline application for residential development for up to 550 dwellings.
14	Chelmsford City Council	Eburne (Bloor Homes Limited)	Formation of a new link road between Woodhouse Lane and Broomfield Hospital.
15	Braintree District Council	Gladman Development s Limited	Redevelopment of the site for up to 110 dwellings
16	Braintree District Council	Bovis Homes Limited	Construction of up to 300 dwellings.
17	Braintree District Council	Redrow Homes	Outline planning permission for up to 350 residential dwellings
18	Braintree District Council	Horizon 120 (assumed not clear)	Construction of a Business and Innovation Park
19	Braintree District Council	Barkley Projects (Kelvedon) LLP	Construction of up to 250 dwellings, a school site, health centre, employment area, local retail area, open space and landscape buffers, with two accesses onto London Road.
20	Braintree District Council	CALA Homes (North Home Counties) Ltd	Construction of 238 new dwellings from Coggeshall Road
21	Braintree District Council	Meeson on Behalf of Countryside Properties	Construction of up to 450 residential dwellings, commercial floorspace, residential care home and day nursery.
22	Braintree District Council	Mr. Simon Boulton	Construction of industrial development.

23	Braintree District Council	GHL (Witham) Developments Ltd	Erection of two warehouse buildings to providing multiple industrial units,
24	Braintree District Council	Bellway Homes Limited	Up to 230 dwellings
25	Braintree District Council	Brice Aggregated Limited	Proposed western extension to the current site.
26	Braintree District Council	Aquila Estates Ltd	Erection of Industrial and Distribution units
27	Braintree District Council	Parker Strategic Land	Up to 600 homes, land for a primary school.
28	Essex County Council	Essex County Council	Extraction of sand and gravel at Coleman's Farm
29	Maldon District Council	Countryside Properties & EC, MA & DC Watson & KL WatsonKnee	Residential development for 1,138 dwellings, residential care unit, primary school and early years childcare facility
30	Maldon District Council	Mr Nick Mann - Dartmouth Park Estates Ltd.	Residential development (320 homes), employment development (2000 sqm) and new relief road to north of A414
31	Maldon District Council	CEG Land Promotions Ltd & Landowners	1,000 dwellings, employment area of 3.4 ha, primary school and 2 x childcare facilities
32	Maldon District Council	CGN and EDF Energy	Bradwell B new nuclear power station and associated infrastructure
33	Maldon District Council	Taylor Wimpey	Development of land for up to 1,000 dwellings, an employment area a local centre, a primary school, two early years and childcare facilities.
34	Colchester Borough Council	Mersea Homes and Hills Residential	420 residential units
35	Colchester Borough Council	The Churchmanor Estates Company plc	Retail unit and six-unit retail terrace (resubmission of 172935)

36	Colchester Borough Council	Mr Matthew Parsons	Demolish existing buildings and redevelop to create 262 residential dwellings
37	Colchester Borough Council	Mr Taylor	Erection of Business Park
38	Colchester Borough Council	Marden Homes Ltd	Development of up to 150 dwellings.
39	Colchester Borough Council	Susie Stephen, Tollgate Partnership Ltd, 7 Soho Square, London	Hybrid application: Mixed-use development
40	Colchester Borough Council	Strutt & Parker	Erection of building for use as builders' merchants
41	Colchester Borough Council	Marks Tey Ltd.	Development of the site for commercial, business
42	Colchester Borough Council	Kler Group Ltd	Erection of up to 221 dwellings
43	Colchester Borough Council	Ms Paige Harris	Development of 153 dwellings
44	Tendring District Council	Mr Jon Cooper - Evolve Business Centre (Colchester) Ltd	Construction of 90 small use commercial units.
45	Essex County Council	Alexandra Nahani/Essex Highways	New link road between the existing A120 and A133
46	Chelmsford City Council	Hopkins Homes	340 new dwellings and associated Country Park
47	Chelmsford City Council	Eburne (Bloor Homes Limited)	Formation of a new link road between Woodhouse Lane and Broomfield Hospital
48	Colchester	Weston Homes	The erection of up to 600 dwellings, land for a colocated primary school and early years nursery

- 5.18.7. Table 16.6 [APP-083] records the results of the assessment for all environmental aspects, except those that have been scoped out. For each development in Table 16.6, the shared receptors have been listed, the cumulative effect has been described, the requirement for any additional mitigation measures has been considered, and the likely significant cumulative effects have been stated. Whereas Table 16.6 considers each development in turn, paragraphs 16.7.4 – 16.7.65 describes the overall cumulative effects on receptors and receptor groups.
- 5.18.8. In conclusion, the significant cumulative effects, after mitigation, identified in paragraphs 16.7.4 – 16.7.65 were:
- 5.18.9. Cultural heritage:
- moderate adverse effect on the settings of heritage Assets 57 (Generals), 67 (Boreham House, Landscape Park) and 69 (Boreham House, (Grade I Listed Building)) during the construction.
- 5.18.10. Landscape and visual:
- a moderate adverse cumulative effect on local LCA B21 Boreham Farmland Plateau;
 - a moderate adverse cumulative effect on Local LCA A9 Blackwater River Valley; and
 - a cumulative effect of large adverse significance as a result of planning ID 25 and ID 28 and the Proposed Development on representative viewpoint 11 (users of national cycle route), and a cumulative effect of moderate adverse significance as a result of planning ID 25 and ID 28 and the Proposed Development on representative viewpoint 11a (users of PRoW).
- 5.18.11. Geology and soils:
- a cumulative effect of the permanent loss of agricultural land associated with the Proposed Development and the developments identified as planning ID 1, ID 3 and ID 8 would be of very large adverse significance.
- 5.18.12. Population and human health: land use and accessibility:
- a moderate adverse cumulative effect on Hanson Aggregates during construction, but this would be temporary;
 - a moderate adverse effect on Generals Lane, temporary during construction;
 - a large beneficial effect on Paynes Lane and Bridleway (BR) 123_23 from planning ID 3 and the Proposed Development during operation;
 - a large adverse effect on the footway alongside the A12 carriageway eastbound between Hatfield Peverel and Witham and onto B1389 Hatfield Road, temporary during construction;
 - a moderate adverse cumulative effect on Rosewood Business Park and Eastways Industrial Estate, temporary during construction;
 - a large adverse effect on the existing footway and cycleway along London Road in Feering, temporary during the construction;
- 5.18.13. Population and human health: human health:
- negative significant cumulative effects on residents in the north-eastern edge of Witham (north of the Great Eastern Main Line) as a result of planning ID 23, planning ID 24 and the Proposed Development. The incremental loss of greenspace from development would have a permanent operational cumulative effect.

Issues Arising During the Examination

Matters Raised by the ExA

- 5.18.14. The ExA raised matters relating to cumulative effects in written questions ExQ1 [q.3.0.11, [PD-008a](#)], regarding whether the Proposed Development together with East Anglia Grid Energy Enablement (GREEN) project (now known as ‘Norwich to Tilbury’), a proposed NSIP, was likely to result in significant cumulative or in-combination effects. This project was in the early stages of the EIA process.

Matters Raised in LIRs:

- 5.18.15. ECC’s LIR [[REP2-055](#)] referred to cumulative effects in relation to:
- Chelmsford Garden Community. ECC stated that the ES:
“... does not appear to account for the entirety of its planned housing and employment space in considering cumulative impact.”
 - the cumulative impact of significant construction/infrastructure projects in the County, requiring consideration, including;
“... 12 NSIPs (including major highways works at the M25/A12 junction), four new Garden Communities and two Freeports in Essex. Consideration should include the timing/phasing of the projects and inter-project impacts – including the transportation of construction materials and availability of labour.”

Matters Raised by IPs

- 5.18.16. The following IPs made comments relating to cumulative effects as follows:
- Mid and South Essex Integrated Care Board [[RR-065](#)], and NHS Suffolk and North East Essex Integrated Care Board [[RR-069](#)], potential impact on healthcare services from a temporary workforce;
 - Graham Peter Womack [[RR-200](#)], the lack of co-ordination with other local infrastructure schemes, such as the proposed re-routing of the A120 between Braintree and Marks Tey; and
 - Terling and Fairstead Parish Council [[RR-020](#)], stated;
“... that there does not appear to be joint working between Essex Highways (for the Chelmsford Eastern Bypass), Longfield Solar Farm and National Highways based on information shared to date. The present construction programmes appear to be concurrent, which will place significant pressure on the road infrastructure.”
 - Suffolk County Council [[RR-049](#)], concerns relating to construction phase traffic, and cumulative impact of other NSIPs.

Applicant’s Response to the Matters Raised

- 5.18.17. In response to ExQ1 [q.3.0.11, [PD-008a](#)] regarding East Anglia Grid Energy Enablement (GREEN) project, the Applicant noted that this project was in the early stages of the EIA process, and that assessment of environmental impacts had not yet been undertaken. Based upon the information available in the EIA Scoping Report for GREEN, the Applicant submitted a table [[REP2-025](#)] showing the likelihood of an effect across aspects of the ES. The Applicant concluded that cumulative effects in respect of a number of ES aspects could not be ruled out at this stage.

5.18.18. In response to the Mid and South Essex Integrated Care Board [\[RR-065\]](#), and NHS Suffolk and North East Essex Integrated Care Board [\[RR-069\]](#), the Applicant stated [\[PDA-004\]](#);

“... it is not considered that there would be a likely significant contribution to cumulative demand on health or education services from the proposed scheme.”

5.18.19. In response to Graham Peter Womack [\[RR-200\]](#), the Applicant stated [\[PDA-004\]](#);

“The Applicant has scoped out the A120 Braintree to A12 scheme from the cumulative effects assessment, as reported in Chapter 16: Cumulative effects assessment, of the Environmental Statement [\[APP-083\]](#). In this instance, it is for the upcoming infrastructure scheme’s environmental assessment to consider the cumulative effects in due course.”

5.18.20. In response to Terling and Fairstead Parish Council [\[RR-020\]](#), the Applicant stated [\[PDA-004\]](#);

“... the Applicant has agreed a Statement of Common Ground with the promoter of the Longfield Solar Farm application (TR010044) [\[REP6-100\]](#). ... The Applicant has also had extensive engagement with Essex County Council, the highways authority, where local roads and the interaction with the Strategic Road network were discussed.”

5.18.21. In response to Suffolk County Council [\[RR-049\]](#), the Applicant stated;

“... the traffic model used in the individual topic assessment chapters within the Environmental Statement (chapters 6 to 15) already includes future growth in traffic on the road network associated with committed developments [\[APP-073\]](#) to [APP-082](#)], and hence the effects reported in the individual topic assessment chapters were inherently cumulative where they related to effects caused by changes in traffic. ...

.... no likely significant cumulative impacts relating to the construction workforces are anticipated between the proposed scheme and the proposed nuclear new build project of Sizewell C. ...

... Due to the limited duration that most workers would be required onsite during the construction phase, it is unlikely that the construction workforce for the proposed scheme would contribute any significant cumulative demand on the local housing and rental market.”

ExA Considerations

5.18.22. In accordance with NPSNN 4.16, we consider that the ES, and the Applicant’s responses to matters raised during the Examination, provide information on how the effects of the Applicant’s proposal would combine and interact with the effects of other development.

5.18.23. In accordance with NPSNN 4.17, we consider that the Applicant has demonstrated how significant cumulative effects and the interrelationship between effects might as a whole affect the environment.

5.18.24. The Applicant has identified a number of negative significant cumulative effects, predominantly during construction of the Proposed Development.

Conclusions

- 5.18.25. We conclude that negative effects have been identified of the Proposed Development in combination with other existing and/or approved projects. These effects are mainly temporary, occurring during construction of the Proposed Development; therefore, whilst these effects weigh against making the DCO, we have attributed limited weight in the planning balance.

6. FINDINGS AND CONCLUSIONS IN RELATION TO HABITATS REGULATIONS ASSESSMENT

6.1. INTRODUCTION

6.1.1. This Chapter sets out the Examining Authority's (ExA's) analysis and conclusions relevant to the Habitats Regulations Assessment (HRA). This will assist the Secretary of State for Transport (SoST), as the Competent Authority, in performing their duties under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').

6.1.2. This Chapter is structured as follows:

- Section 6.2: Findings in relation to Likely Significant Effects on the UK National Site Network and other European sites;
- Section 6.3: Conservation objectives for sites and features; and
- Section 6.4: HRA conclusions.

6.1.3. In accordance with the precautionary principle embedded in the Habitats Regulations, consent for the Proposed Development may be granted only after having ascertained that it will not adversely affect the integrity of European site(s)⁴ and no reasonable scientific doubt remains⁵.

6.1.4. Policy considerations and the legal obligations under the Habitats Regulations are described in Chapter 3 of this Report.

6.1.5. The ExA has been mindful throughout the Examination of the need to ensure that the SoST has such information as may reasonably be required to carry out their duties as the Competent Authority. We have sought evidence from the Applicant and the relevant Interested Parties (IP), including Natural England (NE) as the Appropriate Nature Conservation Body (ANCB), through written questions and Issue Specific Hearings (ISHs).

Report on the Implications for European Sites (RIES) and Consultation

6.1.6. The Applicant set out its assessment in the Development Consent Order (DCO) application document entitled 'Habitats Regulations Assessment: No Significant Effects Report' [[APP-201](#)] (hereafter referred to as 'the HRA Report'). NE's Relevant Representation (RR) [[RR-184](#)] and Written Representation (WR) [[REP2-091](#)] stated agreement with the Applicant's conclusions with regard to the scope and conclusions of the HRA Report. No other evidence or comment against this was submitted by any other party, and we therefore decided that a Report on the Implications for European Sites (RIES) compiling HRA-relevant information would not be required.

⁴ The term "European sites" includes Special Areas of Conservation (SAC), proposed SACs, Special Protection Areas (SPA), potential SPAs, listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites. "UK National Site Network" refers to the network of European sites within the UK.

⁵ CJEU Case C-127/02 Waddenzee 7 September 2004, Reference for a preliminary ruling from the Raad van State (Netherlands) in the proceedings: Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij.

Proposed Development Description and HRA Implications

- 6.1.7. The Proposed Development and its location is described in Chapter 2 of this Report. The spatial relationship between the Order Limits (OL) of the Proposed Development and European sites is shown on Figure 2 of the Applicant's HRA Report [[APP-201](#)].
- 6.1.8. The Proposed Development is not directly connected with, or necessary to, the management of a European site [[APP-201](#)]. Therefore, when making an 'appropriate assessment' (AA) of the implications of the Proposed Development on potentially affected European sites, the SoST must do so in light of their conservation objectives.
- 6.1.9. The Applicant's assessment of effects is presented in the HRA Report [[APP-201](#)]. This did not identify Likely Significant Effects (LSE) on European sites in European Economic Area States and no such impacts were raised for discussion by any IPs during the Examination. Accordingly, only UK European sites are addressed in this Report.
- 6.1.10. During the Examination, the Applicant submitted a change request which was accepted by the ExA, as described in Section 2.2 of this Report. The Applicant confirmed [[AS-098](#)] that the changes to the Proposed Development would not result in any new impact pathways and that there would be no change to the conclusions presented in its HRA Report [[APP-201](#)].

6.2. FINDINGS IN RELATION TO LIKELY SIGNIFICANT EFFECTS (LSE)

- 6.2.1. Under Regulation 63 of the Habitats Regulations, the Competent Authority must consider whether a development will have LSE on a European site, either alone or in combination with other plans or projects. The purpose of the LSE test is to identify the need for an AA and the activities, sites or plans and projects to be included for further consideration in the AA.
- 6.2.2. The Applicant's HRA Report [[APP-201](#)] sets out the methodology applied to determining what would constitute a 'significant effect'.
- 6.2.3. As set out in Section 3.3 of the HRA Report [[APP-201](#)], the Applicant identified European sites which could potentially be affected by the Proposed Development in line with the screening criteria set out in the Design Manual for Roads and Bridges (DMRB), LA 115 - Habitats Regulations Assessment. In addition, the Applicant considered European sites within 20km where wildfowl and waders are a qualifying feature.
- 6.2.4. Sixteen European sites were identified and considered in the Applicant's assessment of LSE. These are as follows:
- Abberton Reservoir SPA and Ramsar (5.4km south-east);
 - Alde-Ore Estuary SPA and Ramsar (42.8km north-east);
 - Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar (6km south);
 - Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar (9.7km east);
 - Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar (11.7km south-east);
 - Dengie (Mid-Essex Coast Phase 1) SPA and Ramsar (14.1km south-east);
 - Essex Estuaries SAC (6km south-east);

- Outer Thames Estuary SPA (16.3km east); and
- Stour and Orwell Estuaries SPA and Ramsar (14.2km north-east).

6.2.5. The qualifying features of the above European sites are presented in the screening matrices (Appendices B and C of the HRA Report [\[APP-201\]](#)).

6.2.6. NE's RR [\[RR-184\]](#) identified the above European sites as those relevant to the DCO application.

LSE from the Proposed Development Alone

6.2.7. The Applicant identified impacts from the Proposed Development considered to have the potential to result in LSE alone (during construction and operation) in Section 5 of the HRA Report [\[APP-201\]](#). These are as follows:

- reduction of habitat area (habitat loss);
- disturbance; and
- changes in hydrology.

6.2.8. The Applicant considered whether other impact pathways could potentially result in LSE (fragmentation of species and habitat; resource requirements; reduction in species density/ loss of individuals; and emissions to air). Section 5 of the HRA Report [\[APP-201\]](#) describes these impacts as absent or negligible.

6.2.9. Impacts from decommissioning have not been assessed within the HRA Report [\[APP-201\]](#). It is stated that that highway schemes are designed to have a material lifespan of between 20 and 40 years before major maintenance and upgrading is required and the Applicant considers it highly unlikely that the Proposed Development would be decommissioned after this time, as the road is likely to have become an integral part of the infrastructure in the area (Appendix C [\[APP-201\]](#)).

6.2.10. The Applicant's HRA Report [\[APP-201\]](#) concluded no LSE from the Proposed Development alone on any of the qualifying features of the European sites listed above.

Applicant's bird surveys

6.2.11. The HRA Report [\[APP-201\]](#) identified potential for arable, grassland, open water and river corridor habitats affected by construction of the Proposed Development to be used by bird qualifying features of the SPA and Ramsar sites listed above.

6.2.12. The Applicant's breeding and wintering bird surveys [\[APP-129\]](#) and [\[APP-136\]](#) identified twelve species (qualifying features of Abberton Reservoir SPA and Ramsar; Alde-Ore Estuary SPA and Ramsar; Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar; Colne Estuary (Mid-Essex Coast Phase 2) SPA; and Stour and Orwell Estuaries SPA) using habitats to be affected by construction.

6.2.13. The twelve SPA/ Ramsar qualifying features identified in the surveys are listed in Table 4.2 of the HRA Report [\[APP-201\]](#).

6.2.14. Nine of these species are waterbirds recorded using the wetland habitats near (but outside of) the application site, primarily Coleman's Reservoir [\[APP-201\]](#), during the wintering bird surveys. Table 5.1 of the HRA Report [\[APP-201\]](#) identifies the SPA/ Ramsar qualifying features recorded on Colemans Reservoir, with coot, tufted duck and cormorant recorded in the greatest numbers.

6.2.15. No bird species which are qualifying features of the following SPA and Ramsar sites were recorded during the Applicant's breeding and wintering bird surveys [[APP-129](#) and [APP-136](#)]:

- Colne Estuary (Mid-Essex Coast Phase 2) Ramsar;
- Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar;
- Dengie (Mid-Essex Coast Phase 1) SPA and Ramsar;
- Stour and Orwell Estuaries Ramsar; and
- Outer Thames Estuary SPA.

6.2.16. The HRA Report therefore concluded that habitat loss or disturbance would not result in LSE on the qualifying features of the European sites listed in the above paragraph [[APP-201](#)].

Reduction of habitat area (habitat loss)

6.2.17. Coleman's Reservoir and other wetland habitats would not be directly affected by habitat loss. Therefore, the HRA Report [[APP-201](#)] concluded that there was no pathway for impact as a result of habitat loss on the waterbird qualifying features of:

- Abberton Reservoir SPA and Ramsar; and
- Colne Estuary (Mid-Essex Coast Phase 2) SPA.

6.2.18. The HRA Report [[APP-201](#)] considered that the only pathway for impact due to habitat loss is for those species using terrestrial habitats that would be lost as a result of the Proposed Development.

6.2.19. Most of the habitat anticipated to be lost as a result of the Proposed Development is arable land. The HRA Report [[APP-201](#)] (paragraph 5.2.10) states the following species were recorded using the arable land during the wintering bird surveys [[APP-136](#)]:

- curlew and lapwing - component species of the wintering waterbird assemblage qualifying feature of Stour and Orwell Estuaries SPA;
- golden plover - described in the HRA Report [[APP-201](#)] as having been identified for possible future consideration under Ramsar Criterion 6 for Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar, but considered in the assessment as if it were a qualifying feature; and
- lesser black-backed gull - qualifying feature of Alde-Ore Estuary SPA and Ramsar.

6.2.20. Lapwing and lesser black-backed gull were also recorded in the breeding bird surveys [[APP-129](#)].

6.2.21. Taking into account the number of individual qualifying features recorded in the bird surveys (as summarised in paragraphs 4.2.5, 4.2.6, 5.2.5 and 5.2.6 of the HRA Report [[APP-201](#)]), the distances to the European sites and the availability of similar agricultural habitat in the surrounding landscape, the Applicant considers the arable land within and near the OL is very unlikely to be functionally linked to the European sites [[APP-201](#)]. The HRA Report [[APP-201](#)] therefore concludes that there would be no LSE from habitat loss on the qualifying features of:

- Stour and Orwell Estuaries SPA (curlew and lapwing);
 - Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar (golden plover); and
 - Alde-Ore Estuary SPA and Ramsar (lesser black-backed gull).
- NE has agreed with the conclusion of no LSE [[RR-184](#) and [REP2-091](#)].

6.2.22. Taking into account the information provided and the view of NE as ANCB, the ExA agrees that the loss of the habitat within the OL would not result in an LSE on the qualifying features of the above European sites, during construction or operation of the Proposed Development.

Disturbance

6.2.23. The landscape surrounding the Proposed Development is dominated by arable land [APP-201] where, as noted above, the SPA/ Ramsar qualifying features curlew, lapwing, golden plover and lesser black-backed gull have been recorded during the bird surveys.

6.2.24. The HRA Report [APP-201] states that localised disturbance associated with construction and operation of the Proposed Development would affect only a small proportion of the arable land habitat, when considered in the context of the total resource available.

6.2.25. Noting that the Proposed Development is predominately a widening scheme, the HRA Report [APP-201] states that any birds that currently use the arable land habitats would have become somewhat habituated to the visual and acoustic stimuli associated with an operating dual carriageway. The HRA Report [APP-201] anticipates that qualifying species that could potentially be present within the zone of influence of significant disturbance effects would be able to move away from sources of disturbance into adjacent undisturbed habitat, if needed.

6.2.26. The HRA Report [APP-201] therefore concludes that there would be no LSE as a result of disturbance on:

- Stour and Orwell Estuaries SPA (curlew and lapwing);
- Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar (golden plover); and
- Alde-Ore Estuary SPA and Ramsar (lesser black-backed gull).

6.2.27. As noted above and set out in Table 5.1 of the HRA Report [APP-201], waterbirds which are qualifying features of the following SPA/ Ramsar sites have been recorded using Coleman's Reservoir:

- Abberton Reservoir SPA (coot, tufted duck, cormorant, common pochard);
- Abberton Reservoir Ramsar (common pochard);
- Stour and Orwell Estuaries SPA (cormorant - part of the waterbird assemblage);
- Colne Estuary (Mid-Essex Coast Phase 2) (breeding pochard); and
- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA (breeding pochard).

6.2.28. With reference to Table 5.1 and Section 4.2 (see paragraphs 4.2.3 and 4.2.4 [APP-201]), the HRA Report concludes that the numbers of all waterbird qualifying features recorded on Coleman's Reservoir and other waterbodies near the Proposed Development are small relative to the SPA/ Ramsar populations and are unlikely to form part of the European site populations.

6.2.29. The Proposed Development would result in the road being closer to Coleman's Reservoir than it is at present (the main carriageway would be located approximately 200m to the north of the reservoir).

6.2.30. A buffer of terrestrial habitats, including a shelter belt of trees of approximately 15–20m in depth, currently exists around the entire perimeter of Coleman's Reservoir (approximately 1.3km in length).

- 6.2.31. The Applicant clarified (ExQ1 3.0.9 [REP2-025])[REP8-012] that approximately 80m of trees located between the eastern shore of Coleman's Reservoir and the existing Braxted Road would be removed (as shown on Sheet 11 of the Retained and Removed Vegetation Plan, part 2 [REP6-033]) and replanted after construction, resulting in a temporary gap. The remainder of the buffer of terrestrial habitats would remain intact (ExQ1 3.0.9 [REP2-025]).
- 6.2.32. Due to the small scale of works to this shelter belt, the large size of the reservoir and the persistence of more than 1km of vegetation around its perimeter, the Applicant confirmed (ExQ1 3.0.9 [REP2-025]) it was confident that the conclusions of the HRA Report [APP-201] remained valid with respect to disturbance of birds recorded on Coleman's Reservoir.
- 6.2.33. The Applicant stated (ExQ1 3.0.10 [REP2-025]) that both coot and tufted duck were recorded on Coleman's Reservoir in numbers small relative to the population estimates for these species for the designated sites, suggesting these birds are likely to be resident at Coleman's Reservoir or on other waterbodies nearby and not part of the Abberton Reservoir SPA and Ramsar populations. The Applicant stated that "...there is no evidence that birds from Abberton Reservoir would interchange with a smaller reservoir nearly 10km distant" (ExQ1 3.0.10 [REP2-025]).
- 6.2.34. Based on the Applicant's response to ExQ1 3.0.10 [REP2-025]), NE confirmed [REP4-078] that it remained content with the conclusion of no LSE on any of the European sites considered in the assessment.
- 6.2.35. The ExA notes that SPA/ Ramsar qualifying features (curlew, lapwing, golden plover and lesser black-backed gull) were recorded using the arable land surrounding the Proposed Development. The ExA has had regard to the presence of the existing dual carriageway as part of the existing noise and visual baseline and is content that localised disturbance associated with construction and operation of the Proposed Development would affect only a small proportion of the arable land habitat (when considered in the context of the total resource available).
- 6.2.36. The ExA notes that the SPA/ Ramsar qualifying features recorded on Coleman's Reservoir in greatest numbers were coot, tufted duck and cormorant. These are widespread and common species and the ExA notes the numbers recorded are small relative to the population estimates for these species for the designated sites, suggesting these birds are likely to be resident at Coleman's Reservoir or on other waterbodies nearby and not part of the SPA and Ramsar populations. Noting also the distance between the OL and the European sites, the ExA agrees the waterbird species recorded on Coleman's Reservoir are unlikely to form part of the SPA and Ramsar populations. The ExA is therefore content that disturbance would not result in a population level effect on any waterbird SPA/ Ramsar qualifying features.
- 6.2.37. Taking into account the information provided and the view of NE as ANCB, the ExA is satisfied that there would be no LSE on the qualifying features of the above European sites as a result of disturbance during construction or operation of the Proposed Development.
- 6.2.38. The ExA is also satisfied that there are other relevant measures secured by the draft Development Consent Order (dDCO) [REP8-002] which would minimise impacts to the above European sites, but which have not been relied upon in reaching the conclusion of no LSE. These are outlined in the following paragraph.

- 6.2.39. Following the completion of construction activity along Braxted Road, the gap in the shelter belt would be replanted with a hedgerow with intermittent trees, as shown on Sheet 11 of 21 of the Environmental Masterplan – Part 2 [REP6-044]). New planting would be undertaken in the first available planting season following completion of the Proposed Development (as described in the First Iteration Environmental Management Plan (EMP) - Appendix I: Landscape and Ecology Management Plan (LEMP)) [APP-193]. The First Iteration EMP [REP4-022] would be a certified document under Schedule 12 of the dDCO [REP8-002].

Changes in hydrology

- 6.2.40. The HRA Report [APP-201] identified hydrological connectivity between the Proposed Development and European sites. The Proposed Development would cross the River Blackwater, the River Brain, the River Ter, Domsey Brook, the Rivenhall Brook and the Boreham Tributary and would fall within the surface water catchment of the Roman River at the eastern extent of the 1km study area applied for hydrological impacts. These watercourses have downstream hydrological connectivity with the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar, Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar, and Essex Estuaries SAC. Figure 3 of the HRA Report [APP-201] illustrates these connections.
- 6.2.41. The distances from the Proposed Development along the river network to the European sites are approximately 10.7km (Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar, and the Essex Estuaries SAC) and 16km (the Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar).
- 6.2.42. The HRA Report [APP-201] states that given the size of the Estuaries (4,403ha and 2,720ha is designated as SPA for Blackwater Estuary and Colne Estuary respectively) and the distance downstream, any pollution incidents that may occur (even in the absence of standard measures) would be diluted to such an extent that there would be no likely effects on any of the European site qualifying features.
- 6.2.43. The ExA is satisfied that there would be no LSE on the qualifying features of Blackwater Estuary (Mid Essex Coast Phase 4) SPA and Ramsar, Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar or Essex Estuaries SAC as a result of changes in hydrology during construction or operation.
- 6.2.44. The ExA is also satisfied that there are other relevant provisions secured by the dDCO [REP8-002] which would minimise impacts to the above European sites, but which need not be relied upon in reaching the conclusion of no LSE. These are outlined in the following paragraph.
- 6.2.45. The First Iteration EMP [REP4-022] outlines good practice measures for pollution prevention, approved drainage designs and water management, such as using new attenuation ponds to store surface runoff and emergency response procedures for spillages. A Water Management Plan (WMP) is provided as Appendix N of the first iteration EMP [REP4-029]. The First Iteration EMP [REP4-022] would be a certified document under Schedule 12 of the dDCO [REP8-002].

LSE from the Proposed Development In Combination

- 6.2.46. The Applicant addressed potential in-combination effects arising from the Proposed Development within Section 6 of the HRA Report [APP-201] which sets out the methodology used. The Applicant's in-combination assessment addressed potential effects arising from disturbance and changes in hydrology. All other potential impacts were scoped out of the in-combination assessment on the basis that such

impacts had “no feasible pathway (were absent) as a result of the proposed scheme alone” [APP-201].

- 6.2.47. The other plans and projects included in the in-combination assessment are set out in Appendix A of the HRA Report [APP-201].
- 6.2.48. No impact pathways resulting in LSE from the Proposed Development alone were identified [APP-201]. Similarly, no in-combination LSE have been identified for the European sites and qualifying features where LSE were excluded from the Proposed Development alone. This has not been disputed by NE or any other IP during the Examination.
- 6.2.49. Despite this conclusion the Applicant also considered potential cumulative effects with the proposed East Anglia Green Energy Enablement (GREEN) project (now renamed ‘Norwich to Tilbury’) across aspects of the Environmental Statement (ES) (ExQ1 3.0.11 [REP2-025]). The Applicant stated that cumulative effects on surface water quality during the construction phase could not be ruled out at this stage but did not identify any potential in-combination effects with Norwich to Tilbury on European sites. There was no suggestion from any IP that the assessment of in-combination effects in the HRA Report needed to be reconsidered.
- 6.2.50. The ExA is satisfied that all plans and projects with potential to result in in-combination effects together with the Proposed Development have been identified and considered by the Applicant.

6.3. CONSERVATION OBJECTIVES

- 6.3.1. The conservation objectives for the SAC and SPAs identified above are set out in Appendix B of the Applicant’s HRA Report [APP-201]. The Applicant considers the SPA conservation objectives are also relevant for the Ramsar sites identified above, noting there are no specific conservation objectives for Ramsar sites [APP-201].

6.4. HRA CONCLUSIONS

- 6.4.1. Sixteen European sites were identified and considered in the Applicant’s assessment of LSE, as identified above. NR’s RR [RR-184] identified those European sites as those relevant to the DCO application.
- 6.4.2. The ExA is satisfied that the correct European sites and qualifying features have been identified for the purposes of assessment.
- 6.4.3. The only impacts considered by the Applicant to have the potential to result in LSE were reduction of habitat area (habitat loss), disturbance, and changes in hydrology. All other impacts were described by the Applicant as absent or negligible. This approach was not disputed by NE or any other IP.
- 6.4.4. The Applicant also considered whether in-combination effects could occur from the Proposed Development together with the other plans identified in Appendix A of the HRA Report [APP-201] and the proposed Norwich to Tilbury project.
- 6.4.5. The ExA is satisfied, on the basis of the information provided, that the correct impact-effect pathways on each site have been assessed. The ExA is also satisfied with the approach to the assessment of LSE, alone and in-combination.

- 6.4.6. For the reasons outlined above, the ExA is satisfied that there would be no LSE on the qualifying features of the European sites as a result of reduction of habitat area (habitat loss), disturbance, or changes in hydrology, either alone or in combination with other plans and projects.

7. CONCLUSION ON THE CASE FOR DEVELOPMENT CONSENT

7.1. INTRODUCTION

7.1.1. This Section sets out our reasoning and conclusions on whether there is a case for the making of a Development Consent Order (DCO) for the Proposed Development.

7.1.2. This is based on the provisions of the recommended Development Consent Order (rDCO) (Appendix D), the details of which are discussed in Chapter 9.

7.1.3. Relevant legislation and policy are identified in Section 3. The need for the Proposed Development is considered in Chapter 5, along with our consideration of the potential effects of the Proposed Development.

7.1.4. This Section considers:

- matters to be taken into account as required by the Planning Act 2008 (PA2008) and other relevant legislation and policy;
- the overall need case for the Proposed Development;
- the potential impacts of the Proposed Development; and
- the planning balance and our conclusions.

7.1.5. Compulsory Acquisition (CA) and Temporary Possession (TP) of land and/or rights and the creation of new rights over land are discussed in Chapter 8.

7.2. MATTERS TO BE TAKEN INTO ACCOUNT

7.2.1. Section (s) 104 of the PA2008 sets out at subsection (2) the matters to which the Secretary of State for Transport (SoST) must have regard where there is a relevant National Policy Statement (NPS). In particular s104(3) provides that:

“The Secretary of State must decide the application in accordance with any relevant National Policy Statement, except to the extent that one or more of subsections (4) to (8) applies.”

7.2.2. The exceptions set out in s104 are:

- lead to the United Kingdom (UK) being in breach of its international obligations;
- be unlawful;
- lead to the Secretary of State (SoS) being in breach of any duty imposed by or under any legislation;
- result in adverse impacts of the development outweighing its benefits; or
- be contrary to legislation about how the decisions are to be taken.

7.2.3. Given the Proposed Development is for highway infrastructure and a Nationally Significant Infrastructure Project (NSIP), the designated National Policy Statement for National Networks (NPSNN) provides the primary basis for making decisions on development consent applications for national networks NSIPs in England by the SoST.

7.2.4. In March 2023, the Department for Transport (DfT) published a draft revised NPSNN for consultation (dNPSNN). The transitional provisions within the dNPSNN identify that the NPSNN should have affect for any application accepted for examination before the designation of the dNPSNN. In this case therefore the

NPSNN remains in force in its entirety for the consideration of this application. However, in accordance with the transitional provisions, the dNPSNN is an important and relevant consideration in the decision-making process.

- 7.2.5. The Application includes the proposal for the diversion of the Little Braxted to Springfield - AIA2 gas main (gas main diversion) operated by Cadent Gas Limited (Cadent). The gas main diversion is considered to be an NSIP in its own right under s20 of PA2008. The assessment of the effects of the gas main diversion has been considered against the policy provisions in the Overarching National Policy Statement for Energy (NPS EN-1) and the National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (NPS EN-4).
- 7.2.6. The conclusions on the case for making a DCO are therefore reached within the context of the policies contained in the NPSNN and the Energy NPSs. The dNPSNN has been considered as an important and relevant consideration. Also, as indicated in Chapters 3 and Chapters 5 dealing with the main planning issues, we have taken all other relevant law and policy into account. We have had regard to the Public Sector Equality Duty (PSED) as addressed in Chapter 8 of this Report.
- 7.2.7. The ExA has had regard to the Equality Act 2010 and to Article 1 of the First Protocol, Article 6 and Article 8 of the European Convention on Human Rights (ECHR). The ExA has had regard to the Equality Act and Human Rights with respect to CA and TP and this is reported in Chapter 8 of this Recommendation Report.
- 7.2.8. Section 4 of the NPSNN addresses assessment principles. Paragraph 4.2 states:
“Subject to the detailed policies and protections in this NPS, and the legal constraints set out in the Planning Act, there is a presumption in favour of granting development consent for national networks NSIPs that fall within the need for infrastructure established in this NPS.”
- 7.2.9. Paragraph 4.3 of the NPSNN states that:
“In considering any proposed development, and in particular, when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State should take into account:
its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits;
its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.”
- 7.2.10. In coming to our conclusions, we have considered all evidence presented to the Examination, including the application documents; the Environmental Statement (ES) and ES Addendum; the Habitats Regulations Assessment (HRA) Report; the Local Impact Reports (LIR); Statements of Common Ground (SoCG); Relevant Representations (RR); Written Representations (WR); oral submissions at Hearings; answers to our written questions; responses to requests for information; information gathered from our site visits, and all matters which we consider to be both important and relevant to the SoS’s decision.

7.3. SUMMARY OF MAIN PLANNING ISSUES

Introduction

7.3.1. In this section we summarise our conclusions on the topics from Chapter 5, focussing on:

- the Applicant's assessment methodology and findings;
- key issues considered during the Examination;
- the adequacy of mitigation measures and how they are secured;
- compliance with policy; and
- matters counting in favour of or against the DCO being made.

The need for the Proposed Development

7.3.2. The Applicant's need case for the Proposed Development, along with the benefits arising from it, are set out in the Case for the Scheme [[APP-249](#)].

7.3.3. We consider the Applicant's need case and submissions made on it in Section 5.2, where we conclude that, in accordance with the requirements of the NPSNN, the ExA are satisfied that the need for the Proposed Development has been established.

7.3.4. The benefits arising from the Proposed Development set out in the Applicant's Case for the Scheme [[APP-249](#)] include that it would:

- reduce journey time and reduce congestion, improve highway safety, improve reliance and journey time reliability consistent with national and local planning objectives for transport, economy and the environment; and
- through increased capacity, assist in making the region more attractive for business and provide the required infrastructure for development including housing and employment.

7.3.5. The benefits of the Proposed Development were recognised in the submitted LIRs [[REP2-041](#), [REP2-045a](#), [REP2-055](#), [REP2-068](#) and [REP2-106](#)]. They all highlighted the traffic related benefits, along with the economic benefits that they considered the Proposed Development would bring.

7.3.6. The Benefit Cost Ratio (BCR) for the Proposed Development has been reviewed throughout the Examination, in line with national guidance and is estimated to give an adjusted BCR of 1.7 when compared to a Present Value of Costs of £452.1 million.

7.3.7. The ExA is satisfied that the Applicant has followed national adopted guidance in the modelling of the forecast BCR for the Proposed Development. Furthermore, the ExA is satisfied with regards to the sensitivity of the Applicant's assessment in light of the current challenging economic climate.

7.3.8. Therefore, the ExA agrees with the Applicant and Local Authorities (LA) that there is a strategic need for the Proposed Development and it would play a crucial role in facilitating economic and housing development in the area.

7.3.9. A significant number of the representations, whilst highlighting specific concerns, supported the overall principle of the Proposed Development, subject to the resolution of their location specific concerns. Benefits that were highlighted related

mainly to relieving congestion, supporting economic growth and development, and improvements to highway safety.

- 7.3.10. A number of Interested Parties (IP) in their RR and WR raise significant concerns over the general need for the building of new roads. However, as identified in Chapter 5, the consideration of national policy is outside of the scope of our considerations.
- 7.3.11. Having considered all submissions to the Examination, and with reference to the LIRs and our detailed consideration of relevant matters in Chapters 4 and 5, the ExA is satisfied that the benefits identified by the Applicant would be likely to be delivered by the Proposed Development.
- 7.3.12. The Proposed Development would conform with the Government's vision and strategic objective set out in the NPSNN to deliver national networks that meet the country's long-term needs, supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. It would meet the critical need to improve the national networks to address road congestion. We have concluded in Chapter 5 on Traffic and Transportation that the Proposed Development would meet its traffic and transport objectives.
- 7.3.13. Overall, the ExA finds that these benefits weigh positively in favour of the Proposed Development. Accordingly, we attach substantial weight to the contribution the Proposed Development would make towards the need set out in the NPSNN to deliver national networks that meet the country's long term needs as part of a wider transport system.
- 7.3.14. In relation to the gas main diversion, which is considered to be an NSIP in its own right, the ExA is satisfied that it accords with NPS EN-1 and NPS EN-4, along with the draft revised NPS EN-1 and NPS EN-4, which were published by the Department of Energy Security and Net Zero (DESNZ) in March 2023 for consultation.

Environmental Impact Assessment

- 7.3.15. The ExA is content that the ES and other information submitted by the Applicant during the Examination has provided an adequate assessment of the environmental effects of the Proposed Development and meets the requirements under the Environmental Impact Assessment (EIA) Regulations.
- 7.3.16. The ExA is satisfied that the Applicant's approach to the assessment of alternatives as described in the ES is comprehensive and complies with the EIA Regulations.
- 7.3.17. The ExA is also satisfied with the Applicant's methodology for assessing cumulative effects.
- 7.3.18. We have taken full account of all environmental information in our consideration of this Application.

Habitats Regulations Assessment

- 7.3.19. The Proposed Development is development for which a HRA Report has been provided. We are satisfied, on the basis of the evidence provided, that there would be no likely significant effects on the qualifying features of European sites as a result of the Proposed Development, either alone or in combination with other plans and projects.

- 7.3.20. The SoST is the competent authority under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and will make the definitive assessment. Having taken into account the advice from Natural England (NE), we are satisfied that the SoST has sufficient information available to perform their duties under the Habitats Regulations.

Air Quality

- 7.3.21. The ExA are satisfied that the Applicant's consideration of the study area, selection of receptors, baseline conditions, changes to vehicle emission rates, types of emissions, matters considered for the assessment of significant effects, and the methodology are appropriate for the purposes of the air quality assessment. We are also satisfied that the assessment takes a robust position in relation to the use of low-emission vehicles and Government policy towards petrol and diesel vehicles.
- 7.3.22. As required by paragraphs 2.16, 3.6-8 and 5.10-12 of the NPSNN, the Applicant has given consideration to vehicle emissions, how future emission standards are expected to reduce particulate matter (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂) and mono-nitrogen oxides (NO_x), emissions, air quality effects on a range of receptors and relevant statutory air quality thresholds.
- 7.3.23. We are satisfied that matters raised in relation to air quality were addressed by parties during the Examination. We are content with the consideration of mitigation for potential effects, including those suggested in paragraph 5.15 of the NPSNN, and that the identified mitigation measures are secured in the rDCO (Appendix D) and the First Iteration Environmental Management Plan (FIEMP), which includes the Register of Environmental Actions and Commitments (REAC) [\[REP7-015\]](#).
- 7.3.24. We are satisfied that the matter of construction dust would be adequately managed through the proposed Dust Management Plan, to be secured by AG1 of the REAC [\[REP7-015\]](#).
- 7.3.25. The ExA accepts that a conservative scenario has been modelled by the Applicant and, as a result, it is likely that three modelled exceedances are unlikely to be significant or result in the need for the designation of further Air Quality Management Areas (AQMAs). We welcome the commitment by the Applicant to undertake further modelling at these locations [\[REP7-024\]](#) and [\[REP7-025\]](#).
- 7.3.26. In accordance with NPSNN Paragraphs 5.3 to 5.15, the ExA is content that the Applicant has adequately demonstrated the likely effects of the Proposed Development on air quality, following national guidance and policy. The ExA concludes that the mitigation secured in the First Iteration EMP would ensure that the Proposed Development meets the policy requirements of NPSNN Paragraphs 5.10 and 5.11.
- 7.3.27. We have attributed limited weight to the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 and the published World Health Organisation (WHO) guidance. We do however recognise the overall objective of seeking to improve air quality through the tightening of air quality targets. The ExA concludes that this direction of travel is an important and relevant consideration.
- 7.3.28. The ExA acknowledges the significant adverse effect from nitrogen deposition at Perry's Wood Local Wildlife Site and Perry's Wood Ancient Woodland. These effects are considered under biodiversity.

- 7.3.29. Overall, the ExA considers that whilst the Proposed Development would be unlikely to result in any significant effects with respect to air quality, there would be a net worsening in local air quality within the study area, which, given the wider policy aims of seeking to improve air quality, weighs negatively against the making of the Order. However, given the limited and localised nature of the impact, the ExA has apportion limited weight against the making of the Order in this regard.

Biodiversity

- 7.3.30. The ExA is satisfied that the application gives proper consideration to the full range of sites, habitats and species that could be impacted by the Proposed Development. The Proposed Development will deliver a number of enhancements in biodiversity, with the necessary measures to deliver these, secured through the REAC [\[REP7-015\]](#). To that extent, the Proposed Development would comply with relevant NPSNN policies.
- 7.3.31. The construction effects of the Proposed Development on hedgerows, woodland and other habitats weigh against the DCO being made. However, the ExA finds that these effects are considered to be short term, which, once proposed mitigation has become established, will be mitigated. Nonetheless, these effects weigh negatively against the making of the Order and the ExA have attributed this harm limited negative weight.
- 7.3.32. The Proposed Development would result in the loss of five veteran trees, for which mitigation cannot be provided. Their loss weighs negatively against the making of the DCO. Considering the nature of these trees and the fact that they cannot be readily replaced, we have attributed this harm moderate negative weight.
- 7.3.33. We find that the Proposed Development would, due to increased nitrogen deposition, have a significant adverse effect upon Perry's Wood Local Wildlife Site and Perry's Wood Ancient Woodland. This effect weighs negatively against the making of the Order. Whilst the effects are predicted to decrease over time, we still find this harm to be significant and have attributed it moderate negative weight.
- 7.3.34. The ExA recognises that there is no requirement for an assessment of Biodiversity Net Gain (BNG) to be made for an NSIP at the present time. Nevertheless, one has been undertaken for the Proposed Development, which has concluded predicted net gain to be significantly above the 10% proposed requirement, and the Applicant has made further commitments to assess opportunities through scheme design to deliver further enhancements. The ExA also note the significant beneficial effect on water voles from habitat gain.
- 7.3.35. In summary, the ExA are satisfied opportunities for promoting biodiversity have been identified through the Proposed Development. Whilst there would be positive effects on certain habitats and species, the ExA notes that there would be adverse effects on other types of habitat. Taking all the matters reported above into account, the ExA therefore considers the matter has negative weight against making the DCO. Considering the biodiversity benefits that would also be delivered, this harm has been afforded limited weight in the planning balance.

Climate Change

- 7.3.36. In accordance with s104(4) of the PA2008 the ExA does not consider that the application would lead to the UK being in breach of any of its international obligations, and therefore the ExA has concluded in accordance with the NPSNN. Furthermore, the ExA considers that the approach to assessment of emissions as

detailed in the ES is appropriate, and that appropriate measures for mitigation of emissions have been identified within the design and that these are secured.

- 7.3.37. The case of *Boswell v Secretary of State for Transport* confirms that the approach taken by the Applicant is lawful in assessing cumulative carbon emissions. The ExA therefore considers that the approach taken in the assessments of likely significant cumulative effects as part of the EIA is appropriate.
- 7.3.38. Regarding the UK Climate Projections, the Applicant undertook to submit a sensitivity test to the Examination, to reflect the latest values for climate change allowances for rainfall intensity (paragraph 1.6.1 of the FRA refers [[APP-162](#)]), the results of which would be the basis on which the detailed design of the scheme would be undertaken. Whilst this sensitivity test was not provided to the Examination, the Environment Agency (EA) has confirmed [[RR-011](#), [REP2-053](#) and [REP7-020](#)] that it is broadly satisfied with the Flood Risk Assessment (FRA) and has not raised concerns regarding the absence of this sensitivity test. We also note that the FIEMP (Water Management Plan [[REP4-029](#)] and REAC [[REP7-015](#)]) contains commitments to mitigate impacts associated with high intensity rainfall events.
- 7.3.39. The ExA concludes that the Applicant has given consideration to possible future changes in climate over a 60-year appraisal period, and potential impacts on the Proposed Development associated with these climatic changes in compliance with paragraphs 4.40 to 4.42 and 4.44 of the NPSNN. In addition, we are satisfied that the Applicant has given consideration to potential changes to the risk of flooding should more radical changes in climate occur in compliance with paragraph 4.43 of the NPSNN.
- 7.3.40. In compliance with paragraphs 5.17 and 5.19 of the NPSNN, the Applicant has estimated changes in Greenhouse Gas (GHG) emissions associated with the construction and operation of the Proposed Development and compared to relevant UK carbon budgets in order to assess their significance. Mitigation measures have been proposed to reduce GHG emissions in terms of its design and its construction. These measures are considered likely to substantially reduce the carbon footprint of the Proposed Development. With regards to design and construction the ExA concludes that the effects of the Proposed Development weigh neither for nor against making the DCO.
- 7.3.41. The SoS may wish to give consideration to the changes made in September 2023 to the 2030 targets for the sale of petrol and diesel vehicles.
- 7.3.42. Therefore, whilst accepting that the Proposed Development would not result in significant effects in EIA terms, given that the Proposed Development would result in an increase on CO₂, taking a precautionary approach, the ExA concludes that this weighs against making the DCO, especially given recent policy and Government proposals are about reducing emissions. However, as emissions are likely to reduce over the lifetime (through increased use of low-emission vehicles and wider Government policy such as the Transport Decarbonising Plan and Carbon Budgets), it has been attributed limited weight against making the Order in the planning balance.

Geology and Soils

- 7.3.43. We are satisfied that the Applicant's assessment of issues in relation to geology and soils has been undertaken in accordance with current guidance and provides

sufficient information to allow for the effects to be considered and to accord with the requirements of the NPSNN.

- 7.3.44. The permanent loss of a substantial amount of Best and Most Versatile (BMV) agricultural land weighs negatively against the making of the Order and, given the finite nature of this resource, carries moderate weight in the planning balance. Therefore, development consent should not be granted unless the need for and benefits of the Proposed Development clearly outweigh its loss.

Design

- 7.3.45. The ExA considers that the Design and Access Statement, and the Design Principles document provide the context for the Proposed Development, how design evolved in response to consultation feedback, and how the Proposed Development integrates 'good design'. The ExA therefore considers that the Proposed Development meets the requirements of the NPSNN relating to 'good design'.
- 7.3.46. The ExA concludes that the matter weighs neither for nor against the making of the DCO and has been attributed neutral weight in the planning balance.

Historic Environment

- 7.3.47. The ExA finds the Applicant's assessment of the historic environment to be adequate and therefore accords with paragraphs 5.128 and 5.129 of the NPSNN. We are also satisfied that the rDCO (Appendix D) secures appropriate mitigation through Requirement 7, including a Written Scheme of Investigation (WSI), archaeological investigations, and landscaping.
- 7.3.48. As required by Regulation 3 of The Infrastructure Planning (Decisions) Regulations 2010, we have had regard to the desirability of preserving Listed Buildings or their setting and any features of special architectural or historic interest which they possess, preserving or enhancing the character or appearance of Conservation Areas, and preserving Scheduled Monuments or their setting. Overall, the ExA is satisfied with how these have been addressed.
- 7.3.49. The ExA agreed with the assessment undertaken by the Applicant which found that once mitigation had been applied, there were 45 residual significant effects on designated heritage assets during construction and 6 during operation. However, none of these were assessed by the Applicant as equating to substantial harm. The issue of the two Scheduled Monuments received considerable attention during the Examination and whilst there would be some impact on the setting of these, it was agreed between the Applicant and Historic England that the impacts amounted to less than substantial harm and also that additional mitigation would not reduce these effects.
- 7.3.50. Overall, we conclude that, the Proposed Development would cause harm to the identified Scheduled Monuments and designated and non-designated heritage assets. We consider this harm to be less than substantial.
- 7.3.51. Paragraph 5.131 of the NPSNN says that the more important a designated heritage asset is, the more weight should be given to its conservation. Paragraph 199 of the NPPF additionally requires 'great weight' to be given to the conservation of a designated heritage asset. Paragraphs 5.132, 5.134 and 5.135 of the NPSNN and paragraph 202 of the National Planning Policy Framework (NPPF) require that less than substantial harm to designated heritage assets should be weighed against the public benefits of the Proposed Development.

7.3.52. In Section 7.4 below, we weigh the less than substantial harm to designated heritage assets against the public benefits of the Proposed Development.

Land Use

7.3.53. The Applicant has assessed the impact of the Proposed Development on the existing Public Right of Ways (PRoW) and provision has been made once the project is operational for all existing routes to remain open. We note that the Applicant has addressed the existing issues of severance as required by paragraph 5.205 of the NPSNN. Paragraph 5.9.17 above refers to the various locations.

7.3.54. In addition, the ExA considers that the Proposed Development includes significant improvements for walkers, cyclists and horse riders (WCH) users including six road bridges with walking and cycling access and five new WCH bridges which have been proposed to address severance of existing PRoW. There would be a net gain of 4,765m of PRoW, 490m of bridleway, 12,007m of cycleway, and 3,291m of footway. We find that the Proposed Development would deliver benefits for walkers and cyclists travelling along these new footways and cycleways.

7.3.55. We find that there would be harm to a number of existing PRoWs during construction, however we consider that this harm would be temporary and mitigated as much as possible. Furthermore, we find the harm to be outweighed by the overall improvements that will be delivered for the wider network.

7.3.56. The ExA concludes that the matter weighs positively in favour of making the DCO and we attribute moderate weight in the planning balance.

Landscape and Visual

7.3.57. The Applicant considers that there will be significant residual adverse effects, after mitigation, on local landscape character and visual amenity; we agree with this assessment.

7.3.58. The Applicant has given consideration to the landscape and visual effects that would be caused by Gershwin Boulevard Bridge at the proposed and alternative suggested location. Mitigation is also proposed that would minimise the harm of the proposed bridge to the landscape.

7.3.59. The Applicant has given consideration to the nature of the existing landscape and the nature of the effect likely to occur. The ExA considers that the Applicant has sought to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate, in accordance with NPSNN 5.149.

7.3.60. With regard to NPSNN 5.156, no locally designated landscapes would be affected by the Proposed Development. The Applicant has given consideration to how the Proposed Development conforms to policies based on landscape character assessment. With regard to NPSNN 5.157 the ExA considers that the project has been designed carefully, to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation. With regard to NPSNN 5.158 we consider that the visual effects on sensitive receptors, do not outweigh the benefits of the development.

7.3.61. The ExA concludes that the matter weighs negatively against making the DCO and has been attributed limited weight in the planning balance.

Material Assets and Waste

- 7.3.62. We find that, with the measures to be secured in the Site Waste Management Plan [APP-196] and Materials Management Plan [APP-194], the proposals for waste management and the use of material assets would be satisfactory and accord with the requirements of the NPSNN.
- 7.3.63. With regards to the proposed borrow pits, we find that there are no alternative approaches to the use of borrow pits that would be demonstrably better than those contained within the application. Whilst there would be some environmental impacts from their development and use, we find that the benefits, along with the proposals for their restoration, would outweigh the harm caused.
- 7.3.64. As such, the ExA concludes that the issue weighs neither for nor against the making of the Order and therefore carries neutral weight in the planning balance.

Noise and Vibration

- 7.3.65. We are satisfied that the Applicant's consideration of baseline conditions, study area, identification of Noise Important Areas (NIAs), baseline surveys, noise models, identification of receptors, cumulative impacts and assessment methodology are appropriate for the purposes of the noise and vibration assessment. We are content that the likely significant effects resulting from noise and vibration have been described and assessed, based on a reasonable worst-case scenario.
- 7.3.66. We find that the Proposed Development would have construction and operational noise and vibration effects which would result in significant adverse effects on a number of sensitive receptors.
- 7.3.67. The proposed mitigation secured through Requirement 4 of the draft Development Consent Order (dDCO) and the REAC [REP7-015] would reduce some of the impacts associated with construction. Given the nature of the Proposed Development and the short-term duration of the significant effects during construction, we conclude that the effects of noise and vibration are minimised.
- 7.3.68. The ExA acknowledges that the Proposed Development would contribute to operational noise improvements to a significant number of receptors.
- 7.3.69. Overall, we find that whilst significant operational effects remain, these significant effects would be below Significant Observed Adverse Effect Level (SOAEL) and effective mitigation is proposed such that the Proposed Development meets the aims and aspirations of the NPSNN.
- 7.3.70. In summary, the ExA is satisfied that opportunities to minimise and mitigate noise and vibration levels have been identified through the Proposed Development. The ExA notes that, as a result, there would be a number of receptors that would experience positive change, however there would still be a number of receptors that would experience adverse effects. Taking all the matters reported above into account, the ExA attributes negative weight against making the Order to noise and vibration. Given the benefits in respect of improvements to the noise environment that would also be delivered, this harm has been afforded limited weight in the planning balance.

Population and Human Health

- 7.3.71. The ExA is satisfied that the Applicant's consideration of baseline conditions, study area, cumulative impacts and assessment methodology are appropriate for the purposes of the population and human health assessment.
- 7.3.72. We consider that the human health impacts of the Proposed Development have been considered, minimised and mitigated as much as possible. Whilst there will be some positive effects, there are however a number of significant adverse effects, in particular in relation to the health effects of noise, and visual amenity.
- 7.3.73. Consequently, the ExA concludes that this weighs negatively against the making of the Order and we have attributed this harm limited negative weight in the overall planning balance.

Socio-economics

- 7.3.74. There is currently significant population growth in Essex which has a projected increase of 13% between 2018 and 2043 and, at the same time, the area is experiencing employment growth with the major port developments at Felixstowe and Harwich and the steady expansion at Stansted Airport. The Applicant argues that congestion on this section of the A12 will inhibit further business investment and limit the amount of housing which can be given planning permission.
- 7.3.75. Several of the LAs along the route have recently adopted Local Plans. Chelmsford County Council (CCC) adopted its Plan in May 2020; Braintree District Council (BDC) adopted their Local Plan in July 2022 and Colchester City Council (CoCC) also adopted their Plan in July 2022. Maldon District Council (MDC) adopted its Local Plan in 2017. The LAs have all set out ambitious targets for housing and employment growth to be delivered over the relevant Plan periods.
- 7.3.76. There will during the construction period be an impact on several local businesses as identified above but they will continue to be able to operate and we therefore consider this harm to carry low weight. Such harm to local businesses needs to be balanced against the economic benefits that would be delivered. The ExA notes that the Proposed Development will result in improved journey times and increased reliability and therefore would support economic development. On the basis of the submissions and responses, the ExA acknowledges that some harm would be caused to local businesses during the construction period, but this is outweighed by the strong economic case and the significant economic benefits that would be delivered.
- 7.3.77. The ExA therefore concludes that this weighs positively in favour of making the Order and, given the overall aims of the Proposed Development, and the overall contribution that the highway improvements would bring to the local and regional economy, this carries substantial positive weight in the planning balance.

Traffic and Transport

- 7.3.78. The ExA considers that overall, the Proposed Development would deliver improvements to the Strategic Road Network (SRN) to meet long term transport needs and would be likely to result in a reduction to delays and congestion that currently occurs along the existing A12, especially at peak times. The ExA further notes that the Proposed Development is supported by the LAs both in their LIRs and planning policy.

- 7.3.79. In response to IP requests to relieve the historical bottleneck at the Duke of Wellington mini roundabout, the Applicant, in its modified proposal of J21, is providing a suitable tie-in for this local road enhancement, and as such has increased its feasibility to be delivered, by others, outside the Proposed Development.
- 7.3.80. The ExA has given consideration to the traffic calming measures proposed between Hatfield Peverel and Boreham and within Boreham village to reaffirm the reduced speed limits proposed by the Applicant, as well as additional measures proposed by Essex County Council (ECC). The ExA has concluded that ECC's additional proposals should be included in the dDCO.
- 7.3.81. ECC set out its views on the measures required to mitigate the impact of the Proposed Development on Messing, Inworth and Tiptree. The ExA considers this wording to be appropriate for inclusion in the dDCO.
- 7.3.82. Having examined the arguments put forward by the Applicant and ECC regarding detrunking, the ExA is persuaded by ECC's argument and recommend that the Applicant's draft Requirement 19 wording relating to detrunking be amended.
- 7.3.83. The ExA has reviewed ECC's submission regarding speed limits and recommend that the SoS consults with Applicant and ECC on the speed limits in relation to Schedule 3 of the rDCO.
- 7.3.84. The ExA has reviewed the Applicant's and ECC's arguments regarding operation phase local traffic monitoring and suggested additional text appropriate for Requirement 16 for the rDCO.

Conclusions

- 7.3.85. In compliance with paragraphs 4.26 and 4.27 of the NPSNN the Applicant has undertaken an assessment of alternatives. Regarding Messing and Inworth Action Group Limited (MIAG) and Messing cum Inworth Parish Council's (McIPC) contention that there had been a failure by the Applicant to consider alternatives properly in relation to junction J24, including the option of a community bypass, the ExA acknowledges that there may well be other design solutions available, but is not convinced that any are better, either from a transport perspective or an environmental viewpoint than that proposed within the DCO. Additionally, the ExA notes that ECC does not object to the Proposed Development because of a failure to assess alternatives at J24. Furthermore, ECC has not presented a case which supports the community bypass suggested by MIAG.
- 7.3.86. The Applicant has described the impacts of the Proposed Development from traffic effects during construction and operation on the environment and associated mitigation measures proposed are reported in each aspect chapter of the ES, in compliance with paragraph 5.206 of the NPSNN.
- 7.3.87. In compliance with paragraph 5.211 of the NPSNN the ExA has given due consideration to impacts on local transport networks and policies set out in local plans. It concludes that the mitigation measures regarding the local road network proposed by the Applicant, along with the additional measures secured through amendments to dDCO Articles and Requirements recommended by the ExA (see Chapter 9 for details), are appropriate.
- 7.3.88. The ExA considers that there are benefits in terms of a reduction to delays and congestion, and improvements to highway safety. This leads the ExA to conclude

that the need for the Proposed Development has been established in accordance with the requirements of the NPSNN and the presumption in favour of development is engaged. This carries high, positive weight in favour of the Proposed Development.

- 7.3.89. The ExA concludes that whilst there may be an increase in traffic on the local road network and an impact on several villages, with some potentially negative effects, these are more than outweighed by the wider transport benefits that the Proposed Development would deliver.
- 7.3.90. Therefore, with the amendments to the Articles and Requirements of the dDCO the ExA concludes that overall, the matter weighs in favour of making the Order. Finally, the ExA concludes that the Proposed Development delivers several important benefits from a transport perspective, which has been attributed substantial weight in the planning balance.

Water

- 7.3.91. The ExA is satisfied that the Proposed Development meets the Sequential and Exception Tests and, as essential infrastructure, it would be appropriately located, even given that part of it would be located within Flood Zone (FZ)3. We are satisfied that the application is supported by an appropriate FRA and that measures to mitigate flood risk have been proposed and secured through the dDCO. Furthermore, the Proposed Development would be safe for its lifetime and its operation and would not be affected by flooding and it would not increase the risk of flooding elsewhere.
- 7.3.92. We are satisfied that the Proposed Development is supported by an appropriate Drainage Strategy [\[AS-099\]](#) and that the rDCO (Appendix D) and REAC [\[REP7-015\]](#) contain adequate provisions to ensure that the proposed surface water drainage system would be properly implemented and maintained for the lifetime of the Proposed Development. We are also satisfied that this has been designed to accommodate any future climate change effects.
- 7.3.93. The ExA finds that the Proposed Development, with the proposed mitigation and if well maintained, would not adversely affect water quality or resources. This is secured through the Environmental Masterplan, the First Iteration EMP and in the rDCO (Appendix D). The ExA is content that with the inclusion of the proposed mitigation measures, there would be no deterioration in status of any of the quality elements within WFD water bodies as a result of the Proposed Development and that the Proposed Development would be compliant with the Water Framework Directive (WFD).
- 7.3.94. Taking all matters into consideration, the ExA finds that the effect of the Proposed Development on the water environment does not weigh for or against the making of the Order and therefore carries neutral weight in the planning balance.

Cumulative Effects

- 7.3.95. In accordance with NPSNN 4.16, the ExA considers that the ES, and the Applicant's responses to matters raised during the Examination, provide information on how the effects of the Proposed Development would combine and interact with the effects of other development.
- 7.3.96. The ExA considers that the Applicant has demonstrated how significant cumulative effects and the interrelationship between effects might as a whole affect the

environment in accordance with NPSNN 4.17. The Applicant has identified a number of negative significant cumulative effects, predominantly during construction of the Proposed Development.

- 7.3.97. The ExA concludes that negative effects have been identified of the Proposed Development in combination with other existing and/or approved projects. These effects are mainly temporary, occurring during construction of the Proposed Development; therefore, whilst these effects weigh against making the DCO, we have attributed limited weight in the planning balance.

7.4. PLANNING BALANCE

Introduction

- 7.4.1. Paragraph 4.2 of the NPSNN states, subject to the detailed policies and protections within it, and the legal constraints set out in the PA2008, that there is a presumption in favour of granting development consent for national networks NSIPs that fall within the need for infrastructure established within the NPSNN.
- 7.4.2. In reaching our conclusions on the case for the Proposed Development, we have had regard to s104 of the PA2008, the NPSNN and NPS EN-1 and EN-4 as the relevant NPSs, the NPPF, the LIRs and all other matters which we have identified to be both important and relevant to the SoS's decision.
- 7.4.3. In relation to carbon emissions, we have also considered whether the determination of the application, in accordance with the relevant NPS, would lead the UK to be in breach of any of its international obligations where relevant.

A12 Chelmsford to A120 widening

- 7.4.4. The Proposed Development would make an important contribution to the improvement and enhancement of the existing SRN, thereby meeting a key objective of the NPSNN. We have summarised the need and benefits previously in this Chapter, but they include:
- Deliver improvements to the SRN in the context of the projected national growth in traffic levels.
 - Support the delivery of a national network to meet the country's long-term needs that would support economic growth.
 - Relieve existing congestion along the A12 between Chelmsford and Colchester, improving journey times.
 - Deliver highway safety improvements through the application of a consistent standard of design along the route and the removal of direct accesses onto the road.
 - Provide additional highway capacity that would facilitate long-term housing and economic development and growth.
- 7.4.5. The ExA therefore considers that case for the need for the Proposed Development has been made, in that the Proposed Development would make an important contribution to the improvement and enhancement of the existing SRN, meeting key strategic objectives of the NPSNN. Accordingly, the ExA attaches substantial weight to the benefits of the Proposed Development and compliance with a key policy objective of the NPSNN.
- 7.4.6. We have found that economic benefits would result from the Proposed Development and have attributed substantial weight in favour of making the order to

these. Other benefits in terms of overall improvements to the Walking, Cycling and Horse Riding (WCH) network would also arise from the Proposed Development. This has been attributed moderate weight in favour of making the Order.

- 7.4.7. In paragraph 3.4, NPSNN recognises that some developments will result in some adverse effects including on noise, emissions, landscape and visual amenity, biodiversity and cultural heritage. It states that whilst applicants should deliver developments in accordance with Government policy and in an environmentally sensitive way, including considering opportunities to deliver environmental benefits, some adverse local effects of development may remain.
- 7.4.8. Whilst harm would arise from the Proposed Development, during both the construction and operational phases, the ExA is satisfied that the Applicant has adopted a reasonable and proportionate approach to mitigate this harm. The EMP, through the REAC includes a comprehensive list of mitigation and management measures during the construction process to minimise the harm arising.
- 7.4.9. The ExA concludes that whilst there may be an increase in traffic on the local road network and an impact on several villages, with some potentially negative effects, these are more than outweighed by the wider transport benefits that the Proposed Development would deliver. The ExA is satisfied with the mitigation proposed to address these negative effects.
- 7.4.10. We conclude that the increase in carbon emissions resulting from the Proposed Development, either on its own or in combination, would be unlikely to be so significant to have a material impact on the ability of the Government to meet its carbon reduction targets. However, given the national and international policy to reduce carbon emissions, the additional carbon that would be generated, weighs against the Proposed Development, but given our conclusion in relation to Government targets, this has been attributed limited weight.
- 7.4.11. We consider that the need for and the benefits of the Proposed Development outlined above would outweigh, in each case, the harm identified in relation to the designated heritage assets. We also consider that the harm to the non-designated heritage assets, including archaeology, would be outweighed by the public benefits of the Proposed Development. Overall, therefore, in relation to matters concerning the historic environment, we conclude that the Proposed Development would accord with the relevant policy provisions of the NPSNN.
- 7.4.12. The Proposed Development would result in the permanent loss of a substantial amount of best and most versatile agricultural land. Whilst this loss weighs negatively against the making of the Order, the ExA has concluded that the need and the public benefits of the Proposed Development would outweigh this loss.
- 7.4.13. The Proposed Development would result in the loss of five veteran trees and, due to an increase in nitrogen deposition, would have a significant adverse effect upon Perry's Wood Local Wildlife Site and Perry's Wood Ancient Woodland. We have concluded that these effects weigh negatively against the making of the DCO and should be balanced against the need for the Proposed Development and the public benefits.
- 7.4.14. The ExA attributes limited weight against making the Order to potential adverse effects of the Proposed Development on air quality, landscape and visual matters, noise and vibration, population and human health, and significant cumulative effects.

- 7.4.15. In relation to effects of the Proposed Development on material assets and waste and the water environment, including flood risk, the ExA conclude that these matters weigh neither for nor against the making of the Order.
- 7.4.16. The ExA also concludes that, overall, design matters carry neutral weight.
- 7.4.17. The ExA acknowledges the adverse effects of the Proposed Development and finds that those effects are generally in conformity with the NPSNN. As a consequence, the ExA are therefore satisfied that the Proposed Development would be in general conformity with the NPSNN.
- 7.4.18. The ExA has had regard to the findings of the Applicant's HRA Report and consider that the conclusions of no likely significant effects are supported and that an Appropriate Assessment is not required prior to making the DCO. We can see no reason for HRA matters to prevent the making of the DCO.
- 7.4.19. In conclusion, taking all the above into account, we find that the matters in favour of the DCO being made, including the national need, clearly outweigh those against. Other matters bring both benefits and adverse effects, but none of those, either individually or cumulatively, lead us to a different conclusion in terms of the overall balance of benefits and adverse impacts.
- 7.4.20. Consequently, the potential harm is substantially outweighed by the benefits of the Proposed Development in meeting the law and Government policy as set out in s104 of the PA2008 as amended and the NPSNN.

Gas main diversion

- 7.4.21. The ExA is satisfied that, in determining the current route for the gas main diversion, a number of alternative routes were considered and assessed. We therefore find that the justification for the choice of route is robust. We recognise that further detailed design work needs to be completed before the final route can be identified. In this respect, the ExA considers that the alternative route put forward by MDC and Mr Mark Cathcart to avoid impacts on trees within Blue Mills Nature Reserve should be strongly considered in the final design, if technically deliverable.
- 7.4.22. Based on the evidence before the ExA, we are content that effects of the gas main diversion have been assessed and would be adequately mitigated, in accordance with NPS EN-1 and NPS EN-4. In particular the ExA is convinced that the mitigation proposed in relation to the River Blackwater and Blue Mills Nature Reserve would adequately mitigate the potential adverse effects on the ecological receptors.
- 7.4.23. In relation to the landscape and visual impact, principally from the loss of hedgerows and trees to provide the diversion corridor, the ExA considers that this would have both short and long-term significant adverse effects. These weigh against the gas main diversion.
- 7.4.24. In relation to proposed tree works within the area subject to Tree Preservation Order 07/022, the ExA note the concerns of MDC with regards to a lack of clarity in the dDCO (Schedule 9, Part 3). We have recommended that, should the SoST be minded to make the Order, they may wish to seek confirmation from the Applicant on the matter.
- 7.4.25. The ExA considers that the gas main diversion is essential to the delivery of the Proposed Development. As such, the benefit of the gas main diversion is

intrinsically linked to enabling the delivery of the benefits relating to traffic improvements, road safety and economic growth from the Proposed Development.

- 7.4.26. Accordingly, subject to the SoST seeking further clarity on the works proposed within TPO 07/022, the ExA concludes that the benefits of the pipeline diversion in enabling the delivery of A12 Chelmsford to A120 Widening Scheme, would outweigh the identified landscape and visual harm.
- 7.4.27. The ExA advises that s104(7) of PA2008 is engaged and the ExA concludes that on the planning balance the case is made for the proposed gas main diversion.
- 7.4.28. The ExA highlights the letter issued jointly by DfT and the Department for Business, Energy and Industrial Strategy (BEIS) on 30 July 2021, confirming that it has been agreed that SoST would be the sole decision maker for the Proposed Development and that SoSBEIS would be consulted on the recommendations made by the ExA in relation to the energy NSIP. The comments made by SoS for BEIS would be taken into account when the SoST is making the decision.

Conclusion

- 7.4.29. We therefore conclude that, subject to the provisions of the rDCO (Appendix D), the case for the making of the DCO for the Proposed Development has been made, subject to the following points on which the SoST may wish to satisfy themselves:
- subject to any consideration by the SoST in relation to the changes made in September 2023 to the 2030 targets for the sale of petrol and diesel vehicles; and
 - may wish to seek clarification from the Applicant on the exact nature of the works to be carried out within the area subject to Tree Preservation Order 07/22, as set out in Schedule 8, Part 3 of the rDCO.

8. COMPULSORY ACQUISITION AND RELATED MATTERS

8.1. INTRODUCTION

8.1.1. The Application included proposals for the Compulsory Acquisition (CA) and Temporary Possession (TP) of land and rights over land including Statutory Undertakers (SUs) land, Special Category Land, and Crown Land.

8.1.2. This Chapter considers whether the evidence before the Examination justifies the granting of these powers, having regard to all relevant legislation and guidance.

8.2. THE REQUEST FOR CA AND TP POWERS

8.2.1. The Application includes a request for CA and TP powers; the source of those powers is contained in the Applicant's preferred draft Development Consent Order (dDCO) submitted at the end of the Examination [\[REP8-002\]](#). All further references to the dDCO in this Chapter relate to this version. The Applicant is seeking these powers to:

- acquire land permanently within the Order Limits (OL);
- temporarily possess land within the OL;
- acquire existing rights and restrictive covenants over some of the land within the OL;
- extinguish existing rights and restrictive covenants over some of the land within the OL;
- create new rights and restrictive covenants over some of the land within the OL;
- temporarily suspend existing rights and restrictive covenants over some of the land within the OL; and
- in order to construct, operate and maintain the Proposed Development or to facilitate it, or is incidental to it.

8.2.2. The application was accompanied by the following:

- Book of Reference (BoR) [\[APP-044\]](#);
- Land Plans [\[APP-018\]](#), Works Plans [\[APP-006\]](#) and Streets, Rights of Way and Access Plans [\[APP-016\]](#) and [\[APP-017\]](#);
- Statement of Reasons (SoR) [\[APP-042\]](#);
- Funding Statement (FS) [\[APP-043\]](#);
- Replacement Land Statement [\[APP-279\]](#); and
- Draft Development Consent Order [\[AS-020\]](#).

8.2.3. Taken together, these documents set out the land and rights sought by the Applicant together with the reasons for their requirement and the basis under which compensation would be funded. Where the Examination led to changes to this documentation, the changes are recorded in the above documents. By the close of the Examination, the most up-to date versions were as follows:

- BoR [\[REP7-011\]](#);
- Land Plans [\[REP7-003\]](#), Works Plans [\[REP6-003\]](#) and Streets, Rights of Way and Access Plans [\[REP6-013\]](#) and [\[REP6-014\]](#); Land Plans [\[REP7-003\]](#), Works Plans [\[REP6-003\]](#) and Streets, Rights of Way and Access Plans [\[REP6-013\]](#) and [\[REP6-014\]](#);
- SoR [\[REP7-009\]](#);
- FS [\[APP-043\]](#);

- Replacement Land Statement [\[REP6-057\]](#); and
- dDCO [\[REP8-002\]](#).

8.2.4. These documents, along with representations made by all Affected Persons (AP) taken together form the basis of the analysis in this Chapter. References to the BoR and the Land, Works and Streets, Rights of Way and Access Plans in this Chapter from this point should be read as references to the latest revisions cited above.

8.2.5. Land over which CA and TP powers are sought is referred to in this Chapter as the Order Land.

8.3. THE PURPOSES FOR WHICH LAND IS REQUIRED

8.3.1. Part of the proposed alignment of the new A12 route is over land where there has not previously been a highway and which has not been associated with highway use. The Applicant states that without CA or TP of such land, the Proposed Development cannot be delivered. The Table contained at Annex A to the SoR [\[REP7-040\]](#) provides a description of the land which is subject to powers of CA in terms of Article 27 of the dDCO. The purpose for acquiring this land is to enable the Applicant to construct the permanent works on the land and other elements described in Annex A.

8.3.2. The land for which CA and TP is required is described in detail in the BoR [\[REP7-011\]](#) and in Annex A to the SoR [\[REP7-040\]](#). The Applicant sets out its justification for CA in its Closing Statement [\[REP7-078\]](#) and explains that the powers are required:

- to remove existing rights in relation to all plots (Article 30 dDCO);
- to permanently acquire plots;
- to take TP in plots;
- to permanently acquire rights in plots;
- to acquire land above ground level and TP and use of land at ground level; and
- to permanently acquire rights over subsoil including TP and use of land.

8.3.3. The Proposed Development includes a number of Crown land plots as shown in the Table at paragraph 7.1.4 of the SoR [\[REP7-009\]](#). The Crown interest, as defined by section (s) 227 of the Planning Act 2008 (PA2008), is held by the Secretary of State for Transport (SoST) with the exception of plot 19/14a which was historically held by the Secretary of State for the Environment but was thought to be transferred to the SoST by the Transfer of Functions (Transport, Local Government & the Regions) Order 2002 (2002/2626). The acquisition of the third-party interests in this land has been sought and consent pursuant to s135 PA2008 has been provided [\[REP8-004\]](#). Crown interest is excluded from the scope of CA. The SoST [\[REP8-004\]](#) has also agreed to the wording of Article 53 of the dDCO.

8.3.4. SUs land and electronic communications code land is involved along the route and powers are sought to acquire land, interfere with interests, override interests, and remove apparatus. As to existing utility services, a number are located in the surrounding area that would be affected by the Proposed Development and the relevant major utility diversions are summarised in paragraph 4.11 of the SoR [\[REP7-009\]](#) and are defined as specific works within the development listed within Schedule 1 of the dDCO [\[REP8-002\]](#). The dDCO [\[REP8-002\]](#), if made, will authorise the permanent CA of land held by and rights over statutory undertakers land as identified in paragraph 7.3.23 of the SoR [\[REP7-009\]](#) and described in the BoR [\[REP7-011\]](#). The land concerned is the plots described in detail when the relevant SUs are considered later in this Chapter.

8.3.5. S127 of PA2008 applies in relation to SUs land. The current state of negotiations is recorded at in the State of Negotiations with SUs [REP7-076]. This identifies 12 SUs which are involved. The Examining Authority (ExA) asked at First Written Questions (ExQ1) relating to SUs apparatus [PD-008a] and the issue of SUs was discussed at Compulsory Acquisition Hearing 3 (CAH3) and is covered in detail in the summary of that hearing [REP7-044]. The following SUs are affected:

- Anglian Water Services;
- BT Group (including Openreach);
- Cadent Gas Limited;
- Environment Agency;
- GTC Infrastructure Limited;
- National Grid Electricity;
- Network Rail;
- Northumbria Water Limited (trading as Essex and Suffolk Water);
- UK Power Networks;
- Verizon UK Limited;
- Virgin Media Limited; and
- Vodafone Limited.

8.3.6. A total of 78 SUs were initially contacted by the Applicant as part of the statutory consultation [APP-060]. Details are provided in this document as to whether a response was received, if the SU was affected by the Proposed Development and whether Protective Provisions (PP) within the dDCO were being negotiated. The SUs who had outstanding representations are covered later in this Chapter.

8.3.7. Article 37 of the dDCO seeks to incorporate the provisions of the Compulsory Purchase (Vesting Declarations) Act 1981. This Act sets out the procedure whereby the applicant for a Development Consent Order (DCO) acquires land by means of a general vesting declaration.

8.3.8. The power to take TP of land specified in columns 1 and 2 of Schedule 7 in the dDCO and any other land within the OL of the dDCO intended for permanent acquisition, so long as the Applicant has not served a notice of entry for such land would be subject to the time limits set out in Article 40 of the dDCO. This limit is effectively no more than a year after completing that part of the Proposed Development specified. We consider that the time period proposed by the Applicant for TP is appropriate.

8.4. LEGISLATIVE REQUIREMENTS

8.4.1. CA powers can only be granted if the conditions set out in s122 and s123 of the PA2008 are met, and the relevant guidance in "*Guidance Related to Procedures for the Compulsory Acquisition of Land*", DCLG, September 2013 (the Former Department for Communities and Local Government (DCLG) CA Guidance) has been considered.

8.4.2. S122(2) PA2008 requires that the OL subject to CA must be required for the development to which the development consent relates, is required to facilitate or be incidental to the development, or is replacement land which is to be given in exchange for the order land. In respect of land required for the development, the

land to be taken must be no more than is reasonably required and be proportionate⁶.

- 8.4.3. S122(3) PA2008 requires that there must be a compelling case in the public interest to acquire the land compulsorily, which means that the public benefit derived from the CA must outweigh the private loss that would be suffered by those whose land is affected. In balancing public interest against private loss, CA must be justified in its own right.
- 8.4.4. S123 PA2008 requires that one of three procedural conditions in subsections (2) to (4) must be met, namely:
- that the application for the order included a request for CA of the land to be authorised;
 - that all persons with an interest in the land consent to the inclusion of the provision; and
 - that the prescribed procedure has been followed in relation to the land.
- 8.4.5. In the case of the current application, the first of these conditions is met.
- 8.4.6. A number of general considerations from the DCLG CA Guidance also have to be addressed:
- all reasonable alternatives to CA should have been explored including modification to the Proposed Development;
 - that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate;
 - the Applicant must have a clear idea of how it intends to use the land subject to CA powers;
 - the Applicant must be able to demonstrate that there is a reasonable prospect that funds are available to meet the compensation liabilities that might flow from the exercise of CA powers; and
 - the decision-maker must be satisfied that the purposes stated for the CA are legitimate and sufficiently justify the inevitable interference with the human rights of those affected.
- 8.4.7. Paragraph 25 of the DCLG CA Guidance states that Applicants should seek to achieve land by negotiation wherever practicable.
- 8.4.8. S127 PA2008 applies to land acquired by a SU for the purposes of their undertaking where a representation is made about the application for the DCO and not withdrawn. S127(5) states that an order granting development consent may include provision authorising the creation of a new right over SU's land providing that it can be done without serious detriment to the carrying out of the undertaking or any detriment can be made good by undertakers.
- 8.4.9. In line with s135 of PA2008, an order granting development consent may include provision authorising the CA of an interest in Crown land only: i) if the interest is held by or on behalf of the Crown; and ii) that the appropriate Crown authority consents to the acquisition.
- 8.4.10. S138 PA2008 provides for an order to include provision for the extinguishment of the relevant rights, or the removal of the relevant apparatus of SUs only if the SoS is

⁶ DCLG CA Guidance

satisfied that such actions are necessary for the purposes of carrying out the development to which it relates.

- 8.4.11. Further to s120 and Part 1 of Schedule 5 to PA2008 at paragraph 2, TP powers are capable of being within the scope of a DCO. PA2008 and the associated DCLG Guidance do not contain the same level of specification and tests as for CA to be met in relation to the granting of TP powers, as by definition such powers do not seek to permanently deprive or permanently interfere with a person's interests in land. The need for the powers and their implications for human rights and equalities matters are considered below.
- 8.4.12. The Neighbourhood Planning Act 2017 (NPA2017) has been enacted and contains provisions which amount to a codification of new TP practice. In recognition of the greater extent to which TP is being sought by scheme promoters and of the extended durations to which TP can be sought, the NPA2017 provisions in general terms provide for enhancements to the rights of APs subject to TP, with a view to ensuring that they have equivalent or proportionate rights to notice and relevant compensation to those already available to APs subject to CA. However, at the date of submission of this Report to the SoS, the relevant provisions had not yet commenced.

Case for the Development

- 8.4.13. The ExA considered the case for development in the preceding chapters. In Chapter 7 we conclude that the case for the making of the DCO for the Proposed Development has been made subject to the provisions of the recommended DCO (rDCO) (Appendix D).

8.5. EXAMINATION OF THE CA AND TP CASE

Examination Process

- 8.5.1. The Examination included consideration of all written and oral submissions relevant to CA and TP. The Applicant found that there were 154 instances where those having a freehold interest held land which was affected by the proposals for the Proposed Development. Of these, 54 raised concerns regarding acquisition and/or TP of the land, and the impact on use of the land. These various landholdings are summarised in the Status of Negotiations CA Schedule [\[REP8-015\]](#). Where Relevant Representations (RR) and Written Representations (WR) have been received, they are referred to below under 'Consideration of Individual Objections and Issues' utilising the reference numbering from the RR section in the Examination Library. The Applicant confirms [\[REP8-015\]](#) that it has been in dialogue with all the APs and is at an advanced stage of agreement with many of them.
- 8.5.2. The ExA did question the number of outstanding objections in ExQ3 [\[PD-014\]](#). In their response one month before the end of the Examination [\[REP6-089\]](#), the Applicant explained that in general, there has not been a great desire by the landowners/agents to agree figures. The Applicant concluded that it had been more important for landowners to understand the impacts of the scheme and to focus on potential mitigation. The Applicant confirmed that it has offered alternative mechanisms to avoid the CA of land and has engaged where specific arrangements or design changes have been requested by landowners. However, at the close of the Examination, there remained nearly 50 landowners who had lodged objections which were still outstanding.

- 8.5.3. Three CAHs were held on 01 March 2023; 27 April 2023; and 27 June 23 where individuals subject to CA and TP proposals could be heard. Representations were made by or on behalf of the following APs at CAH1:
- Network Rail.
 - Essex County Council.
 - National Farmers Union (on behalf of various landowners).
 - Ian Mahoney.
 - John Lindsay.
 - Roger Wacey.
 - Henry Siggers and Parker Strategic Land.
 - The Bunting Family.
 - Prested Hall.
- 8.5.4. At CAH2, representations were made by or on behalf of the following:
- Lynfield Properties.
 - Mary Lindsay.
 - Edmundson Electrical.
 - Essex County Council.
 - Prested Hall.
 - Henry Siggers and Parker Strategic Land.
 - The Bolton family.
- 8.5.5. At CAH3 the following APs made representations or were represented:
- The Bolton Family.
 - Edmundson Electrical.
 - Churchmanor Estates.
 - John Lindsay.
 - The Buchanan family.
 - Ian Mahoney.
- 8.5.6. The ExA undertook the following site inspections to land subject to CA and TP proposals:
- Unaccompanied Site Inspections (USI) on 11 January 2023 [[EV-001a](#)] and 16 June 2023 [[EV-002a](#)]; and
 - Accompanied Site Inspection (ASI) on 02 March 2023 [[EV-010](#)].
- 8.5.7. Two withdrawals of an objection regarding CA and/or TP of the land was submitted to the Examination. The first was received from Countryside Zest LLP (CZ) [[REP8-034](#)] who have been involved in a major development at Beaulieu Park close to Junction (J) 19 and Chelmsford. CZ confirmed that a satisfactory agreement had been finalised with the Applicant in the form of a 'Letter of Assurance' dated 07 July 2023. As a result, CZ were withdrawing their formal objection to the dDCO on the basis of the implementation of the 'Letter of Assurance'. The second withdrawal was on behalf of Legal and General [[REP8-032](#)].
- 8.5.8. The Status of Negotiations CA Schedule [[REP8-015](#)] confirms the status of each objection at the end of the Examination and any agreement gained with each party. The Applicant considers that it was close by the end of the Examination to reaching agreement with a number of parties. There are a number of exceptions to this and the relevant outstanding issues are considered in detail below.

Applicant's Case

Background

- 8.5.9. The Applicant's general case for CA and TP is set out in Chapter 5 of the SoR [\[REP7-009\]](#) under the following headings:
- the statutory conditions and CA Guidance;
 - need for the Land and the purposes for which the CA powers are sought;
 - compelling Case in the Public Interest;
 - consideration of alternatives;
 - borrow pits;
 - reasonable prospect of funding; and
 - acquisition by agreement
- 8.5.10. The Applicant concludes in Chapter 5 of the SoR [\[REP7-009\]](#) that:
- the conditions in s122 of PA2008 are met and that the tests in the DCLG CA Guidance are satisfied.
 - of the land subject to CA and TP powers, it is necessary to construct, operate, maintain and mitigate the Proposed Development and it is necessary to achieve the objectives of the Proposed Development.
 - the extent of the land sought is reasonable and proportionate.
 - there is a compelling case in the public interest to include the CA powers sought by the Applicant in Articles 27 to 45 of the dDCO. The exercise of the CA powers that are sought is necessary and proportionate to the extent that interference with private land and rights is required. In the absence of compulsory powers, the Applicant considers that it would not be possible to proceed with the Proposed Development, and the public benefits of the Proposed Development would not be realised.
- 8.5.11. The ExA asked at ExQ1 for justification of the need for the acquisition or possession of specific plots of land, including the extent of land within each plot [\[PD-008a\]](#). The Applicant explained that the CA powers are required for the construction and operation of the Proposed Development and also for ecological mitigation purposes. The Applicant also claims [\[REP2-025\]](#) that it has sought to achieve a balance between minimising the land take and securing sufficient land to ensure delivery of the Proposed Development.
- 8.5.12. The Applicant's case in relation to each of these points is considered below. The ExA accepts the Applicant's conclusions on the generality of the case, but the overarching conclusion on CA and TP cannot be reached until individual objections and all other relevant and important considerations have been addressed.

Reasonable Alternatives to CA and TP

- 8.5.13. In the SoR, [\[REP7-009\]](#), the Applicant sets out the consideration given to alternatives and to modifications to the Proposed Development to minimise the potential land take. The Applicant identified that throughout the design process, options were developed to identify preferred solutions based on a comparison of the options performance against various criteria such as safety, environmental, engineering, transportation, and economic considerations. The process was supplemented by feedback from consultation with stakeholders and the public.
- 8.5.14. The Applicant also considered the possible alternatives concerning the gas main diversion. Consultation took place over 5 possible alternative routes as outlined in the Assessment of Alternatives [\[APP-070\]](#) The Applicant selected corridor 4 in the

Proposed Development as the preferred route for the diversion for the reasons outlined.

Reasonable Prospect of Funding

- 8.5.15. The cost estimate for the Proposed Development is set out in the FS [\[AS-021\]](#). This is calculated as a most-likely estimate of £1045 - £1268 million which includes all costs to deliver the Proposed Development from options stages through to the opening for traffic plus an allowance for risk and inflation. It includes an allowance for compensation payments relating to the CA of land interests in, and rights over, land and the temporary possession and use of land. It also takes into account potential claims under Part 1 of the Land Compensation Act 1973, s10 of the Compulsory Purchase Act 1965 and s152(3) PA2008.
- 8.5.16. As explained in the FS [\[AS-021\]](#), the Government published the first Road Investment Strategy (RIS1) on 1 December 2014. RIS1 provided certainty of Government funding with over £15 billion to be invested in major roads between 2015/16 and 2020/21. The Proposed Development was first announced in RIS1 as a committed and therefore funded Scheme and the funding commitment was reiterated in the National Highways Delivery Plan 2015 - 2020, which was published in March 2015. and in the subsequent Delivery Plan 2020 - 2025 which was published August 2020.
- 8.5.17. On 11 March 2020, the Government published its second RIS for the period 2020-2025 (RIS2). RIS2 commits the Government to spending £27.5 billion to both build new road capacity and improve the quality and reduce the negative impacts of the existing Strategic Road Network (SRN). Part 3: The Investment Plan sets out the Government's expenditure priorities which confirms the ongoing commitment to the Proposed Development and it is anticipated that the Chief Secretary of Treasury will review the request and approve the funding prior to the start of works which was anticipated for early 2024.
- 8.5.18. At Page 12 of the RIS2, the A12 Chelmsford to A120 Scheme is listed as a RIS2 scheme in the Eastern Region. Page 119 of RIS2 explains that funding for the 2020-25 period of RIS2 is allocated, in terms of the funding government expects to provide National Highways (NH) in that period. The total allocation is £27.5 billion, of which some £14.1 billion is allocated to capital projects for that period.
- 8.5.19. The ExA asked about funding at CAH2 particularly in the light of a recent Ministerial Statement. The Applicant confirmed [\[REP5-022\]](#) that it continues to manage the RIS and acknowledged that the Ministerial Statement on 9 March 2023 noted a couple of schemes that were to be deferred. However, this did not include the A12 Chelmsford to A120, which remains a committed scheme in the RIS2. For this reason, the Applicant saw no risk to the progression of the A12 road widening scheme.

Consideration of Individual Objections and Issues

- 8.5.20. The Status of Negotiations with CA Schedule [\[REP8-015\]](#) sets out the status of any objections in relation to land owners. Only one of the objections has been formally withdrawn. The issue of the sites for the four Borrow Pits received considerable attention during the Examination and these will be considered separately as will the generic objection raised by the National Farmers Union (NFU) so the order of the consideration of individual objections will be as follows:

- the 48 outstanding objections – locations are given by reference to the Plot Numbers in the BoR [\[REP7-011\]](#);
- generic objections;
- four Borrow Pits;
- Statutory Undertakers; and
- Gas Main Diversion.

Outstanding Objections

- 8.5.21. The APs listed below have all been identified as Category 1 persons within the meaning of s44 PA2008 unless indicated otherwise.

BP Oil [\[RR-006\]](#)

Location: CA in respect of Plots 2/11c, 2/11d; TP in respect of Plots 11/12a, 11/7a.

Summary

- 8.5.22. The AP owns the freehold of the Boreham Services which includes the BP service station together with the reversionary interest of the businesses operated as a McDonald's restaurant and Premier Inn Hotel. The BoR shows that Plot 2/11c amounts to 2546m² and Plot 2/11d to 576m². The AP also holds the freehold interest in the Rivenhall South Services which is part of the section which will be detrunked.

Applicant's Response

- 8.5.23. The Applicant recognises the importance of these facilities and [\[REP1-002\]](#) and acknowledges the function they provide to users of the strategic network.
- 8.5.24. Since the land is required for the diversion of several utilities' apparatus, as listed in the BoR [\[REP7-011\]](#), the Applicant needs to acquire the land. Access will be maintained where practicable to do so and safe for users. If temporary closure is required, the Applicant will engage with the AP to give advance notice of this. The Applicant contacted the AP on 07 June 2023 [\[REP8-015\]](#) to see if there were any outstanding matters but none were raised. As for the Rivenhall services, this is considered in the Socio-Economic Chapter.

ExA Conclusion

- 8.5.25. The ExA visited this service station during the USI1. The AP has not made any further representation through the Examination and any remaining concerns can be addressed as part of the Applicant's future discussions with the AP.
- 8.5.26. Should voluntary negotiations not be completed, the ExA is satisfied that the powers sought for the CA and TP in respect of all plots in which the AP has an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

Robert, Harry and Elizabeth Buchanan [\[RR-009\]](#) and [\[REP2-118\]](#)

Location: CA in respect of Plots 8/43a, 8/43d, 8/43e, 8/43f, 8/43g, 8/44a, 8/44c; TP and new permanent rights in respect of Plots 8/43b, 8/43c, 8/49a, 8/49b, 8/44b, 8/49a, 8/49b.

Summary

8.5.27. The AP objected to the proposal on the basis that there is significant development potential over this land which has been actively promoted for residential development. The AP is concerned [REP2-118] that the route of the diverted high pressure gas main needs to be located as close to the western and northern boundaries as possible to limit the extent of any Permanent Rights that need to be acquired. Cadent Gas Limited (Cadent) are still to issue the design and location of the diverted high pressure gas main. The AP spoke at CAH3 to confirm that they were still awaiting information from Cadent concerning the diversion route.

Applicant's Response

8.5.28. The original response to the RR was made [REP1-002] and following the further WRs regarding acquiring lesser rights by agreement an offer was made on 30 March 2023. Both parties are awaiting final detail of gas main location.

ExA Conclusion

8.5.29. An offer has been made but the AP is waiting for final details of the gas main location. We refer to this issue later in this Chapter as we have taken the view that there are adequate limitations to the extent of land required by detailing the corridor which will contain the proposed gas main diversion. We are confident of the Applicant's response to this objection and are satisfied that matters will conclude once the final location for the gas main is determined. We conclude that the land is required for the Proposed Development and that there is a compelling case in the public interest for the permanent acquisition of the interests of the plots listed above and also for TP of the land and new permanent rights of the plots as indicated.

John and Mary Lindsay [RR-103], [RR-194], [RR-195], [REP2-077]

Location: Close to Junction 24. Plot 14/19a

Interest: This property is not included in the Land Plans nor the BoR but there is a presumed interest in the subsoil to the highway [REP7-044] and possibly historic covenants over neighbouring land which forms part of the Order Land.

Summary

8.5.30. The property owned by Mr and Mrs Lindsay is not directly included in the Land Plans or the BoR but is referred to due to a presumed interest in the subsoil of the highway to which their property has a frontage with. It is acknowledged that they will be affected by the proximity of the proposed J24 and a construction haul road and compound. Either Mr or Mrs Lindsay spoke at the Open Floor Hearing (OFH) and each of CAH1, CAH2, and CAH3. Mr and Mrs Lindsay did look for an alternative property in the area but found nowhere suitable and therefore decided to remain at their home. Mr Lindsay spoke at CAH3 and emphasised the position concerning the front hedge, the possible repositioning of the haul road, the inevitable noise, dust and vibration arising from the construction works, and assistance with a discretionary payment.

Applicant's Response

8.5.31. There has been considerable liaison with the Lindsay's and the suggestion was made that there is the potential for a discretionary purchase of the property but this was not acceptable to the Lindsays. The Applicant will endeavour to avoid any interference with the hedgerow as it offers visual screening to the property. The Applicant has confirmed that from an engineering perspective, it appears unlikely that the hedge would need to be disturbed. As to the haul roads, the Outline

Construction Traffic Management Plan (oCTMP) [REP6-054], details how the road access from the haul road to the B1023 will be managed to mitigate dust, dirt, and debris issues. The Applicant stressed that it has throughout the Examination replied to the issues raised by the Lindsays and the position was summarised in the Annex to the Closing Statement [REP8-017].

ExA Conclusion

- 8.5.32. The ExA visited the property owned by the Lindsays at the start of the ASI and raised questions at Q2.5.7 of ExQ2 [PD-009] and Q3.5.4 of ExQ3 [PD-014]. The Lindsays are particularly concerned about the hedgerow at the front of their home and it is to be hoped that the Applicant avoids any disturbance to this. The Applicant has suggested the possibility of applying for a discretionary payment which should certainly be considered. Aside from this, the Applicant has made efforts to mitigate the adverse impacts so that Mr and Mrs Lindsay can remain in their home during the construction phase. Since their property is not included in the Land Plans or the BoR, the ExA does not need to reach any conclusion concerning any rights sought.

Ulting Overseas Trust [RR-012] and [REP2-128]

Location: CA in respect of Plots 6/18c, 6/30a; TP in respect of Plots 6/18b, 6/18d, 6/18f; Land to be used temporarily and new rights acquired permanently in respect of Plots 6/18a, 6/18e.

Summary

- 8.5.33. The IP objects to land being taken for the scheme as they consider that it has significant development potential.

Applicant's Response

- 8.5.34. The Applicant has provided comments in its various responses in the documents submitted at Deadline (DL) 1 and DL3 respectively, [REP1-002] and [REP3-009]. The Proposed Development for the A12 has taken account of committed development in the form of planning applications, planning permissions and local plan site allocations. The land proposed to be acquired in this location is not allocated for housing or employment development within the Braintree District Local Plan 2033. The Applicant has held several meetings with the IP and sought to address concerns raised as far as reasonably possible. This is shown by the significant reduction in permanent land take from that which was originally consulted on.

ExA Conclusion

- 8.5.35. The site has no planning permission or development plan allocation. We consider the Applicant's response to this objection to be acceptable. We conclude that the land is required for the Proposed Development and that there is a compelling case in the public interest for the permanent acquisition of the interests of the plots listed above and also for TP of the land and new permanent rights of the plots as indicated.

Euro Garages [RR-013]

Location: TP in respect of Plots 11/7a and 11/12a.

Summary

- 8.5.36. This AP owns the freehold interest in the Starbucks restaurant at Rivenhall South Services and the leasehold interest in the restaurant unit currently branded Greggs and Burger King at Feering Services. Both sites are affected by the Proposed Development as the Applicant requires access for utilities. The AP is concerned about access arrangements, but this is considered in the Socio-Economic Chapter.

Applicant's Response

- 8.5.37. This is for TP rights to lay services but the Applicant is unable to progress discussions towards a private agreement to secure the land and rights in land sought until the detailed design at this location is complete. A meeting was held with the AP on 7 February 2023 to discuss the outstanding concerns and the matters which remain outstanding to be agreed are signage and utility locations.

ExA Conclusion

- 8.5.38. We consider that the Applicant's response to this objection is acceptable and we conclude that the rights sought for the TP of Plots 11/7a and 11/12a are for a purpose that has been identified and is required to facilitate or is incidental to that development and that there are suitable compensation provisions.

Iain Melrose [RR-017]

Location: CA in respect of Plots 19/14a and 19/15a.

Summary

- 8.5.39. The objection was that the land take was for an excessive amount. An offer of compensation was made on 7 January 2023. A further meeting took place on 7 June 2023 with the issue of drainage to be resolved together with an agreed value for the car boot sale land.

Applicant's Response

- 8.5.40. The relevant land subject to CA is required to accommodate the Proposed Development's surface water drainage proposals and environmental mitigation measures. The Applicant has sought to achieve a balance between minimising land take, whilst securing sufficient land to deliver the proposed scheme and to provide for its future operation.

ExA Conclusion

- 8.5.41. We are satisfied with the Applicant's response to this objection. We conclude that the rights sought for the CA of rights and TP of land in respect of all plots in which Mr Melrose has an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

Kingsford / Rees / Wood / Hodges / Bright [RR-018]

Location: CA in respect of Plots 6/21a, 7/9a, 6/1g, 6/20b, 6/22a, 6/23a, 6/24a, 6/24b, 6/10a, 6/25a, 6/20a, 6/20b, 7/11a, 7/1b, 7/10j; TP in respect of Plots: 6/19b

Summary

- 8.5.42. Although there are four separate landowners, their objections are all included within the same RR [RR-018] and therefore are considered together. The APs are concerned about an excessive land take and also the private water supply and means of access to the retained land. The APs have also raised the amount of land being taken for replacement open space. An offer in respect of acquisition of land by agreement was made 29 March 2023 and a further meeting was held on 7 June 2023, when the response was that it was considered that the land has more development potential and that the amount attributed to the hope value arising from possible future development should be increased. A further meeting was apparently held on 22 June 2023.

Applicant's Response

- 8.5.43. An area of land owned by this AP is required for reptile mitigation. Due to the size of the proposed scheme, multiple receptor sites were required along the length of the scheme for practical and animal welfare. The Applicant has consulted the agent for these APs with respect to the mitigation area. Initially two ecological mitigation areas were proposed either side of Howbridge Hall Road (which runs parallel to the existing A12). The landowner requested if land take could be reduced as much as possible on the western side of the road to leave them with a more usable field. Alternative land take layouts were proposed and the current proposal removed the plot completely from the field on the western side of Howbridge Hall Road and has increased the area to the east as much as possible by re-aligning the access track within this land parcel and around the proposed attenuation pond. In addition, after discussion, an alternative part of the landowner's field located slightly further south (Plot number 7/10j – which is owned by Mr Andrew Wood) – which was of a suitable size would be used to make up the shortfall.

ExA Conclusion

- 8.5.44. The view of the ExA is that the Applicant has responded to the points raised through the RR by their Response [REP1-002]. There has clearly been considerable discussion and some variations to the original proposal. The provision of these mitigation measures is most important, and we are therefore satisfied with the need for the acquisition of interests and with the powers sought for the CA rights for the plots as listed, as they are for a legitimate purpose and that there is a compelling case in the public interest for the rights sought.

S.G. Ratcliff Limited [RR-022]

Location: CA of Plots 5/13a and 5/17a.

Summary

- 8.5.45. The original RR referred to an excessive land take including a disproportionately large attenuation pond where there is no additional widening of the A12 in this catchment area. Negotiations for these plots have proved difficult as the agent appointed by the Objector has struggled to obtain instructions. A more recent meeting with agent was held 22 June 2023 to try and progress matters.

Applicant's Response

- 8.5.46. The extent of the land subject to CA is required to accommodate the proposed scheme's surface water drainage proposals and environmental mitigation measures, including the proposed attenuation pond, and access for general maintenance of the attenuation pond and outfall structure [APP-174, Section 13.3]. The proposed scheme has sought to achieve a balance between minimising land take and securing sufficient land to deliver the proposed scheme and maintain the required drainage of the highway thereafter for the lifetime of the Proposed Development. The Applicant confirmed [REP8-015] that the agent for the AP was still awaiting instructions.

ExA Conclusion

- 8.5.47. The view of the ExA is that the Applicant has responded to the points raised by AP through the Response to Relevant Representations [REP1-002] and we are satisfied that the powers sought for the CA of land in respect of all plots in which S.G. Ratcliff Limited has an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

Essex County Council (ECC) [RR-025]

Location: Numerous plots along the existing A12 as listed in the BoR and in the Annex to the Closing Statement [REP8-017].

Summary

- 8.5.48. The majority of Plots concerned constitute highway land, but part is also open space. There have been regular meetings throughout the process between the Applicant and ECC and these would appear to be mainly constructive with the main outstanding issues for this section being the provision of replacement land. As for the CA discussion, an offer was made in respect of acquisition by agreement on 12 June 2023 and further discussions have been taking place. The Applicant is confident that agreement can be reached.

Applicant's Response

- 8.5.49. ECC have been a major contributor throughout the Examination and there have been regular responses from the Applicant to points raised including the Applicant's case at CAH2 [REP5-022] and comments received on detail received at DL5 [REP6-090]. Much of the discussion has concerned the replacement land and the proposal for this was set out in the Replacement Land Statement [REP6-056]. ECC confirmed their agreement to the principle of the replacement land offer in their Statement of Common Ground (SoCG) [REP7-027].

ExA Conclusion

- 8.5.50. There has been a detailed and informed exchange between the Applicant and ECC throughout the Examination as reflected by the various iterations of the SoCG culminating with the version submitted at DL7 [REP7-027]. There are still certain issues which are to be resolved as summarised in the final submission from ECC [REP7-049] but no issues were raised to influence the decision in this section. The Applicant is confident that outstanding matters can be agreed and the ExA has no reason to think this confidence is misplaced in view of ECC's support for the Proposed Development.

- 8.5.51. We conclude that the land is required for the Proposed Development and the permanent rights sought are necessary and proportionate. Furthermore, we conclude that the rights sought for TP are for a purpose and timescale that have been identified and that there is a compelling case in the public interest for the powers to be granted for CA and TP of the land.

Royal London UK Real Estate Fund and Edmundson Electrical Limited (EEL) [RR-030], [RR-032]; [REP2-099], [REP2-100]; [REP3-077], [REP5-054], [REP7-073], and [REP8-030]

Location: Plot 1/10 from the BoR near Junction 19. TP in respect of Plots 1/10f, 1/10g, and 1/16a; TP and new permanent rights over Plots 1/10a, 1/10b, and 1/10c.

Summary

- 8.5.52. This objection is in response to the proposed acquisition of temporary rights over the car park used by EEL and new rights to be acquired permanently. The rights are sought for access for works for a gas pipeline and electricity cables and permanent new rights sought over Plot 1/10c for the utility diversion works. It was the subject of objections throughout the Examination with the AP appearing at each of the CAHs in order to register their concerns.
- 8.5.53. The APs argue that there is no compelling case for the powers sought over the car park and submit that alternative routes are available. In addition, the APs submit that their access is yet to be shown to be adequate for the purposes for which the rights are sought in view of the lack of engagement with Cadent. They emphasise that their site is far more than a car park and servicing area as it serves as a trade and distribution centre central to EEL's operations. If no agreement is reached then the APs request that the DCO is amended with three additional requirements [REP3-077].
- 8.5.54. The first of these relates to a separate Construction Traffic Management Plan (CTMP) relevant to the works at J19 is needed, and this should be secured as a Requirement in Schedule 2 to the dDCO. EEL and Royal London should be consulted before that plan is finalised, and commencement of the relevant works must not be commenced until it has been approved by the local highway authority. The second proposed new Requirement is to regulate the exercise by the Applicant, if the DCO is made, of the TP powers (article 40 of the dDCO). This new Requirement would prevent the Applicant from commencing any works to the Plots unless and until an agreement(s) has been entered into with Royal London and EEL which regulates the exercise of the CA of rights and TP of their land. The third proposed new Requirement relates to the detailed design of the proposals of the diversion works. It is suggested that the works must be approved by the Secretary of State, in consultation with the Local Planning Authority, prior to the exercise of any rights granted over the Plots and that the Applicant is not permitted to exercise its land powers under the dDCO over the land interests until the detailed design has been approved.

Applicant's response

- 8.5.55. The Applicant has responded to each representation [REP4-056]; [REP7-046]. It does not believe there is a more suitable route for access to the utility diversion works and the possible alternative route through the adjacent Cadent site is not suitable due to the gas pipelines and cables at a shallow depth in that site. The Applicant believes that the disruption to the parking area is justified. The Applicant considers the various alternatives in its response to WRs [REP3-009] and also in its

summary in respect of Outstanding Representations [REP8-017]. The Applicant has responded throughout the Examination to the suggested alternative proposals for access and set these out again in their comments on the information provided at DL4 [REP4-056] and in their response to 2.5.14 in the Applicant's Comments on Responses to ExQ2 [REP5-003]. The view of the Applicant is that any disruption caused by the temporary access over the affected hard standing, compound and parking area is justified in the public interest. The Applicant says that the compelling need for the proposed works is set out in their submission for CAH2 [REP5-022]

ExA conclusion

- 8.5.56. The ExA visited this site twice. Initially during the USI1 and then a more detailed inspection during the ASI. As mentioned above, the AP emphasised their concerns at every stage of the Examination up to and including DL8. However, the ExA have concluded that, in accordance with the DCLG CA Guidance, all reasonable alternatives to CA have been explored; and the Applicant has a clear idea of how it intends to use the land subject to CA powers.
- 8.5.57. By way of explanation, the ExA notes the justification provided by the Applicant and following our visits to the site, we do accept that this is the best outcome that can be reached from the alternatives that were considered for the route for the diversion as the Cadent site is clearly not suitable and access direct from the A12 will have a number of adverse consequences. The APs did suggest some additional requirements in their post hearing submission [REP3-077] to be included in the dDCO. The ExA has considered these carefully but we are not convinced that these requirements are appropriate or necessary especially given that the works would be of limited duration and that, through the oCTMP [REP6-055] and Requirement 9 of the dDCO, there are adequate safeguards in place even though these are general safeguards as opposed to site specific ones. As to the other Requirements proposed, the Applicant submits and the ExA accepts that the detailed design of the gas pipeline diversion is a matter for the Applicant and Cadent in accordance with the provisions of the Order.
- 8.5.58. In conclusion, the ExA is satisfied that the rights sought for the CA of rights and TP of land in respect of all plots in which Royal London UK Real Estate Fund and EEL have an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

Pegasus (Prested Investments) Limited and Bluemoor Properties Limited: [RR-034] [REP2-095, REP2-096 and REP2-097]

Location: Prested Hall – CA in respect of Plots 15/13a, 15/13c, 15/13b, 15/13e, 15/14a.

Summary

- 8.5.59. Following a meeting on 1 June 2023 to discuss compensation and to outline mitigation measures, the AP sought assurances regarding the impact on their business as their main concern. The Applicant has taken note of the effect on the businesses and has agreed to provide funding to allow the AP to seek further advice and to present more detail on the timings, mitigation proposals and to discuss in more detail the compensation mechanisms.
- 8.5.60. The various ways in which the scheme will affect the AP were set out in the original RR [RR-034 and RR-048] but then updated during the Examination and finally at

[REP3-076](#). The AP appeared at CAH2 to emphasise the issues. The AP argued some of the land being acquired permanently and in particular a large portion of the Prested Hall private access road, added to the effects from the realigned A12 being closer to Prested Hall, would affect the enjoyment of this property and its suitability for the various business activities currently undertaken. They also argue that the introduction of the reconfigured Prested Hall access road will increase journey time and make for less straightforward access which is likely to deter existing and new customers and reduce business. In summary, the AP submitted that its business activities (which include a wedding business/gym/serviced apartments/spa) had not been fully considered; and also the current mitigation proposals are not adequate to ameliorate the negative impacts on the various business activities. These concerns were made at CAH1 and at CAH2 and repeated in their Written Representation (WR) [[REP2-096](#) and [REP3-076](#)].

Applicant's response

- 8.5.61. This was provided initially in the Response to Relevant Representations [[REP1-002](#)] and then in the Applicant's Comments on Written Representations' [[REP3-009](#)]. The issue of mitigation for business impact remains under discussion although the Applicant explained at CAH2 that it was impractical for them to avoid particular set dates to their work programme since earthworks will be undertaken over the long daylight hours in the summer period which clearly clashes with planned wedding dates. The Applicant confirmed that they would try to make reasonable adjustments as far as possible and the intention is to maintain access to Prested Hall as far as possible by the provisions set out in the oCTMP [[REP6-054](#)]. The Applicant also noted that any financial loss to the business would be covered by the statutory compensation code.

ExA Conclusion

- 8.5.62. The ExA went inside Prested Hall during the USI2 and were able to view actual preparations for a wedding in process. The ExA acknowledges the concerns submitted by the operators of Prested Hall as to the likely impact on their businesses but the ExA agrees with the Applicant that this is a matter for compensation whilst the Applicant has committed to maintain access. We therefore conclude that the land is required for the Proposed Development and that the powers sought for CA of rights are for a legitimate purpose and that they are necessary and proportionate and there is a compelling case in the public interest for the powers to be granted.

Legal and General Investments [RR-035] and [[REP2-064](#)], [[REP3-048](#)]

Location: Eastways Industrial Estate, Witham. CA in respect of Plots 10/12a, 10/12b; TP in respect of Plots 10/12c, 10/12d, 10/12e.

Summary

- 8.5.63. The Applicant is proposing both permanent acquisition (plot references 10/12a and 10/12b) and temporary use of land (plot references 10/12c, 10/12d and 10/12 e) and rights within the Estate. The Applicant is also carrying out works on land which is immediately adjacent to the Estate which will have an impact on the use of the Estate. The permanent acquisition of these plots is required to allow for the widening of the existing footpath to a 3m wide combined footway and cycleway. The AP does not object in principle to this acquisition but raised a number of design changes which they felt were required [[REP2-064](#)].

Applicant's response

- 8.5.64. The land is required both to widen the footpath as well as associated utility works [\[REP8-017\]](#). An offer was made on 3 April 2023 in respect of permanent acquisition and was hoped to be agreed before the end of the Examination and the objection was indeed withdrawn just prior to the close of the Examination [\[REP8-032\]](#) Heads of Terms (HoTs) have been provided and agreed and drafting is now with the respective solicitors.

ExA Conclusion

- 8.5.65. The ExA viewed this location during the ASI. The ExA raised a question at ExQ2 [\[PD-009\]](#) as the AP registered to speak at CAH2 but did not in fact appear. The AP later confirmed that discussions were continuing, and the objections was eventually withdrawn. The ExA concludes that that the land is required for the Proposed Development and the powers sought are for a legitimate purpose and there is a compelling case in the public interest for the CA powers to be granted and also the rights sought for TP are required to facilitate or is incidental to that development and are for a purpose and timescale that have been identified.

Catherine Vigrass, William Shuckburgh and Sarah Shuckburgh [\[RR-038\]](#)

Location: CA in respect of Plots 20/1a and 20/9a; TP in respect of Plot 20/9b.

Summary

- 8.5.66. This land is proposed to be acquired permanently to be used as flood plain compensation. The AP contends that the land is productive Grade 3 arable land which is within an arable rotation of high yielding cereal crops. Their concern is that there is an unnecessary amount of offsetting land that has been required on this land and in the wider design. In total, the offsetting provided has been a 25.01% increase over and above the amount of land lost and the consequence is therefore an unnecessary loss of productive land. There is also concern about the gas main that is proposed to run through the middle of the field. A meeting was held on 27 February 2023 when the AP confirmed that they were awaiting a revised plan over a reduced area and detailed design in this area. The APs were concerned about the limited access to their retained fields.

Applicant's response

- 8.5.67. This was made at DL1 in Response to RRs [\[REP1-002\]](#). The Applicant has proposed to maintain two access points from Inworth Road to the retained fields and an additional means of access is proposed to cross the acquired land within the Order Limits (OL) to provide access to the remainder of the field. The Applicant referred to the Streets, Rights of Way and Access Plans [\[AS-028\]](#) updated at [\[REP6-013\]](#). Further progress with the negotiations is waiting for additional detail from Cadent.

ExA Conclusion

- 8.5.68. The Applicant has reduced the amount of the land take and both parties are waiting for further detail from Cadent. We are therefore satisfied with the Applicant's proposals, and we conclude that the land is required for the Proposed Development and that there is a compelling case in the public interest for CA of the land and that the rights sought for TP are for a purpose and timescale which is appropriate.

Gerrard and Jayne Bibbey [RR-039] [REP2-094]

Location: Close to Junction 24. CA in respect of Plots 9/16a, 9/16b, 9/22a, 9/22b, 10/6a, 10/7a.

Summary

- 8.5.69. The APs run a business which comprises a number of fishing lakes close to the A12. They object as the land identified by the Applicant for acquisition would have a detrimental impact on their business. This is primarily dealt with in the Socio-Economic Chapter. As part of the Applicant's proposal they seek to reduce the height of the bund currently in place by 2m. The Applicant also proposes a new footpath / bridleway be included, running adjacent to the A12.

Applicant's Response

- 8.5.70. The original response was provided in [REP1-002](#) and updated in the reply to the ExQ3 [\[REP6-089\]](#) to reflect the proposed rerouting of the footpath.

ExA Conclusion

- 8.5.71. The Applicant has responded to the representations with the rerouting of the footpath. The ExA is satisfied that the rights sought for the CA of rights and TP of land in respect of all plots in which Gerrard and Jayne Bibbey have an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

Ian Mahoney [RR-042], [REP1-032], [REP3-043]

Location: Station Road, Hatfield Peverel. 5/9a – subsoil and 5/26a.

Summary

- 8.5.72. Part of the AP's land is required for a temporary WCH and utilities bridge whilst Station Road is being reconstructed. The AP spoke at CAH1 and CAH3 and was concerned about the impacts on the remainder of his property. He reported that there had been various meetings with the contractors and valuers, but further information was required from the utilities team.

Applicant's Response

- 8.5.73. The initial reply was provided [\[REP1-002\]](#) but further comments were made at DL4 [\[REP4-056\]](#) and in the Annex to the Closing Statement [\[REP8-017\]](#). The Applicant acknowledges the impact on the AP but explains that the proposed location for the temporary bridge means that only one private residential property is materially impacted and there is no other suitable location for the temporary work, which has been proposed to reduce impacts on connectivity and accessibility to public transport during the period that the Station Road bridge is removed and replaced. The Land Plans [\[AS-009\]](#) show the IP's land (Plot 5/26a) as 'Permanent acquisition of all interests in the land' as this would enable the application for a blight claim if the IP wished to move although this has not been progressed.

ExA Conclusion

- 8.5.74. The Applicant has responded to the provisions in the NPSNN which require at 5.216 that '*Where development would worsen accessibility such impacts should be mitigated so far as reasonably possible. There is a very strong expectation that*

impacts on accessibility for non-motorised users should be mitigated'. The temporary bridge is required to maintain access and mitigate the impacts on non-motorised users and it is expected that the bridge would be needed for a period of around six months. Since the AP does not wish to move the interruption will only be temporary. In the circumstances, we conclude that the land is incidental to that development and that there is a compelling case in the public interest for TP of the land. The ExA notes that there will be no need for permanent acquisition as there is no intention to lodge a blight claim.

Countryside Properties (UK) Limited [RR-044]

Location; TP in respect of Plot 5/21a; TP and new permanent rights for Plot 5/21b.

Summary

- 8.5.75. Countryside Properties (UK) Ltd was granted planning permission for the development of 400 residential properties on the south-west side of Witham in the vicinity of J21 of the A12 in July 2022. The application site also benefits from a local plan designation allocating it for development in the BDC Local Plan adopted 2022. The application is for land to be used temporarily and new rights to be acquired permanently.

Applicant's response

- 8.5.76. There has been engagement with the AP to safeguard land required for the improvements to J21 as part of the proposed scheme. The Applicant confirms [REP8-015] that it has an agreed private position statement with the AP which will be updated further as the detailed design is developed.

ExA Conclusion

- 8.5.77. The parties appear to have reached an agreed position. We conclude that the rights sought for the TP of the Plots identified are for a purpose and timescale that have been identified and there are suitable compensation provisions.

David and Stephen Bolton [RR-050, RR-051 and RR-052];

Location: Permanent acquisition – CA in respect of Plots 1/11a, 1/15a, 2/6a-subsoil, 2/9a – subsoil, 2/12a, 2/12g, 2/19a, 2/20a-subsoil; TP and new permanent rights in respect of Plots 1/11c, 1/11d, 1/11f, 1/11g, 2/12b, 2/12c, 2/12d, 2/12f, 2/12h, 2/12j, 2/12l, 2/12o.

Summary

- 8.5.78. The Bolton family have a substantial landholding close to J19 and the Applicant is seeking acquisition for a variety of purposes including road widening, slip roads, diversion of utilities routes, attenuation ponds, and the widening of Boreham Bridge. The APs argued that there was no justification for the permanent acquisition and argued about the extent of the land subject to the Order and also the impact of the proposed powers on their retained land.
- 8.5.79. The APs repeated their position [REP2-051] and argued that there was an abject failure of the Applicant to demonstrate a compelling case for acquisition since the land which is proposed to be acquired is not actually needed and therefore a compelling case to acquire it cannot be demonstrated because there is an alternative which brings about ecological mitigation in a different location of a better quality and providing a superior link to the existing environment to the proposal put

forward. The APs argued that the existing uses have particular value to them and the operation of their farm businesses and the harm which would be caused by the severance of the land and the need for the extent of the land take for drainage, ecological and landscape mitigation is not proved and neither is it proven that there are no other alternatives which would have less impact on the existing land uses.

Applicant's Response

- 8.5.80. This was initially provided in the reply to the RRs [REP1-002] and further detail was contained in the response to WRs [REP3-009]. The AP outlined its objections at CAH2 and CAH3 and the Applicant responded to these submissions [REP5-022] and [REP7-044]. The Applicant lodged a Change Application in May 2023 which reduced the extent of the land subject to powers in the Order but considers that it is necessary to proceed with the acquisition of the remaining land for the purposes outlined and in particular the essential mitigation. The Applicant did commit in the oCTMP submitted at D2 [REP2-003] to minimise the impacts on the car boot sale business undertaken by the Objectors.

ExA Conclusion

- 8.5.81. The objections from this AP continued to the end of the Examination with the submissions made at CAH3 when they emphasised that they did not resile from their previous comments and still saw the land take as excessive. The ExA does not agree with the AP's assertion that there had been an abject failure by the Applicant to demonstrate a compelling case for acquisition. Indeed, the Applicant had taken steps with the Change Application to remove a significant area of land and they have undertaken to continue to negotiate the temporary rights. As to the case for CA, the ExA considers that this was summarised at CAH1 and set out in detail in the SoR [APP-042] and Case for the Scheme [APP-249] which explained the compelling need for CA powers including justifications for the interference with human rights. The Applicant has committed to minimising impacts on the car boot sale in paragraph 2.2.7 of the oCTMP [REP2-003].
- 8.5.82. Based on the above ExA concludes that the powers sought for the CA of rights for the plots listed above are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted. In addition, we also conclude that the rights sought for TP of land owned by this AP are for a purpose and timescale that have been identified and that there are suitable compensation provisions.

Gearston Limited and Hammond Estates LLP [RR-051 and RR-052]

Location: Hammonds Farm - part of the land forming part of the representation above at paragraph 8.5.31.

Summary

- 8.5.83. The same representation has been submitted as for the Bolton family [RR-050]. Hammonds Estates LLP owns and operates the land at Hammonds Farm to the immediate south and Gearston Limited (in the same controlling ownership as Hammonds Estates LLP) has an option to acquire Hammonds Farm and the wider land area.

Applicant's Response

- 8.5.84. The Applicant relies on the reply to the objection raised by the Bolton family [RR-050]. As far as the interests of these IPs are concerned, the response is that the

Proposed Development has taken into account the host authorities' adopted and emerging Development Plan allocations, which set out the substantial housing and employment growth to be delivered over the relevant plan periods. The APs' aspirations for development have yet to be allocated for development in the current local plan process.

ExA Conclusion

- 8.5.85. We note the argument put forward in the representations and at CAH3 but accept the response by the Applicant that there are no currently approved development proposals for the land. We therefore conclude that the land is required for the Proposed Development and is required to facilitate or is incidental to that development and that there is a compelling case in the public interest for CA of the land and the rights sought for TP are for a purpose and a timescale that have been identified.

Paul Hedges and Vicky Sharman [RR-055] and Mark Hedges [RR-058]

- 8.5.86. *Location: CA in respect of Plots 11/16a-subsoil, 19/a and 11/20b.*

Summary

- 8.5.87. The APs raised concerns over noise and air quality which are dealt with in Chapters 5.12 and 5.3 respectively. They also raised the proximity of the proposed route to the property. The APs were also concerned with the ability to manoeuvre Heavy Goods Vehicles safely with multiple trailers into and out of their property.

Applicant's Response

- 8.5.88. The Applicant explained [REP1-002] that the design of the proposed junction between the realigned Braxted Road and the realigned access road would be able to accommodate this movement, together with the provision of a wide turning circle. Meetings were held with the APs on 27 February 2023 to discuss access, noise and mitigation. Despite reminders from the Applicant, no further representation has been received. The Applicant believes that it has met the AP's concerns and there has been no further representation.

ExA Conclusion

- 8.5.89. We conclude that this land is needed for the Proposed Development and is required to facilitate or is incidental to that development and that there is a compelling case in the public interest for CA of the land.

Roger, Christine and Nathan Wacey [RR-061], [AS-037], [REP1-061, REP1-062, REP1-063 and REP1-064], [REP2-101]

Location: Wishingwell Farm. CA in respect of Plots 18/9a; TP in respect of Plot 18/6a; TP and new permanent rights in respect of Plots 18/6g.

Summary

- 8.5.90. Roger Wacey appeared at the OFH and at CAH1. He explained that whilst he agrees the A12 needs upgrading, the property and business would be seriously affected by the proposal and that this had been overshadowing them for some years.

Applicant's Response

- 8.5.91. The initial response [REP1-002], explained why the new rights and temporary powers were required and the comments were updated [REP1-061], [REP2-030] and [REP3-009]. In view of the extent of the impact on the properties, the AP was encouraged to make a blight claim, and this was duly submitted and accepted [REP8-017]. The claim is now progressing with a building condition report received so the market value can be determined.

ExA Conclusion

- 8.5.92. The properties belonging to the Wacey family were clearly going to be significantly affected by the Proposed Development so the ExA welcomes that a resolution appears to have been reached by the acceptance of a claim for Statutory Blight. The need for this land has been clearly made out and we conclude that the land is required for the Proposed Development and is required to facilitate or is incidental to that development and that there is a compelling case in the public interest for CA of the land and the rights sought for TP are for a purpose and timescale that have been identified and there are suitable compensation provisions.

Nicolas and Pauline Wright and Jeremy and Cheryl Ruggles [RR-062] and [REP2-117]

Location: TP and new permanent rights over Plots 21/3a and 21/4a.

Summary

- 8.5.93. The acquisition is required to lay a drainage pipe underneath the land to a new balancing pond. The AP objected to the requirement for permanent acquisition of the land as opposed to gaining an access right over the land with the AP retaining the freehold ownership. The APs own land amounting to approximately 3.41 acres which was purchased in 2009 for the purpose of growing and harvesting cricket bat willows as part of their wider business. The proposal is to acquire permanently a parcel of land (21/3a) within the centre of their plantation. The APs concern was that this would sever the eastern area of the landholding.

Applicant's Response

- 8.5.94. The Applicant acknowledged the APs' concerns and confirmed [REP1-002] and [REP3-009] that a right of access could be granted to the owner over plot 21/3a to ensure the tree plantation can continue to be managed. After further consideration, the Applicant provided revised details whereby land ownership was retained by the APs and new rights to be acquired permanently by the Applicant in accordance with the suggestion by the APs.

ExA Conclusion

- 8.5.95. It appears that a solution to the concerns has been found as the Applicant is willing to negotiate permanent rights over parcel 21/3a instead of permanent acquisition. The updated CA schedule [REP8-015] reflects this. The Applicant had hoped [REP8-015] that the objection would be withdrawn before the close of the Examination and although this did not happen, the ExA concludes that the powers sought for TP are for a purpose and timescale that has been identified and the new permanent rights are for a legitimate purpose and that there is a compelling case in the public interest for the acquisition of permanent rights in the land.

Essex Fire and Rescue Service [RR-066]

Location: CA in respect of Plots 11/14a, 11/14b, 12/6a,12/6c, 12/6d, 12/7a; TP in respect of Plots 12/6b, 12/6e; TP and new permanent rights in respect of Plots 11/14c, 12/6f.

Summary

- 8.5.96. The permanent acquisition of Plots is to provide an access track, footpath and utilities diversions and a new access road. The construction of the new A12 route will have an impact on the operations, service capacity and resources of the Fire and Rescue Service. The oCTMP [REP6-054] describes the traffic management processes that would be followed to ensure the construction phases of the proposed scheme are completed safely and efficiently, while minimising the impact.

Applicant's response

- 8.5.97. The Applicant has need of this land for a variety of reasons including utilities diversion and plant and construction storage. The original response [REP1-002] referred to in the oCTMP [REP6-054] which described the traffic management processes that would be followed to ensure the construction phases of the proposed scheme are completed safely and efficiently, while minimising impact. An offer was made by the Applicant on 10 June 2023 and it was hoped that the objection would be withdrawn by the close of the Examination but this has not occurred.

ExA Conclusion

- 8.5.98. Whilst the objection has not been withdrawn, it does seem that the parties are very close to agreement for the land permanently required and with the provisions in the oCTMP [REP6-054] the Applicant recognises the importance of minimising the impact on the AP's service. The ExA is satisfied that the rights sought for the CA of rights and TP of land in respect of all plots in which the Essex Fire and Rescue Service has an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

Julian and Danielle Whittle [RR-067]

Location: CA in respect of Plots 8/19a, 8/19b; TP in respect of Plot 8/19d.

Summary

- 8.5.99. The proposal is for the permanent acquisition of part and temporary use as a haul road of part of the rear garden of the relevant property which is accessed from Maldon Road. The permanent acquisition of plot 8/19a is required for widening of the carriageway, installation of noise barrier and diversion of utilities. Plot 8/19b will be required as Replacement Land.

Applicant's Response

- 8.5.100. A meeting was held with the IP on 7 September 2022 and an offer made 3 April 2023. A further meeting was held in April 2023 to discuss scheme timing and compensation options. The Applicant relies on its response to the RR [REP1-002].

ExA Conclusion

- 8.5.101. There has been no further representation from the IP during the Examination. We accept the Applicant's reasoning for the need for the land and the rights and

attempts to reach an agreement and we therefore conclude that the land is required for the Proposed Development and that there is a compelling case in the public interest for CA of the land and the rights sought for TP are for a purpose and timescale that have been identified and there are suitable compensation provisions.

Chelmer and Blackwater Navigation Limited: [\[RR-071\]](#) and [\[REP2-010\]](#)

Location: The River Chelmer runs between Springfield (to the south of Junction 19) and the village of Sandon (Junction 18) running along the eastern side of the A12.

CA in respect of Plots 1/14c, 1/1a, 1/11a, 2/1a, 2/12a, 2/19a; TP in respect of Plot 1/11e; TP and new permanent rights in respect of Plots 1/11f, 1/14a, 1/14b

Summary

- 8.5.102. 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 and maintain the River Chelmer. Approximately 839 square meters (0.21 acres) of their interest fall within the extents of the DCO boundary. The land is required to accommodate a new outfall from the proposed attenuation pond to the north of the river.

Applicant's Response

- 8.5.103. The Applicant considered and responded to the initial objection [\[REP1-002\]](#). It felt that part of the concern related to the footpath Public Right of Way (PRoW) 234.18. The Applicant explained that as shown in Table 8.1 of the oCTMP [\[REP6-054\]](#) a temporary minor diversion would be required around drainage works, and where practicable, access would be maintained.

ExA Conclusion

- 8.5.104. There has again been significant discussion and the AP has indicated that it does not wish to progress further until after the DCO has been confirmed. The parties have agreed a SoCG [\[REP7-021\]](#) and, on this basis, there is no reason to believe that the few outstanding issues will not be resolved when detailed design is available. Should voluntary negotiations not be completed, the ExA is satisfied that the powers sought for the CA and TP in respect of all plots in which the Chelmer and Blackwater Navigation Limited has an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

Patricia Gooding and Josephine Whitten [\[RR-080\]](#), [\[REP2-123\]](#), and [\[REP2-124\]](#)

Location: CA in respect of Plots 7/6a, 7/16d, 7/16f, 7/16h, 8/14a; TP in respect of Plots 7/8a, 7/8b, 7/8c, 7/16a, 7/16b, 7/16c, 7/16g, 7/17a, 7/17b, 7/17d, 7/19c; TP and new permanent rights in respect of 7/16e.

Summary

- 8.5.105. The Applicant requires these plots for the widening of the A12, the realignment of the Witham link road, and the diversion of cable ducts and utilities. The APs objected together with a group of landowners known as the Gershwin Park Private landowners. The majority of the site has now been built out and the parties are working to bring forward the remaining parts of the site with the benefit of an extant

outline planning consent. The APs argue that the A12 Widening Scheme plans potentially impacts on two areas of the development, frustrating the provision of further employment on the remainder of Gershwin Park.

Applicant's Response

- 8.5.106. This has been provided through the documents submitted at DL1 and DL3 respectively [[REP1-002](#)] and [[REP3-009](#)]. They report that a number of matters are still to be agreed including the provision of a recovery yard, replacement land and land acquisition. Negotiations are still on-going. Representations were made by another AP for these Plots at CAH3 and the Applicant provided further detail in its written summary [[REP7-044](#)].

ExA Conclusion

- 8.5.107. The Applicant is continuing to liaise with the APs to agree ways in which the impacts on their proposed development land can be mitigated. Should voluntary negotiations not be completed, the ExA is satisfied that the powers sought for the CA and TP in respect of all plots in which Patricia Gooding and Josephine Whitten have an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

Victoria and Gary Woods [[RR-082](#)] and [[REP2-093](#)]

Location: CA in respect of Plot 6/15b; TP in respect of Plots 6/15a, 6/15d; TP and new permanent rights in respect of Plot 6/15s.

Summary

- 8.5.108. The APs own about 8 acres of grazing land which they intended to develop into an equestrian facility together with house, stables, and paddocks. They hoped that part of the land might be appropriate for future development.

Applicant's Response

- 8.5.109. The position was explained in their responses [[REP1-002](#)] and [[REP3-009](#)]. There is an existing 11kV overhead electricity line that crosses the land and terminates on the eastern boundary of plot in the vicinity. The Proposed Development is proposing a minor diversion of the 11kV electricity line and to underground a section as there is not sufficient clearance to allow vehicles to pass beneath it. The exact route and length to be undergrounded is subject to detailed design by UK Power Networks (UKPN) in collaboration with the Applicant. There is a proposed medium pressure gas pipeline diversion that is likely to run through parcel 6/15c. The exact route is subject to detailed design by Cadent. As this is a medium pressure gas distribution pipeline, the Applicant considers that the easement width would be relatively small. Once the works are complete, it may be possible to transfer the ownership of the newly constructed access beyond the extent of the final highway boundary to Mr and Mrs Woods, subject to any necessary reservation of rights for utilities.

ExA Conclusions

- 8.5.110. This request shows the complications of diverting existing utility supplies and the position was summarised by the Applicant in the Annex to the Closing Statement [[REP8-017](#)]. In their earlier representation [[REP2-093](#)], the APs confirm that they are willing to consider acquisition of the land required for the scheme by agreement. It appears [[REP8-015](#)] that the outstanding issue is the alignment of the gas pipeline

which is awaiting detailed design. Should voluntary negotiations not be completed, the ExA is satisfied that the powers sought for the CA and TP in respect of all plots in which Victoria and Gary Woods have an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

J R Crayston & Sons [RR-085]

Location: TP and new permanent rights over Plot 15/10a.

Summary

- 8.5.111. The initial General Arrangement Plans showed the APs losing their existing access into their land. However, following discussions, an access has now been provided to the land to the north of the proposed Feering East Roundabout.

Applicant's Response

- 8.5.112. A meeting was held on 10 February 2023 and values are agreed in principle pending utilities information. The Applicant has responded to the points raised through the RRs through the document submitted at DL1, [REP1-002].

ExA Conclusions

- 8.5.113. Agreement in principle appears to have been reached at an early stage although the objection was not withdrawn. We conclude that the powers sought for the CA of the rights are for a legitimate purpose and that the land is required for the Proposed Development and that there is a compelling case in the public interest for the powers to be granted. We also conclude that the TP sought is for a purpose and timescale that has been identified.

Phoebe and Sophie Hayes the Executors of the Late Barry Belchem [RR-089]

Location: CA in respect of Plots 13/11b, 13/11d, 13/11e, 13/19a – subsoil; TP in respect of Plot 13/11c; TP and new permanent rights over Plot 13/11a.

Summary

- 8.5.114. The total landholding extends to approximately 10 acres, The proposal for the A12 scheme will result in the loss of approximately 2.29 acres (0.93 ha) on a permanent basis and approximately 1.70 acres (0.69 ha) on a temporary basis. The proposed area of permanent land take would reduce the size of the property by approximately 25% and thus in the views of the APs having a significant impact.

Applicant's Response

- 8.5.115. An offer was made on 15 March 2023. The AP is currently considering options and the Applicant reported [REP8-015] that the property is currently on the market but that the land value was agreed in principle. The Applicant initially responded to the points raised through the Response to RRs [REP1-002]. The Applicant has tried to arrange further meetings to discuss the present position but it would appear that there has been no meeting since 20 April 2023.

ExA's Conclusions

- 8.5.116. There has been no further representation during the Examination. It is noted that the Applicant did raise the possibility of a blight claim [REP1-002] but this has not been taken any further. We conclude that the land is required for the Proposed

Development and that there is a compelling case in the public interest for CA of the land and the rights sought for TP are for a purpose and timescale which have been identified.

Islanders Fish Restaurant and Takeaway Ltd. [\[RR-102\]](#)

Location: CA relating to Plot 6/9 subsoil; TP and new permanent rights for Plot 6/16a.

Summary

- 8.5.117. The AP lodged an objection on the basis of the impact to the business during construction. No negotiations have taken place.

Applicant's Response

- 8.5.118. This was provided at DL1 with the response to RRs [\[REP1-002\]](#). Whilst the Applicant was seeking to acquire the interests in the subsoil of Plot 6/9, there is no permanent freehold required from this property but in addition approximately 256m² of land required for temporary acquisition with permanent new rights for a temporary road whilst Wellington Bridge is demolished and reconstructed and for utilities communications cables and for a UKPN electric cable [plot 6/16a, [AS-009](#)]. There may be short periods when access to the property is interrupted, but the Applicant would manage this to minimise any disruption.

ExA Conclusion

- 8.5.119. There have been no further representations during the Examination and the claim for interruption to the business is a separate issue. We conclude that the land is required to facilitate the Proposed Development and that there is a compelling case in the public interest for CA of the subsoil land and also the new permanent rights. We also conclude that the rights sought for TP are for a purpose and timescale that have been identified.

Mark Cathcart [\[RR-106\]](#), [\[REP1-037\]](#), [\[REP2-069\]](#)

Location: Blue Mills Nature Reserve. TP and new permanent rights in respect of Plots 8/52c, and 8/53a – subsoil.

Summary

- 8.5.120. The Applicant is seeking to use the land temporarily and acquire new rights for the diversion of the gas pipeline. The AP has objected mainly on environmental grounds but the issue of the grant of CA powers for the pipeline diversion needs to be considered in this Chapter.

Applicant's Response

- 8.5.121. The Applicant has responded to the objections [\[REP1-002\]](#) and updated these on receipt of further WRs [\[REP3-009\]](#). The Applicant explains that the options for the diversion of Cadent's asset have been considered carefully and the design has taken into consideration the potential impacts on landscape, biodiversity and heritage. The decision for the selection of the route was made upon a variety of factors including engineering, ground contamination, and environmental impacts and assessment of construction impacts. An options appraisal of the five potential gas main corridors is presented in Table 3.5 of Chapter 3: Assessment of alternatives, of the Environmental Statement (ES) [\[APP-070\]](#).

ExA Conclusion

- 8.5.122. The ExA visited this site during the ASI. This Chapter is restricted to the limited area of the CA assessment of the application, with our consideration of the environmental issues contained in Section 5.17. In our view, there is an adequate assessment of alternatives by the Applicant and the ExA therefore concludes that the land is required for the Proposed Development. We conclude that the land is required for the Proposed Development, that the rights are necessary and proportionate and there is a compelling case in the public interest for CA of the new permanent rights and also for the TP of the land which is for a purpose and timescale which has been identified.

Malcolm Campbell [RR-111]

Location: CA in respect of Plots 20/1a- subsoil, and 20/10a; TP and new permanent rights for Plots 20/10b and 20/10c.

Summary

- 8.5.123. This objection concerns the high pressure main that is located on the field north of Perrywood Garden Centre which crosses the B1023. The asset in question is currently not proposed to be diverted or protected, as although the flood mitigation design is currently being defined, it is not expected that this would impact on the Cadent asset.

Applicant's Response

- 8.5.124. The last meeting took place on 20 April 2023. As indicated in the Applicant's Response at DL1 [REP1-002], the Applicant has reduced the land take in the Change Application. The updated design takes account of the location of the existing high pressure gas main that crosses the B1023. The design included flood mitigation storage areas that would have required excavation over this gas main, the location of which was unknown at the DCO preliminary design stage. The location of other underground services along the B1023 was also made available post-submission of the DCO Application.

ExA Conclusions

- 8.5.125. The Change Application was accepted and the consultation in relation to this was positive. There have been no further representations received from this AP. Should voluntary negotiations not be completed, the ExA is satisfied that the powers sought for the CA and TP in respect of all plots in which Malcolm Campbell has an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

The Brice Family [RR-119]

Location: CA in respect of Plots 9/13a, 9/13d, 9/13e, 9/13f, 9/13g, 9/22a, 9/22b, 10/7a, 10/20a, 10/20c, 10/20e, 10/20g, 10/20j, 10/20k, 10/23a, 10/27a – subsoil, 10/28a – subsoil, 11/4b, 11/4c, 11/4d, 11/4f, 11/4g, 11/4j, 11/4k, 11/4m, 11/16a – subsoil, 11/18a, 12/16a, 12/23a – subsoil, 12/23b – subsoil, 12/23c – subsoil, 13/5a, 13/10a – subsoil, 11/8d, 11/10a, 11/20b, 12/4a, 11/10a, 11/16a – subsoil; TP in respect of Plots 9/13c, 12/6b, 12/6e, 10/20b, 10/20d, 11/4a, 11/4e, 11/4l, and 13/5b; TP and new permanent rights in respect of Plots 11/9a, 9/13b, 9/19a– subsoil, 9/19b – subsoil, 10/20f, 10/20h, 10/20i, 11/4n.

Summary

- 8.5.126. The IP's agent indicated in an email dated 12 May 2023 that the AP will await outcome of the DCO before reaching any final settlement and whilst continuing discussion with the Applicant on a number of matters, they do not wish to progress acquisition by agreement at this stage.

Applicant's Response

- 8.5.127. Initially through the document submitted at DL1, [REP1-002]. The Applicant and AP have agreed a SoCG [REP7-023]. The Applicant explained that it had met with the Brice family on over 20 occasions since 2019 to discuss the land required for the proposed scheme. As the scheme design has progressed, the amount of land proposed to be acquired has been significantly reduced. For example, the landscape mitigation has been almost halved due to more knowledge on the utility diversions in the area. The Applicant argues that there have been significant changes and reductions in the OL to meet AP's requirements as much as reasonably practicable. The Applicant believes that the land included within the Order is no more than is reasonably necessary to deliver the proposed scheme and is proportionate to the proposed works.

ExA Conclusions

- 8.5.128. There has been very significant engagement between the Applicant and the Brice Family and their agent as evidenced in the SoCG [REP7-023]. This was always likely to be the case in the light of the complexities which arise from the need to make appropriate arrangements for the Family's existing quarry business. This has resulted in a number of recent planning applications. The ExA attempted to understand the emerging position with the planning applications with question 2.5.15 ExQ2 [PD-009] and again with question 3.5.8 of ExQ3 [PD-014] but the response from the Applicant merely repeated that the planning applications were not their applications which was somewhat less than helpful and, in the view of the ExA, somewhat contradictory to the assertion in the SoCG that the Applicant "*continues to work closely with the Brice Family to ensure National Highways fully understand the site operations and the programme, to ensure that business continuity can be achieved both during and post construction.*"
- 8.5.129. Nevertheless, the ExA appreciates the difficulties with this negotiation and that the Applicant can hardly progress without the agreement and support of the Brice Family which will be required irrespective of the outcome of the DCO application. Should voluntary negotiations not be completed, the ExA is satisfied that the powers sought for the CA and TP in respect of all plots in which the Brice family has an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

NEEB Holdings Ltd. [RR-217]

Location: CA in respect of Plots 11/16a – subsoil, 11/25a, and 11/27a; TP and new permanent rights in respect of Plot 11/6a.

Summary

- 8.5.130. The RR lodged by the IP simply emphasised their land ownership.

Applicant's Response

- 8.5.131. A meeting was held with the AP on 26 January 2023 and negotiations are progressing between the Applicant and the AP. An offer was made by the Applicant on 29 March 2023 in respect of acquisition by agreement and discussions are ongoing to agree matters [\[REP1-002\]](#).

ExA Conclusions

- 8.5.132. There has been no further representation from the AP and it seems likely that an agreement will be reached on the negotiations for compensation. We conclude that the land is required for the Proposed Development and that there is a compelling case in the public interest for CA of the land and the interests and we also conclude the rights sought for TP are appropriate.

Countryside Zest (Beaulieu Park) LLP [\[AS-033\]](#), [\[REP2-046\]](#), [\[REP6-110\]](#)

Location: Land in the position of the new Paynes Lane Bridge. CA in respect of Plots 2/14a, 2/14b, 2/15a; TP in respect of Plots 2/15b, 2/15f and 2/15g; TP and new permanent rights in respect of Plot 2/15c.

Summary

- 8.5.133. The bridge is a key component of the scheme and needs to cross both the A12 and the Main Line Railway and provision also needs to be made for ecology mitigation, attenuation pond and an access track. The IP initially objected due to the impact on their proposals for the consented development at Beaulieu Park and the associated new railway station and maintained their objection through much of the Examination [\[REP6-110\]](#).

Applicant's Response

- 8.5.134. The scheme has been amended so that the bridge design now includes an approach directed towards the new railway station. The Applicant has worked with ECC, Chelmsford City Council (CCC), and the AP to reach a satisfactory position and the Applicant confirmed at CAH that this had been negotiated and the AP submitted a letter [\[REP8-034\]](#) confirming their withdrawal of their formal objection to the proposed DCO subject to the implementation by the Applicant of the terms of Letter of Assurance' which was submitted to the ExA.

ExA Conclusion

- 8.5.135. The position relating to Paynes Lane Bridge has received considerable attention during the Examination as has the importance of the development taking place at Beaulieu Park. The ExA visited the site during the ASI so could appreciate the issues and asked about the current position at 3.5.14 of ExQ3 [\[PD-014\]](#). Obtaining the withdrawal of the objection during the Examination is very positive. The ExA concludes that CA of the land and interests is required for the Proposed Development or is required to facilitate or is incidental to that development and that there is a compelling case in the public interest for CA of the land and TP of the land is for a purpose and timescale which has been identified.

Anthony and Angela Carter [AS-035] and [REP1-020]

Location: CA in respect of plots 5/9a – subsoil and 5/32a.

Summary

- 8.5.136. This property is on Station Road, Hatfield Peverel and is considered by the Applicant to be unsafe during the construction period due to its proximity to the proposed route. However, the APs do not wish to sell the property. The Applicant has confirmed that it would not acquire the property (plot 5/32a) should it be able to negotiate alternative arrangements with the AP. The property has been included in the OL solely to allow the owners to apply for statutory blight if they wish to, or if circumstances change before an agreed solution is settled between the Applicant and the AP.

Applicant's response

- 8.5.137. A meeting was held with the AP on 17 March 2023 and subsequently compensation and practical matters during construction were confirmed. The Applicant has responded to the points raised through the RR through the document submitted at DL1, Response to RRs [REP1-002] and then the reply to matters raised [REP2-030]. The AP was encouraged to lodge a blight application but the APs confirmed that they had no intention of selling. The APs have made clear their wishes not to sell. The Applicant aims to negotiate to enable and assist the APs to find appropriate alternative accommodation for the necessary duration. The Applicant met again with the AP on 28 March 2023 and committed to producing a statement outlining such matters as security, fencing, and access.

ExA Conclusion

- 8.5.138. The additional information arising from the meeting in March was not actually provided to the AP until the very end of the Examination thus leaving the AP no possibility of a response. We note the offer of temporary housing which means that there will be no need to seek CA which is very much a last resort. However, we accept that the Applicant has endeavoured to seek an acceptable solution and this land is required to facilitate the Proposed Development and that there is a compelling case in the public interest for the power to CA Plot 5/32a of the land and for permanent acquisition of interests in the subsoil.

Lynfield Properties Limited: [REP1-036], [REP5-039]

Location: See below – none of the IP's land is within the OL.

Summary

- 8.5.139. The AP appeared at CAH2 and also made representations about their concern over the referencing arrangements and wanted to record that it claims the freehold interest in land identified within the updated BoR as forming highway verge owned by the Applicant was incorrect.

Applicant's Response

- 8.5.140. This was provided in comments on the RRs [REP3-009] and comments on the information received at DL5 [REP6-090]. The Applicant is not proposing to acquire any land or rights from the AP. As to the suggested error in the BoR, the Applicant has relied on the information from Land Registry as a basis for the BoR and land plans. This land is within the title for which Applicant is the registered proprietor. The BoR simply reflects the position shown by the Land Registry.

ExA Conclusion

- 8.5.141. There is no acquisition taking place so no need for any conclusion. The ExA agrees with the Applicant's analysis concerning the accuracy of the entry in the BoR.

Thomas Sawdon [REP1-069]: [REP7-071]

Location: CA in respect of Plots 13/12a and 13/12b.

Summary

- 8.5.142. The AP had development aspirations for their land for use as a lorry park or service station.

Applicant's Response

- 8.5.143. There is no access to the land from the A12 (current or proposed) and any such development would need to be promoted through the Local Plan. The land is not allocated for development within the Maldon District Local Development Plan (2014-2029) [REP2-030]. The Applicant argues that given the need for the proposed scheme to secure the plots listed above the Applicant believes there is a compelling need in the public interest for the powers sought.

ExA Conclusion

- 8.5.144. Since there is no scope in the foreseeable future for an access to this land to provide it with development potential, we conclude that there is limited impact on the AP and the land is required for the Proposed Development and that there is a compelling case in the public interest for CA of the land.

Michael and Samantha Mott [REP2-109]

Location: CA in respect of Plot 8/40a -subsoil; TP and new permanent rights over Plot 8/39a.

Summary

- 8.5.145. This concerns the route of the gas main coming across the AP's land which will impact on the proposed development of the land for two properties on the adjoining vacant land.

Applicant's Response

- 8.5.146. This was submitted at DL3, [REP3-015]. The issue of the gas main diversion remains under discussion and cannot be finalised until the detailed design for the utilities is available. A further meeting was arranged with the AP for 17 July 2023.

ExA Conclusions

- 8.5.147. The updated and detailed design for the gas main diversion is taking some time and it is understandable that the APs do not wish to reach a final settlement until the revised plans are available. The ExA have no reason to believe that the negotiations for the diversion will not ultimately be concluded and we comment on this further later in this Chapter. Should voluntary negotiations not be completed, the ExA is satisfied that the powers sought for the CA and TP in respect of all plots in which Michael and Samantha Mott have an interest are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted, which would outweigh private loss.

The West Family [REP2-129]

Location: Close to the proposed Junction 25 slip road. CA in respect of Plots 18/18a, 17/7a, 18/6b, 18/7a, and 18/8a; TP in respect of Plots 18/18b, 18/6a, 18/6d, 18/6e, 18/6i, and 18/8a; TP and new permanent rights over Plots 18/9a, 18/6c, 18/6f, 18/6g and 18/6h.

Summary

- 8.5.148. The APs are owners of substantial landholdings which will be affected by the scheme, including significant permanent and temporary land-takes and material impacts on their retained land.

Applicant's Response

- 8.5.149. The Response was initially provided at DL3 [REP3-009]. At this stage, the Applicant noted the AP's aspirations for development but confirmed that the land parcels referred to are not allocated in the CoCC Local Plan 2017-2033 Section 2 for housing development and therefore it was not considered the proposed scheme will impact on development land in this location.
- 8.5.150. The position was updated in the Applicant's Annex to its Closing Statement [REP8-017] when the Applicant explained that it was seeking to acquire these plots for the alteration of the A12 main route, also the J25 slip road, the works required for Hall Chase Road and Roundabout, attenuation pond, and the diversion of utilities and cables. In addition, land is required temporarily for the construction of Potts Green Bridge and the construction of ponds and the western connection compound. The attenuation pond is necessary to account for the increased rates of water runoff resulting from the improvement works in the vicinity of J25. The Applicant referred to the further detail on the use of the temporary land plots which was contained in the original SoR [APP-042] and repeated in the Annex to the Closing Statement [REP8-017].

ExA Conclusion

- 8.5.151. As the AP states, there is an impact on a considerable part of their significant landholding. The AP has confirmed that it is not against the principle of the Proposed Development and has not made a further representation since their initial comments [REP2-129]. We accept the case that the Applicant has put forward and agree that there is a compelling case for the CA powers sought over this land and we therefore conclude that the land and rights are required for the Proposed Development and there is a compelling case in the public interest. We also conclude that the TP is required to facilitate or is incidental to that development.

- 8.5.152. **Churchmanor Estates Limited: [REP7-070]**

Interests: Category 2 in accordance with s44 PA2008.

Location: Plots 7/14 and 7/16 - The undeveloped parts of Gershwin Park which are allocated in Section 2 of the Braintree District Local Plan (2013-2033), which was adopted in July 2022. The precise Plots are unknown but the Objector say they have a legal interest in land.

Summary

- 8.5.153. These issues had been previously raised by the Landowners comprising the Gershwin Park Consortium [REP2-123] and [REP2-124]. The areas of the site

remaining to be developed variously allocated for retail uses, retail warehousing, business park, residential, and informal recreation. The AP (we do not know whether or not they have a legal interest in the Plots) appeared at CAH3 and explained that it was the development partner for the various Gershwin Park landowners and had obtained a legal interest in the site which had been registered with the Land Registry. A full summary of their objection was lodged at DL7 [\[REP7-070\]](#). They submit that the proposals would substantially impact on consented and allocated development land, as a result of the remaining land being very irregularly shaped, and some being rendered undevelopable. The IP states that these issues were highlighted to the Applicant well before the DCO Application was made but no change to the design of the scheme has been made. This was only confirmed to the IP on 24 April 2023, almost two months after the CAH1 hearing, and 3 days before the CAH2 hearing. The AP queries why the current design requires such a large buffer between the road alignment and edge of the land take.

Applicant's Response

- 8.5.154. The permanent acquisition of plots 7/14a, 7/16h and a 7/16f, shown on the Land Plans [\[REP7-003\]](#) was reviewed by the Applicant following the request to reduce the permanent land take by the AP. The plans for the Proposed Development provided were analysed against the A12 works plans. The Applicant assessed that any reduction to the proposed permanent acquisition in this area would require a substantial extension of the proposed retaining wall and would have other consequential impacts on other proposed highway assets. The Applicant therefore determined that the scheme as currently proposed is the appropriate design and it is not practicable to reduce the land take in this area. The Applicant confirmed [\[REP3-009\]](#) that an offer has been made through the Valuation Office Agency for the land required permanently. The Applicant also raised the issue of the TP of part of the land to be used for a recovery yard, and a response has been provided at paragraph 7-072-002 of the Applicant's response to Information received at D7 [\[REP8-014\]](#).

ExA Conclusion

- 8.5.155. This issue has been considered over some time but only came to the fore quite late in the Examination as the AP was hoping for a design change but this was not countered until just before the CAH2 hearing. As a result, when the AP spoke at CAH3, the issues were not clear to the ExA. Having reviewed the subsequent submissions, it would appear to the ExA that the Applicant has tried to accommodate the request from the AP but this has not ultimately been achievable. We therefore do not find anything in this latest evidence to change our previous findings in relation to the other objections brought by landowners in the Gershwin Park Consortium.

Generic Objections

National Farmers' Union – [\[RR-024\]](#), [\[REP8-029\]](#)

- 8.5.156. Whilst the NFU did not own any land in the area, it did represent a number of farmers and gave details of some of the 14 families they were speaking on behalf of [\[REP3-071\]](#), most of whom have made their own personal objections. They appeared at hearings to explain their position further.

Interest

- 8.5.157. Representing local businesses but the NFU is not itself a Category Person.

Location

- 8.5.158. For the various businesses with landholdings as outlined in their representation [\[REP3-071\]](#).

Summary

- 8.5.159. In their initial representation [\[RR-024\]](#), the NFU raised several concerns including the amount of land that is proposed to be acquired on a permanent basis. Some landowners would like to retain a lot of these areas and would prefer for these to be taken temporarily, which include areas for borrow pits, ecological mitigation and balance ponds. The NFU understood from the Applicant that discussions around moving permanent acquisition of land to temporary acquisition would take place under negotiations for voluntary agreements where the landowner's requirements could be reflected.
- 8.5.160. The NFU made further representations throughout the course of the Examination [\[REP4-093\]](#), [\[REP6-115\]](#), [\[REP8-029\]](#). In particular, the NFU had reservations over the ultimate land ownership and argued against the Applicant's case that acquiring land on a permanent basis for environmental mitigation is a long-standing practice. The NFU submitted that continued ownership by the landowner could be facilitated by implementing an environmental management agreement and that appropriate legal mechanisms could be negotiated that would adequately protect the Applicant since such an agreement would be drafted in terms that would reserve the right for the Applicant to monitor that the obligations under the agreement are being carried out, and in the event of non-compliance the Applicant would have the right to enter upon the land and carry out the maintenance themselves to ensure that they were able to meet their obligations under the DCO.
- 8.5.161. At the outset of their closing comments [\[REP8-029\]](#), the NFU commented on the general position with the negotiation of voluntary agreements with farmers. They remained concerned that the negotiation of voluntary agreements was too slow with some requested information still outstanding and, as a result, there were still very few voluntary agreements in place. The NFU would not want to see NH able to rely on their CA Powers if Development Consent is granted and negotiations on matters such as land to be taken by temporary possession then fall away. The NFU strongly feels that it is essential that NH work to progress voluntary agreements where landowners have expressed an interest.

Applicant's response

- 8.5.162. The Applicant has liaised closely with the NFU and an early agreement was to the appointment of an Agricultural Liaison Officer (ALO) to be the primary contact for ongoing engagement about practical matters with the landowners and also, as requested by the NFU, a record of condition survey prior to possession of agricultural land that would be temporarily possessed. The position agreed is set out in the SoCG [\[REP7-037\]](#). As to the question of temporary or permanent acquisition, the Applicant had argued earlier in the Examination [\[REP3-014\]](#) that the only remedy would be to seek to enforce the agreement through the civil courts, whereas the resulting position for the Applicant would be to be in breach of the DCO and thereby a potential criminal sanction. The Applicant repeated this position in its subsequent comment [\[REP7-046\]](#) and emphasised that in its view, land required for embedded and essential mitigation must be acquired by the Applicant on a permanent freehold basis so that the Applicant is able to ensure the effectiveness of the mitigation in the long-term. Control over the land is required permanently to enable the mitigation provided to be maintained and monitored. The Applicant's

long-standing practice has been to acquire the land used for essential mitigation rather than to offer back the land required subject to a positive covenant to maintain the land in a certain condition by the means of a management agreement because any disposal of essential mitigation would expose the Applicant to a breach of the made DCO and to potential criminal sanction if the landowner failed to maintain the mitigation. In such circumstances, NH's only remedy would be to seek to enforce the management agreement against the landowners in the civil courts, whilst facing criminal liability itself.

ExA Conclusion

- 8.5.163. The NFU have made a regular and significant contribution both before and throughout the Examination and the Applicant has endeavoured to meet their concerns as evidenced by the extent of engagement as shown in the signed SoCG [REP7-037]. The ExA had considered the issue of permanent or temporary acquisition and had raised a query concerning this at Q 2.5.12 ExQ2 [PD-009]. The Applicant responded to this query in the terms set out above but the ExA found this less than convincing especially since when specifically asked if there had been any examples of such criminal proceedings, the Applicant was not able to offer any such cases. However, the ExA was eventually persuaded by the practical implications that this arrangement would result in as the Applicant might well have to negotiate with a number of landowners all of whom would be seeking a full indemnity for their costs.

The Four Proposed Borrow Pit Sites

- 8.5.164. In support of the Application, the Applicant submitted detailed information concerning the selection of the four borrow pit sites [APP-078] and supplemented this during the course of the Examination with a borrow pits Technical Note [REP1-011], the Borrow Pits Costs Summary [REP3-023], and the Borrow Pits Summary Report [REP5-015]. It was argued and accepted that Borrow Pits are required to deliver the proposed scheme as efficiently as possible and are necessary in order to secure the benefits of the scheme. This is set out in the Borrow Pits Report [APP-278] Section 2.4.
- 8.5.165. The Applicant submits that the final borrow pit locations were determined through a rigorous process of assessment, which reduced 19 total potential locations down to four. The four borrow pits (E, F, I and J) were chosen primarily because they performed best on balance for the above need when assessed against the criterion identified in Table 5.4 of the Borrow Pits Report [APP-278]. Ultimately, they contain the material required for the construction of the Proposed Development. The Applicant states that the extent of land take required is proportionate with the quantity of material that is required for the project. Our consideration of the environmental issues associated with proposed borrow pits is contained within Section 5.11.

Borrow Pit E – Name: The Honourable John Frederick Strutt and the Right Honourable John Gerald Sixth Baron Rayleigh and Lord Rayleigh's Farms [RR-186 and RR-185]

Location: – west of Witham; between Hatfield Peverel and Witham on the north side of the A12 up to the boundary of the railway and adjacent to the existing J21.

CA in respect of Plots 5/12a, 5/12b, 5/12c, 5/12e, 6/7a, 6/12b, 6/12d, 6/29a, 6/29b, 6/29c, 51/b, 4/9a, 5/36a, 5/36c; TP in respect of Plots 1/11e, 2/12i, 2/12m, 5/12f,

5/12g, 6/12a, 6/12e, 6/12f, 6/12h, 5/20a, 4/9b, 5/12i, and 5/36b; Land to be used temporarily and new permanent rights over Plots 5/12d, 5/12h, 6/12c, 6/12g, 4/9c.

Summary

- 8.5.166. The land involved for this IP is 214,968m² which is around 52.7 acres. These matters have been put into a private position statement which was issued to the landowner on 24 May 2023. Comments have been received on the position statement from the AP and further work is being done to address the outstanding points. Since the initial representation, a wide range of topics have been agreed including the surplus land to be returned; the location of accesses; an access to the Willow Plantation; the position for island sites; haul roads; and a reduction in ecological mitigation area. A number of matters are still under discussion including borrow pit acquisition; ecological mitigation areas; and the final design of accesses.

Applicant's Response

- 8.5.167. The acquisition of the AP's land provides the Applicant to extract materials locally rather than exporting materials from outside the order land. Permanent acquisition is required as the works required result in a permanent change in the nature of the land. The Applicant provided a detailed response in its reply to RRs [\[REP1-002\]](#) and there has been extensive engagement between the parties throughout the Examination. New rights are also required for accesses and haul roads and the diversion of utilities. A detailed summary of the justification is provided in the Annex to the Closing Statement [\[REP8-017\]](#).
- 8.5.168. A meeting was held 23 June 2023 with the IP's agent to discuss progressing the borrow pit lease and any outstanding matters. An outlined compensation basis and mechanism to agree the terms of a lease as well as technical aspects of the borrow pit works and restoration were discussed. There was a request from the IPs that HoTs be sent along with outline of borrow pit compensation approach and it was confirmed the IPs would be content to progress the borrow pit lease structure. The HoTs were sent to the agent on 26 June 2023, which also including an overview of the compensation mechanism.

ExA Conclusion

- 8.5.169. The ExA raised specific questions about these plots at ExQ3 since original objections were raised at [\[RR-185\]](#) and [\[RR-186\]](#) but no further comment had been made by the IPs during the Examination. The Applicant confirmed in response [\[REP5-019\]](#) that the IP did not wish for Borrow Pit E land to be compulsorily acquired and the parties were trying to agree a lease structure for the land. It is clear that there have been extensive negotiations and since the APs did not make further representations during the Examination, it is assumed that the parties are close to an agreement.
- 8.5.170. Taking into account the detailed justification provided in the Annex to the Closing Statement [\[REP8-017\]](#), the ExA concludes that the lands is required for the Proposed Development and that there is a compelling case in the public interest for the permanent acquisition of the land and interests listed above and also for the TP for the purpose and timescale that have been identified.

Borrow Pit F – Mary and Andrew Vellacott

Location: South-west of Witham to the east of existing J21 on the south side of the A12. CA in respect of Plots – 6/27a, 7/6a – subsoil, 7/13b, 7/15a, 7/22a, 7/24a,

6/1g, 6/20b, 7/1b, 7/11a, 7/6a – subsoil, 7/13b, and 7/14a; TP in respect of Plots 7/12a and 7/13a.

Summary

- 8.5.171. The land in question amounts to around 240,000m² but notwithstanding the amount of land involved, there has been no representation received but neither has there been any settled agreement or SoCG with the landowner.

Applicant's Position

- 8.5.172. The Applicant contacted the AP by email on 25 January 2023 to offer the option of commencing negotiations. The agent has requested that a proposal in respect of the acquisition of land is made. An offer was made in respect of the overall compensation package and permanent land acquisition on 20 February 2023 and a subsequent meeting was held a few days later. The Applicant was prepared for the landowner to retain ownership as there was no environmental mitigation proposed in the relevant area but notwithstanding further contact from the Applicant at the end of June as described in the summary of CAH3 [REP7-044], no response was received although a meeting was held on 11 July 2023 [REP8-015]. This party has not submitted a representation.

ExA Conclusion

- 8.5.173. The ExA referred to this landholding at the CAH3 and it is surprising that there had been no further contact from the Applicant after the meeting in February until prompted by the ExA at CAH3. However, this latest contact has again not elicited any response. The Plots are sited near to the existing J21 and the ExA accepts the arguments set out in the updated SoR [REP6-040] that CA is required to reduce the cost of the construction of the Proposed Development and the ExA therefore concludes that the land is required for the Proposed Development and that there is a compelling case in the public interest for CA of the plots listed above and also for TP for the purpose and timescale identified.

Borrow Pit I – Henry Robert Siggers and Parker Strategic Land – [RR-021], [RR-027], [REP4-095] [REP5-050]

Location: East of the village of Rivenhall and between the railway line and the A12 and west of existing J23 (Kelvedon South interchange)

CA in respect of Plots 11/8a, 11/8c, 11/8d, 11/17a, 11/18a, 12/4a, 11/20b, 12/5a, 12/5c, and 12/29a; TP in respect of Plot 12/5b; TP and new permanent rights over Plots 11/9a, 12/5d, 11/9a, 2/5b.

Summary

- 8.5.174. The land comprises around 192,333m² and is owned by Henry Siggers and Parker Strategic Land are assisting in the possible future development. It is not clear whether or not Parker have a legal interest but the Applicant did not pursue this point. The Applicant requires this land for a variety of purposes including a borrow pit, ecology mitigation, accesses and haul roads, the Rivenhall End roundabout, a new B1024 link road, public footpaths, an attenuation pond and various services. The IPs engaged extensively in the Examination appearing at a number of hearings and making additional representations.
- 8.5.175. Whilst discussions have continued over some months, there is still no agreement on the HoTs and therefore the objection still subsists. These were repeated at their

DL4 submission [REP4-095] and again at ISH3 and subsequently at CAH3. The APs argued that the Applicant's approach assumed that all the need for materials would be met from borrow pits alone. However, they say that this principle is not supported by robust evidence of need since the Applicant is willing to secure 650,000m³ of materials from the open market as part of the planned approach to backfilling Coleman's Farm Quarry as confirmed by the Applicant's comments to ExQ2 [9.41, [REP4-055].

- 8.5.176. The APs submit that this establishes the principle that materials can reasonably be sourced from outside the OL. Both the Applicant's alternatives assessments [REP1-011] and the Borrow Pit costs Report [REP3-023] do not consider the possibility of striking a balance between on-site pits acquired compulsorily and open market supply. The APs contend [REP4-095] that a balanced approach has the potential to provide the Applicant with certainty and lower costs whilst minimising the land take by CA. The APs note that the Applicant justifies their preferred approach due to cost reasons but they say the Costs Report [REP3-023] falls far short of clear evidence to demonstrate that external suppliers would be prohibitively expensive as in that document, all costs from external suppliers are redacted, rendering the report all but meaningless. As all external cost lines are redacted there is simply no information on how much this would cost and so no meaningful comparison can be drawn between open market costs and on-site costs, nor can APs interrogate the accuracy of cost assumptions made. The APs also argue that a case for permanent acquisition has not been justified. Temporary rights would secure access to the necessary minerals, after which the land is not required for the operational phase of the scheme. The Applicant has persistently stated that it would be open to temporary acquisition but no amendment to the dDCO has been proposed and no meaningful engagement has been made towards reaching a private agreement on this point.

Applicant's Position

- 8.5.177. An offer was made 14 March 2023, with a meeting to discuss this held on 27 March 2023. An email from the agent on 30 March 2023 advised that any offer on land to the north of the A12 would have to wait the outcome of the borrow pit discussions. Draft HoTs were issued in respect of a lease of the borrow pit land at the end of April and a meeting took place on 07 June 2023 at which the borrow pit terms were again discussed and also an approach to compensation. Notwithstanding this, it was submitted that a detailed summary response had already been provided in the summary of ISH3 [REP5-020] and the Applicant referred to the initial report [APP-278] supported by the Technical Note [REP1-011] which showed that all reasonable alternatives had been fully explored.
- 8.5.178. The Applicant repeated the benefits of the Scheme as set out in [APP-249], and relied upon the detail set out in the Borrow Pits Summary Report [REP5-015] which confirmed the need of 600,000m³ of general earthworks material plus the additional 445,000m³ of granular engineering material of which 300,000m³ would be obtained from Borrow Pit J. The Applicant further justified its case in its responses to the WRs at DL6 [REP6-090] and again in its Closing Statement [REP7-078] and believe that the extent and nature of the proposed permanent acquisition is reasonable and required for the proposed scheme to proceed.

ExA Conclusion

- 8.5.179. The initial supporting documents concerning the four borrow pits was detailed and clearly set out the position concerning the consideration of various alternatives. At both CAH1 and CAH2 various questions were raised as to the consideration of

alternatives, whether there was a need to take so much land, and the costs information. There followed a period of some confusion until the Applicant clarified the position with its Borrow Pits Summary Report [REP5-015] and the subsequent explanations. It was not argued that an AP was prejudiced by this period of confusion so the Applicant did finally succeed in providing the gist of the detail.

- 8.5.180. The ExA notes that the IPs have not received any allocation for their land in the recently adopted BDC Local Plan [REP6-090]. Since we have accepted the explanation in the application documents relating to borrow pits as clarified in the Summary Report [REP5-015], we conclude that the powers sought for the CA of land and rights are for a legitimate purpose and that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted. We also conclude that the rights sought for TP are for a purpose and timescale that have been identified and that there are suitable compensation provisions.

Borrow Pit J - The Bunting family [RR-007], [REP8-031]

Location: Along the southbound side of the A12 directly south of Kelvedon, with Inworth Road immediately to the east and Highfields Lane to the west.

CA in respect of Plots 12/9a, 12/23a-subsoil, 12/23b-subsoil, 12/23c-subsoil, 12/24a, 12/26a, 13/14a, 13/14b, 13/14d, 13/14e, 13/14f, 13/14h, 13/14k, 13/17a, 13/19a, 14/3a, 14/3c, 14/3i, 14/3k, 14/3m, 14/4a-subsoil, 14/10a-subsoil, 14/17b-subsoil, 14/19a-subsoil, 20/1a-subsoil, 20/4a, 20/4b, 20/4e, 20/4f, 20/5a, 21/2a; TP in respect of the following plots together with new rights to be acquired permanently: 13/14c, 13/14g, 13/14j, 14/3g, 14/3j, 14/3n, 14/7a-subsoil; Land to be used temporarily: 12/9b, 13/14l, 14/3b, 14/3d, 14/3f, 14/3l, 14/24a, 13/14l, 14/3b, 14/3d, 14/3f, 14/3l, 14/24a.

Summary

- 8.5.181. The Applicant is seeking to acquire these plots for a variety of purposes including alteration to the A12, flood mitigation, attenuation ponds, public footpaths, haul roads, a new Inworth roundabout, diversion of communication cables and, primarily, for a borrow pit. TP is required for construction material storage, access, welfare facilities, storage of plant, and temporary PRoW. The APs comprise a number of different members from the Bunting family which are treated together. The family own a farm which extends to a total of about 930 acres (376 hectares) of land being some 700 acres of freehold owned land. The farm is mainly arable land down to a traditional cereal rotation. If the DCO for the Proposed Development is approved, then [RR-007] this would result in the Landowners losing approximately 220 acres (89 hectares) of their total holding which is nearly a third of their holding.
- 8.5.182. In Appendix A of their RR, the APs set out in detail the reasons why CA is not justified over their land. In their submission at DL8 [REP8-031], the APs repeat their position and explain why it has not been possible to reach agreement with the Applicant and therefore the AP still objects to the DCO Application. Their concerns centre around a number of fundamental points including the extent of the freehold acquisition, the specification for the backfill of borrow pit J, the restoration of borrow pit J, access tracks and attenuation ponds. The APs repeat their requirement that the Applicant minimise their acquisition of land across their entire ownership. The ExA asked about the possibility of delivering some of the materials by rail in ExQ2 as we wished to ensure that all alternatives had been fully explored.

Applicant's Response

- 8.5.183. There has been significant discussion between the Applicant and these APs and whilst they are still working towards an agreement, none has been reached by the end of the Examination. The Applicant has provided responses at each relevant hearing and further detail in their summary report on borrow pits [REP5-015]. This considered scenarios where the individual borrow pits were not available and, as far as borrow pit J is concerned, the Applicant submitted that this would result in all of the deficit of granular engineering material (445,000 m³) needing to be supplied from external sources. This could mean excavating more material from Borrow Pit I than previously stated or, alternatively, import from external sources. This problem is compounded as Borrow Pits E and F cannot offer granular engineering material.
- 8.5.184. As to the possible delivery by rail, the Applicant explained in their response [REP4-055] that the cost impact, transportation distance and carbon generation combine to make the use of railheads unviable. The Applicant confirmed that HoTs were provided to the APs on 12 April 2023 which have been substantially agreed upon.

ExA Conclusion

- 8.5.185. If the powers that are sought are granted, it will result in the acquisition of a major part of the farm currently farmed by the Bunting family and leave the remaining part a far less economic unit. The Buntings argued throughout the Examination that the land take proposed by the Applicant was more than proportionate and whilst they were not represented at CAH3, they made a final submission at DL8 [REP8-031] which summarised their case. The ExA recognise the significance of this objection because of the impact the proposals will have on the farming business of the APs. There is a concern that the Applicant has not been able to enter into a SoCG with these APs and therefore there is no individual commitment relating to a restoration strategy for the Borrow Pit J although there is reference with the REAC Action LV17, which deals with the restoration of all the borrow pits.
- 8.5.186. Taking into account the detailed justification provided in the Annex to the Closing Statement [REP8-017], the ExA concludes that the land is required for the Proposed Development and that there is a compelling case in the public interest for the permanent acquisition of the land and interests listed above and also for the TP for the purpose and timescale that have been identified.

ExA's Overall Conclusion for the Four Borrow Pits

- 8.5.187. This was a significant issue during the Examination and discussed at each of the CAHs. The initial Borrow Pits Report [APP-278] set out the importance of the borrow pits in delivering the scheme and the ExA accepts that all reasonable alternatives have been explored as explained in the Borrow Pits Supplementary Report [REP1-011]. The Applicant had set out the benefits of their borrow pit strategy as this ensured that the environmental impacts during construction were reduced; the costs of the scheme were minimised and to secure the quality and quantity of material required to construct the proposed earthworks. The Applicant was also striving to minimise the traffic impacts from construction activities and its related environmental impacts. The position was clarified in the Borrow Pits Summary Report [REP5-015]. As to the Coleman's Farm Quarry backfill, the Applicant confirmed in their Closing Statement [REP7-078] that this was an unlikely event and, in these circumstances, we accept that the requirement for the 4 Borrow Pits E, F, I, and J is proportionate and that there is a compelling case for the need and extent of the proposed extraction.

Gas Main Diversion

- 8.5.188. A number of objections centred around the lack of certainty over the exact route of the proposed gas pipeline. Consultation took place over 5 possible alternative routes as outlined in the Assessment of Alternatives [APP-070] The Applicant has included a route based on corridor 4 in the proposed scheme to accommodate the Gas Main Diversion. The proposed gas main diversion still has a 100m wide corridor (see plate 4.3 in the Case for the Scheme – [App-249]) to enable changes of direction or to enable alternative methods of construction (including directional drilling for river crossings). Cadent has not yet undertaken a detailed design study in respect of the Gas Main Diversion.
- 8.5.189. The ExA concludes that this corridor provides sufficient certainty for us to reach our conclusions and we are therefore satisfied that the conditions in s122 of the PA 2008 are met and that the tests in the CA Guidance are satisfied. We agree that all of the land subject to compulsory acquisition and temporary possession powers for the gas main diversion is necessary to construct, operate, maintain and mitigate the Proposed Development. We also accept that the extent of the Land sought is reasonable and proportionate.

Land to which no Objection has been received

- 8.5.190. There are a number of other Category 1 landowners within the OL whose land would be subject to CA, TP with Permanent Rights or TP who have not raised objections to the Proposed Development. There are a number of other plots of land where land rights would be interfered with, and where no correspondence has been received to indicate that there is an objection to the CA, TP with Permanent Rights or TP of the relevant plots.
- 8.5.191. In these cases, the ExA conclude that the land is required for the development to which the development consent would relate, or is required to facilitate or is incidental to that development and there is a compelling case in the public interest for the land to be acquired compulsorily. The same considerations apply to that land, which is sought to be acquired for TP, whether or not with permanent rights.

8.6. OTHER PARTICULAR CONSIDERATIONS

Special Land and Rights Provisions

- 8.6.1. The Applicant was asked throughout the Examination whether the Proposed Development bore on any of the special land and rights provisions that arise under PA2008. Issues arising are reported under individual headings below.

SU Land, Rights or Apparatus

- 8.6.2. s127 PA2008 applies to land acquired by SUs for the purposes of their undertaking, and places restrictions on the CA, or CA of a new right, of such land where a representation is made in relation to a DCO application and is not withdrawn by the close of the Examination of that application. The dDCO includes provision to authorise the CA of land and rights held by SUs for the purposes of their undertaking.
- 8.6.3. If s127 applies CA of SU's land can only be authorised if the SoS is satisfied:

- that the land can be purchased and not replaced without serious detriment to the SU or, if purchased, can be replaced by other land belonging to or available for purchase by the SU without detriment; or
- the right can be purchased without serious detriment to the SU or, any detriment to the SU, in consequence of the acquisition of the right, can be made good by the SU by the use of other land belonging to or available for acquisition by them.

- 8.6.4. S138 PA2008 applies where an Order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a relevant right or there is on, under or over the land relevant apparatus.
- 8.6.5. S138(4) provides that an Order may include provision for the extinguishment of the relevant right or the removal of relevant apparatus only if the SoS is satisfied that the extinguishment, or removal, is necessary for the purpose of carrying out the development to which the Order relates.
- 8.6.6. The Applicant recognises that where s127 applies to land or rights which are required to be acquired to enable the delivery of the Proposed Development, and the SU that owns such land or rights makes a representation to the SoS in relation to the dDCO and does not withdraw that representation before the completion of the Examination into the application, the Applicant will be required to seek confirmation that the SoS is satisfied of the matters set out in subsections 127(3) and/or 127(6) as appropriate.
- 8.6.7. The Applicant has engaged with all of the SUs affected by the Proposed Development in order to address any representations that have been raised by them where s127 or s138 apply. The final agreed positions are contained in the updated Negotiations with SUs [\[REP7-076\]](#). No representations were withdrawn but SoCGs were reached with the three SUs with outstanding representations as commented on below.

Network Rail (NR): [\[RR-045\]](#), [\[REP2-092\]](#), [\[REP3-074\]](#) and [\[REP3-075\]](#)

CA in respect of Plots 2/17a, 2/17g, 2/17l, 2/17m, 2/17p, 2/18b, 19/8a; 2/17e (air rights), 2/17i -subsoil; TP and new permanent rights in respect of Plots 2/17j, 2/18d, 19/11a, 19/11b, 19/12a, 19/12b, 19/12c; TP in respect of Plots 2/17e, 2/17b, 2/17h, 2/17k, 2/17n, 2/17o, 2/18a, 2/18c, 2/15b.

Summary

- 8.6.8. A new bridge is proposed over the Great Eastern Main Line at Paynes Lane Bridge and negotiations have been underway to agree an Asset Protection Agreement. The SU indicated at CAH1 and confirmed in its subsequent submission [\[REP3-074\]](#) that it had five primary concerns relating to the effect of the Proposed Development on its ability to protect and enhance the operational railway. In the initial stages of the Examination summary these were:
- restrictions on access and maintenance;
 - ability of train drivers to sight signals ;
 - the major redevelopment taking place of Beaulieu Station. There is also expected to be an impact on the electrification of the lines due to the height of the proposed Paynes Lane Footbridge and concern that the IP will lack sufficient space beneath the Footbridge to add a proposed third line of rails;
 - ability to undertake routine access to Boreham Viaduct; and
 - existing infrastructure including drainage and embankment stability; and in particular about the overbridge near J24.

8.6.9. The Applicant is also seeking new rights for the diversion of utilities and cables and land is required temporarily for the storage of materials, and plant, and welfare facilities. There followed some discussion as to the possible Protective Provisions (PPs) and the SU emphasised that there remained a difference [REP6-108] notwithstanding the SoCG submitted by the Applicant [REP6-064]. The AP took the opportunity to provide an amended version of the PPs they wished to be included in the Order. They also noted that the version included in the latest draft of the Order departed from NR's standard PPs in a number of material respects. By the time of the final SoCG [REP7-022], there had been little further progress as the SU needs to obtain clearance for any projects that will impact on the railway. For the A12 project, 32 clearance applications in respect of the land owned by NR have been submitted and confirmation is awaited.

Applicant's Response

8.6.10. The Applicant believes there is a compelling case for the powers sought and continues to liaise with the SU concerning the practical arrangements for reducing the impacts of the proposed scheme on their land. The Applicant has set out their compelling case in their Response to RRs [REP1-002] and their comments on WRs [REP3-009] and in their summary to the issues raised at CAH3 [REP7-044]. Their overall summary is provided in the Annex to their Closing Statement [REP8-017].

ExA Conclusion

8.6.11. There are some issues still to be resolved as shown in the SoCG [REP7-022] which are due to NR's own internal scrutiny and, in view of the safety elements, it is no surprise that these have yet to be concluded. Other issues are for the Applicant to determine, and agreement of the standard PP should not be a difficult hurdle as whilst they may be strict, they are invariably required by NR and accepted by the relevant developer. We conclude that the acquisition of these rights will not cause any serious detriment to NR and therefore we recommend the grant of CA powers and the TP rights which we consider to be required for the authorised development or to facilitate or is incidental to it.

Anglian Water Services Limited and AWG Land Holdings Limited [RR-054] and [REP2-037]

Location: Various Plots along the proposed route

CA in respect of Plots 8/32b, 9/10b, 9/10c, 9/10d, 11/11b, 15/6a,- subsoil, 9/12a, 5/1b, 5/36c, 8/1h, 8/1i, 8/1k, 8/47a, 9/11a, 11/10a, 11/20b, 12/14b, 15/8i, 15/8j, 8/32b, 9/10b, 9/10c, 9/10d; TP in respect of Plot 5/16a; TP and new permanent rights in respect of Plots 8/32a, 9/10a, 9/10e, 15/9a, 21/5a, 21/5b, 9/12b; 8/6l, 8/47b, 8/47h, 8/47q, 8/68e, 8/68f, 9/11, 8/32a, 9/10a, 9/10e

Summary

8.6.12. The Applicant requires new rights for the diversion of utilities and cables and land for the storage during construction works. The AP had been in discussion with the Applicant for some time going back to 2019. There are a significant number of water pipes which will need to be diverted and the AP will need 24-hour access to its assets in the event of an emergency. PPs for the DCO were negotiated which are in a final form. The ExA asked for clarification as to the progress with discussions at ExQ2 [PD-009].

Applicant's Response

- 8.6.13. An update was provided in the response to WRs [\[REP3-009\]](#) and provision has been made for replacement land and the AP confirmed acceptance of this [\[REP4-069\]](#). This replacement land allows connection for nature conservation purposes to land owned by Witham Town Council [\[REP8-017\]](#). A SoCG has been agreed [\[REP7-033\]](#) which states that only two matters are still outstanding. One relates to the access to the Rivenhall End Water Treatment Works and the Applicant has offered an easement once they have possession of this land. The second relates to the PPs for the DCO where the Applicant refers to wording used on other road schemes, but it does seem that discussions are still continuing over the outstanding clause. The differences are explained in the Applicant's summary of CAH3 [\[REP7-044\]](#) and they say they will consider the AP's position further if specific details of scenarios can be provided.

ExA Conclusion:

- 8.6.14. There has clearly been very considerable liaison between the Applicant and the AP. The remaining differences shown in the SoCG [\[REP7-033\]](#) are quite precise and certainly not amounting to serious detriment to Anglian Water within s127 PA2008. We therefore recommend the grant of CA powers and the TP rights which we consider to be required for the authorised development or to facilitate or is incidental to it. We have considered AWs proposed changes to the PPs in Chapter 9.

Cadent Gas Limited: [\[RR-031\]](#) [\[REP2-042\]](#)

Location: Many plots as outlined in the BoR and in the Negotiations with SUs report [\[REP7-076\]](#).

CA in respect of Plots 1/12a, 1/12c, 3/8a, 1/1a; 1/4a; 1/6a, 1/7a, 1/8a, 1/11a, 1/15a; 2/1a, 2/1b, 2/2e, 2/2f, 2/2m, 2/3a, 2/4a, 2/5d, 2/6a, 2/9a, 2/12a, 2/13a, 5/1h, 5/2i, 5/8a, 5/9a, 5/10a, 5/11a; 5/13a, 6/1a, 6/1b, 6/5a, 6/6a, 6/7a, 6/8a, 6/11b, 6/12b, 6/14c, 6/15b, 6/18c, 6/20b, 7/5a, 7/10e, 7/10i, 7/15a, 8/1b, 8/1c, 8/1e, 8/1f, 8/1m, 8/2b, 8/2e, 8/17a, 8/19a, 8/20a, 8/33a, 8/41a, 8/41b, 8/43a, 8/45b, 8/45e, 8/47a, 9/1b, 9/8c, 9/10d, 9/11a, 9/13a, 9/13f, 10/1a, 10/1d, 10/1e, 10/1i, 10/1p, 10/2g, 10/3c, 10/5e, 10/8d, 10/10a, 10/11a, 10/14a, 10/20a, 10/20e, 10/20j, 10/23a, 11/1f, 11/1h, 11/1n, 11/1r, 11/2b, 11/3b, 11/4f, 11/4k, 11/8c, 11/14a, 11/15a, 11/16a, 11/25a, 11/26a, 12/1a, 12/1c, 12/1e, 12/1f, 12/2d, 12/3a, 12/6a, 12/6c, 12/7a, 12/10a, 12/12a, 12/17a, 15/1c, 15/1d, 15/1e; 15/3a, 15/5a; 15/6a, 16/1b, 16/1d, 16/1f, 16/1h, 16/3a, 16/9a, 17/1a, 17/1c, 17/2a, 18/1a, 18/1b, 18/1c, 18/1f, 18/1g, 18/1h, 18/1i, 18/1j, 18/1k, 18/1w, 18/2c, 18/3a, 18/5a, 18/5b, 18/5c, 19/1a, 19/1d, 19/2e, 19/4f, 19/5a, 19/9a, 19/22 plus the acquisition of rights and temporary possession over many further plots.

Summary

- 8.6.15. As has been seen from a number of individual objections, landowners are waiting to see the detailed design from Cadent as to the diverted routes for the gas pipelines. Cadent explained in their original RR [\[RR-031\]](#) that there existed low, medium pressure, intermediate and high pressure gas pipelines and associated apparatus located within the OL which are affected by works proposed and many of which require diversions due to likely impact. Diversions include: 4 high pressure pipelines 1 intermediate pressure pipeline 12 low and medium pressure diversion schemes Proposed diversions have not yet reached detailed design stage and so the final positioning, land rights and consents required for these gas diversions are not confirmed by Cadent. As a SU, Cadent's primary concern is to meet its statutory

obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. Adequate PPs for the protection of Cadent's undertaking are therefore required and have been the subject of detailed discussion over some months with the Applicant. In summary, Cadent requires specific PPs in place for an appropriate level of control and assurance that the industry regulatory standards will be complied with in connection with works in the vicinity of Cadent's apparatus.

Applicant' Position

- 8.6.16. The Applicant confirmed [REP1-002] that it has already and will continue to work with Cadent Gas Limited during the detailed design phase and believes there is sufficient provision of land and rights within the DCO to enable the required works to proceed and rights to be secured. An update was provided in the later reply to WRs [REP3-009]. The Applicant referred to PPs which had been agreed on other recent road schemes on the A47 in Norfolk. The Applicant also confirms that since Paragraph 56(1) of the Protective Provisions (schedule 11, Part 5, dDCO) [REP8-002] provides that Cadent's existing rights cannot be extinguished until facilities and rights have been provided to the reasonable satisfaction of Cadent, there can be no question of Cadent suffering serious detriment from the diversion.

ExA Conclusion

- 8.6.17. As can be seen, from the number of plots involved, this has been a very complex area for the Applicant to negotiate. There is still some way to go with the detailed design awaited from Cadent but the parties did agree a SoCG [REP7-028] which showed considerable progress with the discussions. The Applicant reports [REP7-044] that there remains one issue outstanding with a diversion route. The ExA accepts the Applicant's submission that there is no serious detriment and, accordingly, we therefore recommend the grant of CA powers and the TP rights which we consider to be required for the authorised development or to facilitate or is incidental to it.
- 8.6.18. The dDCO includes provision to authorise necessary interference by the Applicant with the apparatus of SUs, in connection with the delivery of the Proposed Development. The location of these works is shown on the Works Plans [REP6-003] and defined as specific Works within Schedule 1(Authorised Development) of the dDCO [REP8-002].
- 8.6.19. The Applicant proposes to acquire and provide new permanent rights over land for the benefit of the relevant SU and the carrying out of their undertakings, in such cases where existing rights have will been extinguished or interfered with. We therefore conclude that the tests set out in subsections 127(3) and/or 127(6) (as appropriate) can be met.
- 8.6.20. In accordance with s138(4) we are satisfied that the extinguishment of the SU rights, and removal of the SU apparatus is necessary for the purpose of carrying out the development to which the Order relates.

Crown land

Location: TP and new permanent rights for Plots 8/3a, 2/12a, 5/26a, 5/33a, 6/4a, 6/26a, 7/7a, 8/6m, 8/19a, 8/19b, 8/19d, 8/41a, 8/41b, 8/41d, 15/8a, 15/8b, 19/14a, CA in respect of Plots 14/5b 14/5d 14/17b – subsoil 15/5a – subsoil 15/8b 15/8d 15/8f 15/8g 15/8i 15/8j, 15/8e, 14/12a, 15/1a, 15/1b, TP in respect of Plots 15/7a, 14/5a, 14/5c, 14/5e, 14/5f, 14/6a, 15/8a, 15/8c, 15/8e

- 8.6.21. The BoR [\[REP7-011\]](#) confirms that there are Crown interests. Consent has been provided from the Secretary of State for Transport [\[REP8-004\]](#) under s135 PA2008 and therefore the DCO may authorise CA of the interest held in Crown land. The ExA concludes that this land and interests are required for the Proposed Development and there is a compelling case in the public interest for CA of the land and the rights of TP sought are for a purpose and timescale which has been identified.

Special Category Land

- 8.6.22. S131 PA2008 applies to the CA of any land forming part of a common, open space or fuel or field garden allotment and s132 relates to the CA of any rights over such land. The sections provide that there will be a need for Special Parliamentary Procedure to apply if the DCO authorises the CA of or rights over such land unless the SoS is satisfied that one of four specified exceptions apply. The ExA asked about Special Category Land at ExQ2 [\[PD-009\]](#) and the Applicant updated on progress with BDC and Witham Town Council (WTC). The replacement land suggested to WTC was not acceptable and to meet this concern, the Applicant came forward with an alternative parcel which was included in the Change Application submitted. As this was originally questioned, a further explanation is provided below.
- 8.6.23. The Applicant sets out its justification in the Replacement Land Statement [\[REP6-057\]](#) and explains why, in its view, the dDCO does not need to be subject to special parliamentary procedure. It argues that the SoS will be able to be satisfied that replacement land in each case being offered will be no less in area than the Order Land which is being acquired by the Applicant is no less advantageous to the persons entitled to any rights over the land and to the public, on the basis that either the land will be contiguous to the area of open space of which part is being acquired, or that access (both on foot and vehicular) will be provided to the replacement land. Furthermore, the Replacement Land has in each case been proposed as close as possible to the open space being lost.

Witham Town Council [\[RR-084\]](#)

Location: CA in respect of Plots 8/47a, 8/47f, 8/47k, 8/47m, 8/47o, 8/47p, and 9/11a, 8/1i, 8/1k; TP in respect of Plot 8/47; TP and new permanent rights in respect of Plots 8/27a, 8/47b, 8/47c, 8/47d, 8/47e, 8/47g, 8/47h, 8/47j, 8/47l, 8/47n, 8/47q, 9/11b; 8/6l, 8,47h, 8/68e, 8/68f

Summary

- 8.6.24. This land is open space and comprises 7687m² that is to be permanently acquired and 19,123m² where permanent rights are required for maintenance or access. There has been considerable consultation between the parties but several issues emerged including the loss of land at the Whetmead Nature Reserve; and the provision of replacement land for a nature reserve. On 30 May 2023, NH submitted a Change Application requesting that the ExA consider accepting six changes to the Scheme into the Examination of the DCO application. One of those changes relates to the provision of replacement land at Whetmead. The replacement land now proposed is near to the existing Whetmead Local Nature Reserve. The Applicant responded to the RR [\[REP1-002\]](#) and the objection was not pursued and a SoCG was agreed between the parties [\[REP7-031\]](#).

Applicant's Response:

- 8.6.25. The original response [[REP1-002](#)] to some extent answered the objection raised by the Council and this position was improved further with the Change Application. Witham Town Council (WTC) now appears to be content with the replacement land now being proposed.

ExA Conclusion

- 8.6.26. The provision of suitable replacement land has clearly been a key issue for the WTC and the ExA received details of the proposed site location as one of the six changes to the Scheme submitted at the end of May. The submission of the SoCG shows this is a more appropriate as replacement land as far as WTC is concerned. The ExA therefore concludes that that the land and interests are required for the Proposed Development and there is a compelling case in the public interest for CA of the land and the rights of TP sought are for a purpose and timescale which has been identified.

Overall Conclusion for Special Category Land

- 8.6.27. The basis on which each ground in s131 or s132 is relied on is set out in the appendix to the Replacement Land Statement [[REP6-057](#)]. For each piece of land described, we accept that a compelling case both for the acquisition of the relevant open space land and for its replacement. We are satisfied that in each case the s122 conditions are satisfied in that all of the plots referred to in are required for the Proposed Development or required as Replacement Land; and that there is in any event a compelling case in the public interest for the acquisition of all of the open space land and its replacement land. We further conclude that the Applicant has a clear idea of why it requires the land and how those lands will be used and that where replacement land is to be provided it will be no less advantageous to the owner of the open space land and the public.
- 8.6.28. The ExA agrees that the CA powers sought over the open space land and replacement land are justified in the public interest and based on the above, the ExA concludes that special parliamentary procedure under s132 of the PA2008 does not apply because:
- when burdened with the Order rights, the open space land would be no less advantageous than it was before, in accordance with s132(3) of PA2008; and
 - in respect of s132(2)(b) of PA2008, the Applicant has recorded this within the dDCO [[REP8-002](#)].

Human Rights Act 1998 Considerations

- 8.6.29. The Human Rights Act 1998 places the European Convention on Human Rights (ECHR) into UK statute. The ECHR is subscribed to by member states of the Council of Europe. ECHR rights are enforceable in the domestic courts but with final recourse to the European Court of Human Rights. The ECHR, the Council of Europe and the European Court of Human Rights are not EU institutions and are unaffected by the decision to leave the EU.
- 8.6.30. Relevant provisions of the ECHR that are normally engaged by CA and/or TP proposals include:
- Article 6 – the right to due process in civil proceedings, including a public hearing before an independent and impartial tribunal;

- Article 8 – the right to respect for private and family life and the home is relevant where property that is a home is affected; and
- Protocol 1, Article 1 – the right to the peaceful enjoyment of property and not to be deprived of this other than in the public interest.

8.6.31. Chapter 6 of the SoR deals with Human Rights [\[REP7-009\]](#). There were originally 22 residential properties within the OL and for the majority, the Applicant has either completed the purchase or has received and accepted a blight notice. Of the 22, 10 transactions have been completed and 9 wish to remain in their properties but with mitigation provided. 2 of these owners will be rehoused temporarily. As to the remaining 3 properties, statutory blight has been accepted. The residents most directly affected are located in Station Road and Bury Lane in Hatfield Peverel and the Applicant has explained that these parties have all been offered either making a Blight Claim, or a discretionary purchase, or temporary accommodation, or alternative temporary access arrangements.

8.6.32. Detailed information as to the negotiations with landowners are set out in Appendix B of the SoR [\[REP7-009\]](#). The ExA is satisfied that the Applicant has endeavoured over a lengthy period to meet the requirements of the APs who wish to remain in their properties notwithstanding any impacts from the scheme.

8.6.33. The Applicant deals with compliance with the relevant provisions of the ECHR and fair compensation in Chapter 6 of the SoR [\[REP7-009\]](#). The Applicant acknowledges that the scheme may have an impact on individuals but the significant public benefits that will result from the Proposed Development will outweigh any harm to individuals. The Applicant concludes that any infringement of the ECHR rights of those whose interests in the land might be affected by the exercise of powers of CA would be proportionate and legitimate, would be in the public interest and would be in accordance with national and European law.

8.6.34. The ExA accepts the submissions of the Applicant and concludes that the CA and TP sought is compatible with the Human Rights Act and the ECHR and that the acquisition of the Order Land is necessary and proportionate to the public interest and that the APs will be compensated for the interests in land acquired. Whilst there is some impact on individuals, this has been mitigated as far as possible and justified in view of the significant public benefits of the Proposed Development.

Equality Act 2010

8.6.35. The Applicant referred to s149, Equality Act 2010 in its SoR [\[REP7-009\]](#) and also its Closing Statement [\[REP7-078\]](#). The Applicant referred to the Equality Impact Assessment (EqIA) that had been undertaken [\[APP-270\]](#) and this concluded that the various mitigation measures in combination with actions outlined in the EqIA should help to minimise any adverse impacts of the Proposed Development. The Applicant confirmed that the EqIA would continue to be evolved during the design and construction phases of the scheme.

8.6.36. The EqIA did identify certain impacts which included:

- increase in noise levels during construction which might have a disproportionate impact on children, older people and those with disabilities. Mitigation measures are contained in the Environmental Management Plan [\[REP4-022\]](#);
- temporary diversions and closures which may impact on older people and those with disability issues. Mitigation measures are outlined in the OCTMP [\[REP6-054\]](#);

- temporary adjustments to bus routes which might have an adverse effect on women, younger and older people. Diversions are detailed in the oCTMP; and
- TP of land owned by churches might have an impact on those wishing to attend services.

8.6.37. The ExA accepted this analysis and noted that the scheme was designed to bring safer driving conditions and particularly welcomed the improved WCH provision. We accept that the degree of impact and the mitigation being proposed together with the ongoing monitoring show that the Applicant has paid due regard towards the needs of people with protected characteristics.

8.7. CONCLUSIONS

Conclusion Relating to Individual Objections and Issues

8.7.1. We have concluded that in all cases relating to individual objections and issues that CA and TP is justified to enable implementation of the Proposed Development.

Conclusion relating to SU Land, Rights or Apparatus

8.7.2. We conclude that the tests set out in subsections 127(3) and/or 127(6) (as appropriate) can be met.

8.7.3. In accordance with s138(4) of PA2008 we are satisfied that the extinguishment of relevant rights and removal of the relevant apparatus is necessary for the purpose of carrying out the development to which the order relates.

Crown land

8.7.4. There are Crown Interests and consent has been provided under s135 PA 2008.

Human Rights and Equalities

8.7.5. We have considered carefully the grounds on which the powers for CA and TP have been sought in each case and consider that they are compatible with the Human Rights Act in terms of being a proportionate interference with property and family life. We also consider that there are no implications arising which conflict with the Public Sector Equality Duty in terms of groups disproportionately affected.

Alternatives

8.7.6. The possibility of alternatives were set out in detail in the Assessment of Alternatives [[APP-070](#)] and also in the Case for the Scheme [[APP-249](#)]. The ExA accepts that the proposal was adequately consulted and we conclude that the Applicant has considered alternative options and modifications to the Proposed Development in order to minimise the potential land take.

Funding

8.7.7. We accept that there is a reasonable prospect of necessary funding as explained in the Funding Statement [[AS-021](#)] and considered earlier in this Chapter at paragraphs 8.5.12 to 8.5.14.

8.8. FINAL CONCLUSION

8.8.1. Throughout our approach to the question of whether and what CA and TP powers we should recommend to the SoST to grant has been to seek to apply the relevant

sections of the PA2008, notably s122 and s123, the DCLG CA Guidance and the Human Rights Act 1998; and, in the light of the representations received and the evidence submitted, to consider whether a compelling case has been made by the Applicant in the public interest, balancing the public interest against private loss. The Applicant's final dDCO [\[REP8-002\]](#) deals with both the Proposed Development itself and CA and TP powers. The case for CA and TP powers could not properly be considered unless and until we had formed a view on the case for the Proposed Development overall. The consideration of the CA and TP issues must be consistent with that view.

8.8.2. In considering the question of whether there is a compelling case in the public interest to acquire the land (s122(3) of the PA2008), we have taken into account the Applicant's case for CA and TP, the individual issues and objections raised and all submissions made to the Examination. In this Chapter, we have considered the need for CA and TP; the purposes for which the powers are requested; alternatives; individual objections and issues; Crown and; Special Category Land; SUs; availability and adequacy of funds; human rights and the compelling case in the public interest; and relevant DCO provisions.

8.8.3. We conclude that the SoS can be satisfied that the tests in s122(2)(a) and (b) and s122(3) PA2008 are met and recommend acceptance of the CA and TP powers proposed in the DCO and we conclude that the SoS can be satisfied that the conditions in s123(2) and s123(4) PA2008 are met and the Applicant has:

- shown that all reasonable alternatives to CA have been explored and that there are no alternatives which ought to be preferred;
- demonstrated that the extent of land over which powers are sought would be no more than is reasonably required and it is proportionate to the needs of the Proposed Development;
- demonstrated that the private loss to those affected would be mitigated to a large degree by limiting the use of CA powers to land essential to deliver the Proposed Development and by the use of TP powers wherever possible to minimise both land-take and the extent of rights and interests to be acquired;
- demonstrated, with reference to s127 and s138 of the PA2008, that there would be no serious detriment to the carrying on of the undertakings of SUs;
- demonstrated, with reference to s131 and s132 of the PA2008, that Special Parliamentary Procedures would not be required;
- demonstrated that adequate and secure funding would be available for CA;
- through the Examination, ensured a fair and public hearing, that any interference with human rights arising from implementation of the Proposed Development would be for a legitimate purpose that would justify such interference in the public interest and to a proportionate extent;
- demonstrated that compensation would be available for quantifiable loss; and
- shown there would be no disproportionate or unjustified interference with human rights that would conflict with the provisions of the Human Rights Act 1998.

9. DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS

9.1. INTRODUCTION

9.1.1. The draft Development Consent Order (dDCO) [APP-039] and the Explanatory Memorandum (EM) [APP-040] were submitted by the Applicant as part of the application. A subsequent update dDCO [AS-020] was submitted prior to the commencement of the Examination and it was this version that was the subject of our initial questions and is referred to as the application dDCO. The EM describes the purpose of the dDCO, along with each of its Articles and Schedules.

9.1.2. The following referencing errors were rectified in the second version of the dDCO [AS-020]:

- Article 12 (4) on p14.
- Article 15 (4) on p18.
- Article 22 (3) on p22.
- Article 30 (2) on p30.
- Article 31 (10) on p32.
- Article 42 (1) on p39.

9.1.3. While the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009, (the Model Provisions) has been repealed, the submission version of the dDCO drew on the Model Provisions, along with precedent set by made Development Consent Orders (DCO) for highways development under the Planning Act 2008 (PA2008). There has been a change of approach to the use of model provisions since the Localism Act 2011 and, although they provide a starting point for the consideration of the dDCO, precedent cases are generally more appropriate. The application dDCO [AS-020] and subsequent iterations are in the form of a Statutory Instrument as required by section (s) 117(4) of the PA2008.

9.1.4. The dDCO and supporting EM, were updated several times during the course of the Examination. This Section provides an overview of the changes made to the dDCO during the Examination process, between the application dDCO [AS-020] and the final dDCO [REP8-002], submitted at DL8. It then considers changes made to the final dDCO to arrive at the recommended Development Consent Order (rDCO), which can be found in Appendix D.

9.1.5. We do not report on every change made in the updated versions. This is because, during the course of the Examination, amendments were made as a result of typographical or referencing errors, slight revisions of the wording following either discussion between the Applicant and relevant Interested Parties (IP) or from their Written Representations (WR), or as a result of minor changes following ExQ1 [PD-008a], ExQ2 [PD-009], ExQ3 [PD-014] or discussions at Issue Specific Hearing 2 (ISH2), ISH4 and ISH5. The rDCO in Appendix D incorporates these minor changes.

9.1.6. The structure of this Chapter is as follows:

- structure and functions of the dDCO as applied for;
- Examination of the dDCO and its iteration during the Examination;
- relevant submissions made by the Applicant and other parties during the Examination;
- main changes made to the dDCO during the Examination;

- recommended changes leading to the rDCO (Appendix D); and
- relationship between the DCO and other consents and legal agreements.

9.2. THE ORDER AS APPLIED FOR

- 9.2.1. Each iteration of the Applicant's dDCOs contains Articles and Schedules including Requirements and Protective Provisions (PP). The sixty-two Articles are contained within seven Parts, which are briefly described here and in more detail in the final EM [[REP8-005](#)].
- 9.2.2. Part 1 contains the preliminary provisions providing for citation, commencement and terms used in the dDCO, including definitions taken from model provisions and precedent DCOs, along with additions in relation to any specifics that apply to the application. Article 3 provides for the disapplication of certain requirements that would otherwise apply under general legislation, with Article 4 addressing responsibilities for the maintenance of drainage.
- 9.2.3. Part 2 sets out the principal powers and provides for the grant of development consent for the Proposed Development and allows it to be constructed and operated. Article 6 relates to maintenance, Article 10 sets out the Limits of Deviation (LoD), with Article 11 identifying who has the benefit of the Order and how those powers can be transferred. It also deals with the Application of the 1990 Act (Article 7) and planning permission (Article 8).
- 9.2.4. Part 3 provides for the execution of works in or under streets. Matters relating to the application of the New Roads and Street Works Act 1991 (Article 13), as well as construction and maintenance (Article 14), classification of roads (Article 15), power to alter layouts (Article 17), street works (Article 18), temporary and permanent stopping up and restrictions (Articles 19 and 20), access to works (Article 21), clearways (Article 22) and traffic regulations (Article 23) are covered in this Part. Article 16 deals with speed limits within the Order Limits (OL).
- 9.2.5. Part 4 provides supplemental powers relating to the discharge of water (Article 24). Article 25 relates to protective works to buildings, with Article 26 addressing the authority to survey and investigate the land.
- 9.2.6. Part 5 contains powers in relation to the acquisition of land, including Compulsory Acquisition (CA) and Temporary Possession (TP) rights. It includes provisions for time limits (Article 29), private land (Article 31), acquisition of subsoil or airspace only (Article 38), rights under and over streets (Article 39), Statutory Undertakers (SU) (Article 42), apparatus and rights of SUs in stopped up streets (Article 43) and recovery of costs of new development compensation (Article 44). It also deals with matters in relation to special category land (Article 45).
- 9.2.7. Part 6 contains powers in relation to trees and hedgerows (Article 46), including trees subject to tree preservation orders (TPO) (Article 47).
- 9.2.8. Part 7 contains several miscellaneous and general provisions in relation to landlord and tenant law (Article 48), operational land (Article 49), statutory nuisance (Article 50), appeals relating to the Control of Pollution Act 1974 (COPA) (Article 51), removal of human remains (Article 52), use of consecrated land (Article 58), use of private roads for construction (Article 54), disapplication of local legislation and modification of local Byelaws (Articles 55 and 56), use of land between Bury Lane and Station Road in Hatfield Peverel (Article 57), protective provision (Article 59),

certification of documents (Article 60), service of notices (Article 61), arbitration (Article (62) and Crown Rights (Article 53).

9.2.9. There are 12 Schedules to the Order. These are:

- Schedule 1 is the description of the Authorised Development;
- Schedule 2 sets out the Requirements, with Part 1 detailing them and Part 2 identifying the procedure for their discharge;
- Schedule 3 sets out the classification of roads including trunk roads, A Roads, B Roads, C Roads, speed limits, variable speed limits revocation and variations of existing traffic regulation orders; footpaths, cycle tracks footways and bridleways; roads to be detrunked; and traffic regulation measures;
- Schedule 4 sets out the permanent stopping up of highways and private means of access and provision of new highways and private means of access including highways to be stopped up for which no substitute is to be provided; highways to be stopped up for which a substitute is provided and highways which are otherwise to be provided; private means of access to be stopped up for which is substitute is to be provided; a new private means of access which are to be provided; and private means of access to be stopped up for which no substitute is to be provided;
- Schedule 5 identifies the land in which only new rights may be acquired;
- Schedule 6 sets out the modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants;
- Schedule 7 lists land of which TP may be taken;
- Schedule 8 identifies special category land including identifying special category land for which replacement land is provided; special category (rights) land for which replacement land is provided; special category (rights) land for which replacement land is not provided; and replacement land;
- Schedule 9 lists hedgerows and trees, with Part 1 identifying the important hedgerows to be removed, Part 2 identifying other hedgerows and Part 3 those trees that are subject to a TPO;
- Schedule 10 deals with the disapplication and modification of byelaws;
- Schedule 11 lists protective provisions, with Part 1 dealing with the protection of electricity, gas, water and sewage undertakers, Part 2 dealing with the protection of operators of electronic communications code networks, Part 3 dealing with the protection of Anglian Water, Part 4 for the protection of National Grid, Part 5 for the protection of Cadent Gas, Part 6 for the protection of railway interests and Part 7 the protection of the Environment Agency; and
- Schedule 12 provides a list of the documents to be certified.

9.3. EXAMINATION AND ITERATIONS

Examination

9.3.1. We examined the dDCO as follows (in each case showing the references to the Applicant's main written response):

- ExQ1 [[PD-008a](#)] - Applicant's response [[REP2-025](#)];
- ISH2 [[EV-023](#)] - Applicant's response [[REP3-013](#)];
- ExQ2 [[PD-009](#)] – Applicant's response [[REP4-055](#)];
- ISH4 [[EV-039](#) and [EV-041](#)] - Applicant's response [[REP5-021](#)];
- ExQ3 [[PD-014](#)] – Applicant's response [[REP6-089](#)]; and
- ISH5 [[EV-052](#) and [EV-054](#)] – Applicant's response [[REP7-043](#)].

9.3.2. Other parties made written and oral submissions on the dDCO, including:

- Essex County Council (ECC);
- Chelmsford City Council (CCC);
- Maldon District Council (MDC);
- Colchester City Council (CoCC);
- Braintree District Council (BDC);
- Environment Agency (EA);
- Natural England (NE);
- Historic England (HE);
- Anglian Water (AW);
- Network Rail (NR);
- Cadent Gas (Cadent);
- National Grid (NG);
- Messing and Inworth Action Group (MIAG);
- Essex Waterways (EW); and
- National Farmers Union (NFU).

Iterations

- 9.3.3. The dDCO was updated several times during the Examination, responding to issues raised by the ExA and IPs. With each update, both a copy showing tracked changes and an updated clean version were submitted. The versions submitted during the Examination were as follows:

Table 11 dDCO Submissions Throughout Examination

Version	Date	Event	Clean Version Reference	Track Change Reference
3	9 March 2023	Deadline 3	REP3-002	REP3-003
4	11 April 2023	Deadline 4	REP4-008	REP4-009
5	10 May 2023	Deadline 5	REP5-004	REP5-005
6	30 May 2023	Change Request	AS-085	AS-074
7	12 June 2023	Deadline 6	REP6-036	REP6-037
8	3 July 2023	Deadline 7	REP7-005	REP7-006
9	12 July 2023	Deadline 8	REP8-002	REP8-003

- 9.3.4. The Applicant provided six updates to the EM during the Examination at DL3 [\[REP3-005\]](#), DL4 [\[REP4-010\]](#), DL5 [\[REP5-008\]](#), DL6 [\[REP6-038\]](#), DL7 [\[REP7-007\]](#) and DL8 [\[REP8-005\]](#).
- 9.3.5. The Applicant's updates were accompanied by a Schedule of Changes [\[REP3-024\]](#), [\[REP4-053\]](#), [\[REP5-014\]](#), [\[REP7-038\]](#) and [\[REP8-019\]](#) that set out the reasons for the changes.
- 9.3.6. As set out in Section 2.2.3, during the course of the Examination, we accepted the Applicant's Non-material change request [\[PD-017\]](#). As part of our consideration and acceptance of this change, consequential changes to the dDCO were included [\[AS-085\]](#).

- 9.3.7. The basis for the rDCO is v9 [\[REP8-002\]](#), as submitted by the Applicant on 12 July 2023. If the Secretary of State (SoS) decides to make the Order, the rDCO is provided in Appendix D.

9.4. EXAMINATION OF THE DRAFT DCO

Introduction

- 9.4.1. In this section, we do not report on every change made to the dDCO, as several were to correct typographical or grammatical errors, resolve inconsistencies, update references or involved revisions that we feel are inconsequential or not controversial. Also, we do not repeat any questions that we consider have been adequately justified by the Applicant and did therefore not require change to the dDCO.
- 9.4.2. We do however comment on those changes that we consider to be significant because of their effect or because they gave rise to several questions or submissions. We also focus on those areas where there were outstanding matters of disagreement and where we have recommended changes in the rDCO (Appendix D).

Articles

Article 2 Interpretation

- 9.4.3. We questioned the Applicant [\[PD-008a\]](#) as to why there was no inclusion of the definition of 'commence'. We also asked the Applicant to clarify the reference in the PP for Cadent Gas, which appeared to refer back to Article 2. We also sought [\[PD-008a\]](#) further justification in relation to 'maintain', in particular to clarify the need for words alter and adjust.
- 9.4.4. In response the Applicant [\[REP2-025\]](#) confirmed that the definition of 'commence' was only relevant to the Requirements or subsequent Schedules and therefore not required in Article 2. The reference in the PPs was updated by the Applicant at DL3 [\[REP3-002\]](#).
- 9.4.5. In relation to the inclusion on the wordings 'alter' and 'adjust', the Applicant considered [\[REP2-025\]](#) that they covered matters which are integral elements of the Applicant's existing maintenance powers. The Applicant also submitted [\[REP2-025\]](#) that the flexibility of this definition is appropriately constrained by reference to the environmental impacts that have been identified in the Environmental Statement (ES) to avoid the possibility of the dDCO giving consent for an environmental impact that has not been assessed.
- 9.4.6. On the basis of the additional justification provided by the Applicant, we are satisfied with this definition.

Article 3 – Disapplication of Legislative Provisions

- 9.4.7. Throughout the Examination there was discussion between the Applicant and the EA in relation the use of culverts and their appropriateness. In the as applied for dDCO [\[AS-020\]](#), it was the Applicant's intention to disapply the need to apply for Environmental Permitting in relation to carrying on of a flood risk activity or a water discharge activity. However, in response to their concerns, the EA confirmed [\[REP7-058\]](#), that they would not accept such an Article. As a result, the Applicant subsequently amended Article 3 [\[REP6-037\]](#), to delete the reference.

- 9.4.8. By the end of the Examination, the EA maintained their opposition to such a disapplication, and as a consequence, this deletion is carried forward into the rDCO.

Article 5 Development Consent etc. granted by the Order

- 9.4.9. We requested [\[PD-008a\]](#) more details about “*any enactments*” together with clarification about how far from the OL the provision might apply. The issue of distance was also highlighted by MIAG [\[REP2-084\]](#) and discussed at ISH2 [\[EV-023\]](#).
- 9.4.10. In response the Applicant [\[REP2-025\]](#) clarified that the Article confirms that if there are other enactments in force within or adjacent to the OL, that they will still exist and are not removed by the Order, but merely that they will be subject to the terms of the Order. The Article would ensure that the construction and operation of the Proposed Development is not jeopardised by any incompatible statutory provisions which might exist. In relation to our question of how far the power would extend, the Applicant [\[REP2-025\]](#) considered on a case by-case basis, taking the view that it is necessary to include such land as there may be statutory provisions that relate to land which falls just outside the OL but may also effect land within the OL.
- 9.4.11. On the basis of the response from the Applicant, we are content that the Article is necessary.

Article 8 Planning Permission

- 9.4.12. We sought [\[PD-008a\]](#) further justification and explanation as to the need and purpose of this Article, especially given that SoS, in a number of recently made transport DCOs has deleted similar articles.
- 9.4.13. The Applicant submitted [\[REP2-025\]](#) that the provision makes clear that, where the undertaker needs to obtain any other planning permission for anything relating to the proposed development (i.e. to facilitate its completion, construction, use or operation), there is no question as to the interface between that planning permission and the Order (i.e. the implementation of that planning permission will not constitute a breach of the terms of this Order). Accordingly, where development is not part of a Nationally Significant Infrastructure Project (NSIP) and is needed to complete the authorised development, then it is deemed not to conflict with the Order so that implementing the overlapping planning permission does not form a breach of the Order.
- 9.4.14. On the basis of the response from the Applicant, we are content that the Article is necessary.

Article 10 Limits of Deviation

- 9.4.15. We requested [\[PD-008a\]](#) further clarification and explanation from the Applicant in respect of a number of issues, including:
- clarification as to how Limits of Deviations (LoD) were reflected on the plans;
 - why works 45(b) and 74(a) had been specifically identified;
 - how LoD would apply to both underground and overhead utilities; and
 - how the LoDs had been assessed within the ES.
- 9.4.16. In response to works 45(b) and 74(a), the Applicant considered [\[REP2-025\]](#) that greater flexibility for the vertical LoD were needed as it may be possible to refine the preliminary structural design of the J24 overbridge to achieve a substantial cost saving, by raising part of the works from the currently intended levels. The Applicant

confirmed [\[REP2-025\]](#) that these limits would not give rise to any additional significant environmental effects.

- 9.4.17. With regards to Article 10(6) the Applicant confirmed [\[REP2-025\]](#) that this would allow a short deviation beyond the shown centreline commencement and termination points, to allow for tying in works. This was required because the development was of considerable length and it is not possible to be certain that the work and associated tying in works will commence and terminate at the precise point identified in the permanent works plans. Utility works would be within the limits of deviation shown on the utilities works plans [\[AS-003\]](#).
- 9.4.18. In terms of the assessment of the proposed LoDs, the Applicant confirmed [\[REP2-025\]](#) that each of the ES chapters included a section on assumptions and limitations where the potential implications of the limits of deviation were considered, and a conclusion reached on the implications for the assessment. The Applicant confirmed [\[REP2-025\]](#) that this was based on the limits as set out in Article 10.
- 9.4.19. At ISH4, the Applicant confirmed that a new paragraph (4) has been added [\[REP4-009\]](#) to reflect the fact that there is a need for limits of deviation for Public Right of Way (PRoW) and cycle tracks. This was shown by reference to the limits of deviation shaded purple in the Streets, Rights of Way and Access Plans.
- 9.4.20. On this basis, we are content that the LoDs have been adequately assessed and contain sufficient measures to provide both flexibility and the necessary control.

Article 14 - Construction and Maintenance of New, Altered or Diverted Streets and Other Structures

- 9.4.21. In relation to this Article, ECC [\[REP3-035\]](#), considered that it imposed a significant new burden upon ECC to take on new detrunked sections, particularly considering that some of the assets may not be in good condition. By the end of the Examination, ECC maintained its position [\[REP3-035\]](#), [\[REP5-033\]](#) and [\[REP7-049\]](#), that this liability would only be acceptable to the Council if (a) any detrunking can only happen with the consent of the Secretary of State in consultation with the Council, and (b) there is a requirement for a detrunking scheme that retains one carriageway for two-way traffic and converts the other carriageway for Walking Cycling and Horse Riding (WCH) purposes.
- 9.4.22. The matter was identified in the ExA's schedule of proposed changes to the dDCO [\[PD-015\]](#), however we suggested no changes to the Article, but proposed the inclusion of a Requirement dealing with detrunking.
- 9.4.23. The ExA are satisfied that the inclusion of this Article, in the form proposed by the Applicant is necessary.
- 9.4.24. The ExA note the concerns of ECC and, whilst we are recommending no changes to Article 14, we consider that our recommended amendments to Requirement 19 (Detrunking) addresses the matters raised. Our consideration on these Requirement can be found in Section 5.15.

Article 15 – Street Works

- 9.4.25. The ExA suggested the inclusion of additional wording [\[PD-015\]](#) requiring consultation with the local highway authority. This was accepted by the Applicant [\[AS-103\]](#) and included in DL6 version of the dDCO [\[REP6-037\]](#).

- 9.4.26. On the basis of the inclusion of our suggested additional wording by the Applicant, we are content that this Article is necessary.

Article 16 – Speed Limits

- 9.4.27. Our consideration of this Article is provided in more detail in relation to both Requirement 10 (Detailed Design) and Schedule 3, Part 6, which deals specifically with speed limits. This can be found in Section 9.4.87 and Section 9.4.158 respectively.
- 9.4.28. On the basis of our conclusions in relation to Requirement 10 and Schedule 3, we do not recommend any changes be made to this Article.

Article 17 – Power to Alter Layout etc of Streets

- 9.4.29. We sought justification [\[PD-008a\]](#) as to why this power was necessary. We also sought the view of ECC as the relevant highway authority.
- 9.4.30. In response [\[REP2-025\]](#) the Applicant's view was that Article 17 contains provisions which broadly reflect the powers of a local highway authority under Part V of the Highways Act 1980. Whilst Article 17 would extend the powers to streets which the Applicant is not liable to maintain, the Applicant must give notice to the street authority and may not carry out the works without their consent. The Applicant considered that the powers were necessary to allow the Proposed Development to tie into the existing highway network, and to provide permanent or temporary changes to the highway network to mitigate the effects of construction.
- 9.4.31. On this basis, we are satisfied that the power is necessary, reasonable and proportionate.

Article 18 – Street Works

- 9.4.32. We questioned the Applicant [\[PD-008a\]](#) as to whether this Article should be restricted to specific streets and whether the powers should be exercised in consultation with the street authority.
- 9.4.33. In response [\[REP2-025\]](#) the Applicant considered that the provision reflects the powers of a local highway authority and are necessary to ensure that they have the power to carry out diversionary works to the apparatus of SU. In terms of specific streets, the Applicant was of the view that the powers of SU are not limited to named streets or subject to consent of the street authority, therefore neither should they.
- 9.4.34. ECC proposed the additional wording [\[REP3-035\]](#) to address concerns that they had that the Article would give the Applicant significant powers to carry out works to any streets within the OL. The works include breaking up of streets, tunnelling under streets and placement of apparatus, however the nature and location of any such proposed works was not identified in the dDCO.
- 9.4.35. In our Schedule of Proposed Changes to the dDCO [\[PD-015\]](#), we suggested the insertion of a new paragraph (3) identifying that the undertaker must not carry out works to any street under paragraph (1) for which it is not the street authority without the consent of the street authority, which may attach reasonable conditions to any consent.

- 9.4.36. In response [\[AS-103\]](#), the Applicant was of the firm view that this drafting should not be included. They referred to section 48 of the New Roads and Street Works Act 1991 (the 1991 Act) which envisages two scenarios for the carrying out of street works, either carried out in pursuance of a statutory right or under a street works license.
- 9.4.37. In the view of the Applicant, Article 18(2) invokes the first of these scenarios. Usually, provisions of the 1991 Act provide that advance notice must be served by the person with a statutory right before undertaking the works and provides that the street authority can impose requirements which must be complied with.
- 9.4.38. Their concern with the suggested wording is that within ECC's area work is subject to a permit scheme which provides an alternative mechanism under which a person with a statutory right must apply for a permit to occupy the highway. Article 13 provides that the permit scheme will apply to street works under the DCO.
- 9.4.39. In the view of the Applicant [\[AS-103\]](#), the proposed paragraph (3) is a duplication and provides an unnecessary administrative burden on the Applicant. In the Applicant's submission, if paragraph (3) is to be included in the DCO it would be necessary for ECC to agree to disapply the duplicate permit scheme controls, and for such disapplication to be included in Article 3 of the DCO. It would further be necessary to delete paragraphs 8-10 of Article 13.
- 9.4.40. ECC were supportive of our proposed insertion and despite the view of the Applicant, maintained [\[REP7-049\]](#) that for works proposed to highways (other than on trunk roads), the relevant street authority should have a power of prior approval. They referred to precedent set in a similar provision in the Silvertown Tunnel DCO [\[REP3-035\]](#) and [\[REP5-033\]](#).
- 9.4.41. Having considered the submissions made by the parties, we acknowledge the concerns of ECC in relation to the potentially wide-ranging nature of the powers that would be granted by the Article, however the ExA are satisfied that, through the paragraphs of Article 13 referred to by the Applicant, sufficient controls existing. On this basis we are satisfied that the power is necessary, reasonable and proportionate.

Article 19 – Temporary Alteration, Diversion, Prohibition and Restriction of the Use of Streets

- 9.4.42. We requested [\[PD-008a\]](#) justification as to why the power is appropriate and proportionate having regard to the impacts on pedestrians and others of authorising temporary working sites in these streets.
- 9.4.43. The Applicant [\[REP2-025\]](#) considered Article 19 to be necessary because temporary closures and diversions are necessary with a scheme of this nature and it would offer the Applicant flexibility to regulate traffic without going through the process of taking temporary possession of the land.
- 9.4.44. On this basis, we are satisfied that the power is necessary, reasonable and proportionate.

Article 26 – Authority to Survey and Investigate the Land

- 9.4.45. We asked the Applicant [\[PD-008a\]](#) to justify and explain the need for the wording that departed from the Model Provisions, in particular in relation to authorisation of

surveys on land outside, but adjacent to OL. We sought examples of when and why such a power would be necessary, reasonable and expedient.

- 9.4.46. MDC [\[REP2-068\]](#) also raised a question with regards to the definition of adjacent, as did the NFU [\[REP3-073\]](#) and MIAG [\[REP2-084\]](#). The matter was discussed at ISH2 [\[EV-023\]](#).
- 9.4.47. The view of the Applicant [\[REP2-025\]](#) was this power is similar to that which would be available to the Applicant pursuant to section 172 of the Housing and Planning Act 2016, which allows a person authorised in writing by an acquiring authority (which in this context includes the Applicant) to enter on and survey or value land in connection with a proposal to acquire an interest in or a right over that land. The Applicant did confirm that it would only seek to use the power where consent could not be obtained from the landowner by agreement. The Applicant considered the power to be essential to ensure that there are no delays in bringing forward the Proposed Development.
- 9.4.48. In terms of the definition of 'adjacent', the Applicant's position [\[REP2-025\]](#) was that it had included all land within the OL considered necessary to deliver the Proposed Development. However, there may be circumstances where surveys may be needed on land beyond the OL. Ecological surveys were identified as one such example [\[REP2-025\]](#).
- 9.4.49. The NFU [\[REP3-073\]](#) raised questions with regards to the appropriateness of the 14-day period as identified in part (2) with regards to access. By the end of the Examination [\[REP8-029\]](#), the NFU was happy to accept a 14-day written notice for surveys, as long as it was agreed that a minimum notice of 28 days is given where the land in question is in an environmental scheme and a derogation is required to avoid a financial penalty being applied.
- 9.4.50. In response [\[REP3-014\]](#), the Applicant considered that a 14-days' notice period for the exercise of survey powers was normal.
- 9.4.51. The NFU also requested that further detail should be required in relation to support access requests, to ensure landowner compliance with relevant health and safety policies. In this respect, the Applicant [\[REP3-013\]](#) considered that the matter was addressed within the First Iteration Environmental Management Plan (FIEMP) [\[APP-198\]](#), where the items proposed by the NFU were included as responsibilities of the Agricultural Liaison Officer (ALO).
- 9.4.52. In relation to definition of 'adjacent' the ExA are satisfied with the Applicant's explanation of this and consider it to be reasonable and precise.
- 9.4.53. In terms of the notice period to be given, the ExA understand the concerns expressed by the NFU and the potential impact upon their members. However, discussions and consultation about the Proposed Development has been on-going for several years, which has included detailed liaison with landowners both within and adjacent to the OL. It is likely that large proportions of this land have already been the subject of technical survey work to support the DCO application. As a consequence, the ExA consider further requests to undertake surveys would therefore not be unexpected. The appointment of an ALO will further aid this process and can support those locations where the land is subject to an environmental scheme. Furthermore, the ExA note that the notice period in Article 26 states "...at least 14 days notice...", which provides the flexibility for additional time to be given if necessary.

9.4.54. On this basis and given the benefits the ExA have identified that the Proposed Development would deliver, we conclude that, in this instance, a 14-day notice period is acceptable.

Article 40 – Temporary Use of Land for Carrying the Authorised Development

9.4.55. We requested clarification [PD-008a] on the wording of the Article, as from our reading, it appeared to allow temporary possession of any land within the OL, regardless of whether or not it was listed within Schedule 7 of dDCO.

9.4.56. The Applicant confirmed [REP2-025] that the Article was drafted to allow service of temporary powers notices on all Order Lands, whether those are shown on the land plans as being required permanently, required for permanent new rights or only required for temporary purposes. The Applicant considered this to be standard practice and has the advantage of allowing permanent acquisition boundaries to be ascertained by reference to 'as built' drawings and therefore may mean that dispossessed owners can retain some areas of land that it had been anticipated at consent application stage would be acquired compulsorily.

9.4.57. In their DL4 dDCO [REP4-008], following discussions at ISH2, the Applicant amended paragraph (2) of this article to change the period for serving the notice of intended entry to 28 days.

9.4.58. On this basis, we are satisfied that the power is necessary, reasonable and proportionate.

Article 46 – Felling or Lopping of Trees and Removal of Hedgerows

9.4.59. In specific relation to hedgerows, we questioned [PD-008a] the wording which appeared to allow the removal of any hedgerow regardless of whether it had been identified for removal or not.

9.4.60. In its Local Impact Report (LIR) [REP2-068], MDC raised a concern in relation to the trees likely to be impacted by the diverted gas pipeline, especially in circumstances where the impacts of such loss have not been properly assessed by the Applicant. Similarly, they were concerned about the breadth of the power in relation to the removal of hedgerows.

9.4.61. In response the Applicant considered that the ability to remove hedgerows beyond those listed in Schedule 9 was justified [REP2-025]. The Applicant did however make amendments to the dDCO at DL3 [REP3-002] to make the removal of those hedgerows not identified in Schedule 9 to be subject to consultation with the relevant planning authority. In addition, at DL4 [REP4-009] further changes were made to include a reference to a new Part 3 of Schedule 9 authorising works to potentially important hedgerows to ensure that all hedgerows are covered by the dDCO.

9.4.62. On this basis we are satisfied that the power is necessary, reasonable and proportionate.

Article 47 - Trees Subject to Tree Preservation Orders, etc.

9.4.63. We sought explanation [PD-008a] as to why there was no firm commitment to provide replacement trees, with 2(b) only identifying this will take place 'where possible'.

- 9.4.64. In response the Applicant [REP2-025] identified that significant landscaping was proposed, therefore it did not believe that the addition of a requirement to replace all trees in accordance with s206 of the Town and Country Planning Act 1990 was necessary or required.
- 9.4.65. MDC in its LIR [REP2-068] raised a concern over the power to fell or lop trees subject to a TPO, especially as the level of protection provided by the 1990 Act would not be provided under this Article.
- 9.4.66. In response [REP3-018] the Applicant submitted that the powers proposed were justified and proportionate in the context of the need to provide the nationally significant infrastructure within a short time period and within as short a construction period as possible. They considered the provisions of Article 47 to be precedented and found in a large number of made Development Consent Orders.
- 9.4.67. The issue of the relationship with Articles 46, 47 and Schedule 9 with the proposed gas main diversion and the trees was discussed at ISH3. Following these discussions, the Applicant made additional provision in Part 3 of Schedule 9 to the dDCO regarding the proposed works to trees in the Blue Mills area.
- 9.4.68. On the basis of the detail submitted by the Applicant, along with the proposed changes, we are satisfied that the power is necessary, reasonable and proportionate.

Schedules

Schedule 1 (other associated development)

- 9.4.69. As well as providing details of proposed permanent, temporary and utilities works, this Schedule includes a list of 'other associated development', for which no specific location is identified. No submissions were made by IPs in relation to the list.
- 9.4.70. In their EM, the Applicant [REP8-005] considered that the approach was standard practice and referred to the Requirements, including the need to comply with the preliminary design, which was the basis of the assessment.
- 9.4.71. Whilst not providing specific locations for these works, Schedule 1 does ensure that the works will not give rise to any materially new or materially worse environmental effects in comparison with those reported in the ES. On this basis, the ExA is satisfied that this would preserve the integrity of the assessment.

Schedule 2 Part 1 (Requirements)

Introduction

- 9.4.72. There was a significant amount of discussion during the Examination in relation to the proposed Requirements. This resulted in both changes to the wording of those originally submitted by the Applicant, along with the addition of a number of new Requirements.
- 9.4.73. By the close of the Examination, whilst the principle was agreed between the relevant parties on the need for new Requirements, in some instances the precise wording was not. There were also additional Requirements suggested by IPs which the Applicant concluded were not necessary and therefore were not within their final submitted dDCO [REP8-002].

9.4.74. As in previous sections, the ExA have focused on those areas where there was significant discussion during the Examination. Where the precise wording of a Requirement was at issue, or where the need for a new Requirement was opposed by the Applicant, we make recommendations on the exact wording and whether Requirements should be included.

9.4.75. Our recommendations can be found in the rDCO (Appendix D).

Requirement 1 – Interpretation

9.4.76. In response to comments and questions, the Applicant made a number of changes to this Requirement:

- update ‘commence’ to address comments made at hearings and to reflect the submission of a Pre-Commencement Plan [REP5-016] which applies to all pre-commencement works [REP5-004];
- new definition for pre-commencement plan at DL5 [REP5-004];
- new definition of Traffic Signs Manual at DL5 [REP5-004]; and
- inclusion of ‘haul road management plan’ in the definition of the FIEMP at DL6 [REP6-036].

9.4.77. The ExA consider that these changes were helpful and provided further clarity and precision.

Requirement 2 – Time Limits

9.4.78. Following submissions made by ECC [REP3-035 and REP7-049] in relation to the definition of ‘begin’ and its interaction with the terms ‘commence’ and pre-commencement’, the Applicant [REP7-043], provided clarity that the term ‘begin’ would have the same meaning as that established in s154 and s155 of the PA2008. To ensure clarity, a definition to that effect was included within Article 2, Interpretation. We have maintained this definition within our rDCO.

9.4.79. By the end of the Examination, it was still unclear as to whether the Applicant’s amendments were acceptable to ECC. However, on the basis of the discussion that took place at ISH5 and the amendments made to the dDCO at DL7 [REP7-005], the ExA is content that the wording provided in Requirement 2, along with the definition contained in Article 2 is adequate.

Requirement 3 (Second Iteration EMP) and Requirement 4 (Third Iteration EMP)

9.4.80. Following submissions from the EA [RR-011], the Applicant included the EA as a consultee in both versions for the EMP. We consider that the addition is necessary and appropriate given the relevance of the function of EA to matters in the EMP.

9.4.81. Following on from a question asked by ExA about relevant consultees [PD-008a], we recommended [PD-015] that NE should also be added as a consultee. In response [REP2-025] the Applicant submitted that discussions would take place with NE regarding the required separate licences and consents administered by them, therefore there was no need for NE to be included.

9.4.82. Having considered the responses from the Applicant, we are content that there is no need to add NE as a consultee within the Requirement. Our rDCO reflects this.

Requirement 6 – Contaminated land and groundwater

- 9.4.83. Following submissions from the EA [RR-011], the Applicant included the EA as a consultee. [REP3-002]. Further amendments were also made in relation to discussions with the EA on contaminated land at DL4 [REP4-008]. We are content that these additions are necessary and appropriate.

Requirement 7 – Archaeology

- 9.4.84. In their submissions, HE [REP2-060] considered that the outline Written Scheme of Investigation (WSI) referred to in part (3), should be submitted for examination and approval before the grant of the application. In response [REP3-009], the Applicant acknowledged that a WSI, including fully detailed fieldwork methodologies and a timetable for the works would be prepared and submitted to the Local Planning Authority (LPA) and HE for review and approval. This was secured through the FIEMP [REP4-022] and Commitment CH2 of the Register of Environmental Actions and Commitments (REAC) [REP7-015] and was therefore not required in advance of the decision.
- 9.4.85. Considering the response from the Applicant and the measures within the application, we are content that the proposed wording of Requirement 7 is sufficient to address the matter.

Requirement 10 – Detailed Design

- 9.4.86. In section 5.7 of this Report, we set out our considerations of the design issues that arose during the Examination.
- 9.4.87. The adequacy of Requirement 10 as originally drafted, was questioned by a number of parties, including ECC [REP3-035], CCC [REP3-030] and MIAG [REP2-084]. ECCs concerns stemmed from a lack of written assurances that any indications given by the Applicant during the Examination in relation to design refinements would actually be delivered. CCC [REP3-030] were also concerned about its precision, in that the Requirement did not refer to specific plans and documentation relating to design.
- 9.4.88. In our commentary on the dDCO [PD-015], we recommended a number of changes be made to Requirement 10. In summary these were:
- addition of part (c) relating to the design principles; and
 - new paragraph to address the comments with regards to the final design and appearance of the Proposed Development.
- 9.4.89. The Applicant [AS-103], accepted the proposed change in relation to the inclusion of reference to the design principles, but was of the view that the new paragraph was unnecessary as it would delay the delivery of the Proposed Development. The Applicant submitted [AS-103] that Requirement 10, as drafted, provided numerous controls on the detailed design, with it needing to accord with the preliminary scheme design shown on the works plans and the engineering drawings and sections, the principles set out in the environmental masterplan and the scheme design principles.
- 9.4.90. As a result, the Applicant's position [AS-103] was that the Proposed Development was designed in a manner that was consistent with the plans and measures that were the subject of scrutiny and consultation during the Examination. As such, it was only where the detailed design would depart from these measures that the Applicant would be required to seek approval from the SoS.

9.4.91. By the end of the Examination, both ECC [REP7-049] and CCC [REP7-025] wished to see the retention of the ExA's proposed new paragraph.

9.4.92. ECC [REP7-049] also suggested an additional new paragraph to address comments made in relation to Article 16. In response [REP8-014], the Applicant considered that this additional wording was not necessary and would be dealt with through the various technical working groups with the Council which had been established to cover detailed design matters such as bridges, signals and drainage.

ExA considerations on Requirement 10

9.4.93. Considering the importance placed on the delivery of good design in the National Policy Statement for National Networks (NPSNN) (paragraphs 4.28 to 4.35), the ExA conclude that it is important that the final design of the Proposed Development achieves this. The ExA welcomes the changes made during the Examination to include reference to the Design Principles, however the ExA considers that to ensure the delivery of good design, as the detail of the Proposed Development is progressed and completed, further controls are required to ensure the final design meets these aims. Therefore, whilst reference to the Design Principles document, along with drawings and sections, provides a suitable starting position for the consideration of the detailed design, the ExA finds that additional discussions with key stakeholders would be beneficial to ensure the delivery of good design principles in the final scheme.

9.4.94. In terms of the Applicant's concern over potential additional delay, the ExA conclude that there was no substantive evidence to support this. Furthermore, we note that the amended wording has been accepted by the Applicant on other made DCO's, notably A428 Black Cat to Caxton Gibbet Road Improvement Scheme.

9.4.95. On this basis, the ExA therefore considers that, to add precision, it is necessary to add additional wording to Requirement 10. Paragraph 3 of Requirement 10 of the rDCO (Appendix D) reflects this.

9.4.96. With regards to the additional wording suggested by ECC [REP7-049], the ExA find that, on the basis of the response from the Applicant, sufficient measures already exist and that this insertion is neither necessary nor appropriate.

Requirement 11 – Surface and Foul Water Drainage

9.4.97. The Applicant added a provision to this Requirement for consultation with the EA [REP3-002]. We consider that the addition is necessary and appropriate given the relevance of the function of the EA to the matters covered by this Requirement.

Requirement 13 – Noise Mitigation

9.4.98. Following a question from the ExA [PD-008a] in relation to whether the wording should also require the proposed noise mitigation measures to be maintained, the Applicant amended the wording at DL3 [REP3-002]. We consider this addition to be necessary and the ExA are content with the amended wording.

Requirement 14 – Boreham Operational Phase Traffic Mitigation Measures

9.4.99. This Requirement was added by the Applicant during the course of the Examination, following comments from IPs, along with questions from the ExA in relation to the delivery of proposed mitigation measures. We also raised the matter in our commentary on the dDCO [PD-015], where we identified a need for a Requirement.

- 9.4.100. The inclusion of the Requirement, along with the majority of the mitigation measures, was generally supported by the LAs [\[REP7-025\]](#) and [\[REP7-049\]](#), along with Boreham Parish Council (BPC) [\[REP7-030\]](#). CCC [\[REP7-025\]](#) and ECC [\[REP7-049\]](#) considered however that the Applicant had failed to include the associated road narrowing, which they felt was a key part of the overall package, serving to visually reinforce the need to travel at reduced speeds through the Village. ECC proposed an alternative wording to reflect their position [\[REP7-049\]](#). ECC were also of the view, that they and not the SoST should be the approving authority for the details [\[REP7-049\]](#).
- 9.4.101. In response [\[REP8-014\]](#), the Applicant considered that measures in relation to road widening were not required or appropriate and that they would present a hazard to cyclists using the road, by causing them to divert into the path of on-coming vehicles. They therefore maintained their preferred wording [\[REP8-002\]](#).

ExA Considerations on Requirement 14

- 9.4.102. We have already concluded within the Traffic and Transport section that the ExA consider the inclusion of measures to reduce traffic speeds in Boreham to be appropriate and necessary. With regards to the need to include proposed road narrowing, we have also concluded that these are an essential part of the overall package of measures (Section 5.15).
- 9.4.103. In respect of the specific wording of the Requirement, having considered the Applicant's proposed wording, alongside that put forward by ECC, the ExA have come to view that, for reasons of completeness and accuracy, the most appropriate form of words would be to maintain those of the Applicant, but supplemented by the proposed wording from ECC in relation to road widening [\[REP7-049\]](#).
- 9.4.104. Having considered the matter of the approving authority, the ExA are of the view that this should be the SoST, albeit in consultation with the local highway authority. We have not been presented with any substantive evidence to come to a different view.
- 9.4.105. The ExA also considers that the Requirement as drafted lacks certainty in relation to the implementation of the mitigation measures. Given our conclusions in relation to the importance of these measures to our overall findings, the ExA finds that details of implementation should be included within the Requirement.
- 9.4.106. Our rDCO (Appendix D) reflects these conclusions.

Requirement 15 – Messing Operational Phase Traffic Mitigation Measures

- 9.4.107. This Requirement was added by the Applicant following discussions between relevant parties, along with questions from the ExA [\[PD-008a\]](#) and [\[PD-009\]](#). We also raised the matter in our commentary on the dDCO [\[PD-015\]](#), where we suggested the inclusion of a Requirement.
- 9.4.108. Whilst supporting the need for the Requirement, ECC [\[REP6-098\]](#) and [\[REP7-049\]](#) did not consider the measures included within the Applicant's proposed Requirement [\[REP8-002\]](#) to be adequate to mitigate the impacts of J24 and did not reflect its concerns. ECC therefore proposed amended wording [\[REP7-049\]](#). ECC were also of the view, that they and not the SoST should be the approving authority for the details [\[REP7-049\]](#).

ExA Considerations on Requirement 15

- 9.4.109. We have already concluded in the Traffic and Transport section (Section 5.15) that we find, to address the predicted increase in traffic both within Messing and along the A1023, additional mitigation measures are required, and we have set out our conclusions in relation to the adequacy of the measures proposed by the Applicant. Our rDCO (Appendix D) reflects these additional measures.
- 9.4.110. Having considered the matter of the approving authority, the ExA are of the view that this should be the SoST, albeit in consultation with the local highway authority. We have not been presented with any substantive evidence to come to a different view.
- 9.4.111. As with Requirement 14, the ExA also consider it to be imperative that these measures are implemented prior to the Proposed Development becoming operational. Our rDCO (Appendix 4) has been amended to reflect this.
- 9.4.112. The ExA has also recommended an amendment to paragraph (3), where reference is incorrectly made to the B1137. Our rDCO (Appendix 4) has been amended to reflect this.

Requirement 16 – Operational Phase Local Traffic Monitoring

- 9.4.113. The Requirement was added following discussions with ECC who identified seven monitoring locations [\[REP2-055\]](#). ECC made subsequent submissions that the scope of the monitoring should be expanded, and proposed a further 22 locations [\[REP6-100\]](#). These submissions also included details of how a suitable mechanism for agreeing post-opening mitigation could work, along with precedent from other highway DCO proposals.
- 9.4.114. In response, [\[REP8-014\]](#), the Applicant confirmed that it agreed to the seven locations but did not consider the additional 22 locations to be required.
- 9.4.115. In relation to the survey types and methodology, the Applicant considered those proposed by ECC to be disproportionate. Instead, the Applicant proposed:
- Automatic Traffic Counts: 2-week surveys, undertaken once prior to construction, once within a year of scheme opening, and again before the expiry of the third year after scheme opening.
 - Junction turning counts: a 2-day video survey undertaken during the same survey periods as the Automatic Traffic Counts. To be undertaken at two junctions: The Street / Maldon Road (Duke of Wellington) junction, and the junction between the B1023 and the proposed new J24.
 - Traffic speed information would be provided by the Automatic Traffic Count surveys described above, and through GPS data collected by either ECC or existing National Highways (NH) suppliers.
- 9.4.116. Furthermore, the Applicant was of the view [\[REP8-014\]](#) that due to the considerable lead-in time to plan, commission, prepare and undertake traffic surveys, plus constraints on when they can be undertaken, the additional locations would present a programme risk to the Proposed Development.

ExA Considerations on Requirement 16

- 9.4.117. Having reviewed the evidence before us, we welcome the provision and identification of the proposed monitoring locations. In respect of the additional locations proposed by ECC, given our findings in relation to the overall need for the

Proposed Development and the benefits it would bring, we consider that the additional monitoring locations would be likely to result in delay to its delivery.

9.4.118. The ExA are content that the survey approach and methodology proposed by the Applicant is adequate to provide the necessary information in relation to traffic numbers, their speeds and direction of travel, to allow for an understanding of the impact of the Proposed Development.

9.4.119. We do however acknowledge the submission of ECC and their justification for the need for additional monitoring locations. The ExA have therefore made a further provision within the Requirement to allow for monitoring to be undertaken at any other locations that may be subsequently agreed between the parties. Our rDCO (Appendix D) has been amended to reflect this.

Requirement 17 – Pre-commencement Works

9.4.120. This Requirement was added by the Applicant at DL5 [REP5-004] to provide further clarity. The ExA consider this to be a welcome addition and it is included within our rDCO (Appendix D).

Requirement 18 – Junction 21

9.4.121. In response to submissions from ECC [REP5-034] and the submission by the Applicant of a Letter of Intent [AS-060] in relation to J21, we proposed [PD-015] the inclusion of a new Requirement to ensure the proposed measures were secured.

9.4.122. Whilst the principle of a Requirement was agreed by both the Applicant [AS-103] and ECC [REP7-049], there was disagreement from ECC with regards to the specific wording to be included [REP7-049], who proposed revised wording [REP7-049]. ECC were also of the view, that they and not the SoST should be the approving authority for the details [REP7-049].

9.4.123. In response, the Applicant [REP8-014] considered the wording was appropriate and that the works were appropriately described.

ExA Considerations on Requirement 18

9.4.124. We find that the wording as contained within the Applicant's final dDCO [REP8-002] to be appropriate and that the works required to J21 to be adequately described, so as to provide the necessary precision.

9.4.125. Having considered the matter of the approving authority, the ExA are of the view that this should be the SoST, albeit in consultation with the local highway authority. We have not been presented with any substantive evidence to come to a different view.

Requirement 19 – Detrunking

9.4.126. Throughout the Examination, ECC maintained a strong objection to the Applicant's approach towards detrunking. Our consideration of these matters is found at Section 5.15.

9.4.127. ECC [REP5-034] put forward suggested text for a Requirement that would set out the principles for the design, approval and delivery of the detrunked elements. As part of our commentary on the dDCO [PD-015], we agreed and proposed the inclusion of a new Requirement. The Applicant accepted the principle of a Requirement [AS-103], although they did not agree with suggested wording

proposed by ECC [[REP1-002](#), [REP1-009](#), [REP3-012](#), [REP3-021](#), [REP4-056](#), [REP4-057](#), [REP5-002](#) and [REP5-020](#)].

- 9.4.128. As well as providing their preferred wording, ECC [[REP7-049](#)] also provided an alternative to the Applicant's dDCO drafting, which they considered improved the drafting and provided some comfort over financial liabilities. ECC did however stress [[REP7-049](#)] that their strong preference was for the inclusion of their suggested wording.

ExA Considerations on Requirement 19

- 9.4.129. The ExA finds that there is a need for a detrunking Requirement to provide the design details, along with the approval and implementation for this element of the Proposed Development.
- 9.4.130. In relation to the wording, the ExA consider that a number of the elements proposed by ECC such as reducing the width of road, introduction of active travel corridors and enhanced landscaping have considerable merits and, as we have concluded in Section 5.15, would help the Proposed Development to deliver the aims of good design. We note however that these details do not currently form part of the Proposed Development before us and, as such, have not been subject to consultation with local residents. Neither have they been subject to Environmental Impact Assessment (EIA). On this basis, we conclude that we are therefore unable to recommend ECC's proposed wording.
- 9.4.131. We have considered the alternative wording suggested by ECC and we agree that their suggested changes make significant improvements to the wording of the Requirement. In relation to ECC's suggested part (f), the ExA acknowledges the concerns of the Applicant, but conclude that it is reasonable and necessary to include a provision that ECC, as receiving body of the detrunked sections, are content before accepting the liability. Our rDCO (Appendix D) reflects these conclusions.

Requirement 20 – Walking, Cycling and Horse-riding Bridges

- 9.4.132. This Requirement was re-inserted by the Applicant at Deadline (DL) 7 as Requirement 20 [[REP7-005](#)]. It was originally deleted following comments from ECC [[REP3-035](#)].
- 9.4.133. ECC made submissions seeking the re-insertion of the Requirement and provided suggested wording [[REP7-049](#)].

ExA Considerations on Requirement 20

- 9.4.134. Given the timing of the amendment, by the end of the Examination, no further comments were received from ECC on the Applicant's proposed wording. Therefore, it is not clear whether the wording is acceptable to ECC. The ExA have therefore considered the Applicant's final dDCO [[REP8-002](#)] against that suggested by ECC [[REP7-049](#)].
- 9.4.135. The ExA conclude that the inclusion of a reference to Appendix B of the Design Principles, which is listed as a Certified Document, to be both acceptable and an adequate approach to inform the next stage of the design process.
- 9.4.136. Having considered the matter of the approving authority, the ExA are of the view that this should be the SoST, albeit in consultation with the local highway authority.

We have not been presented with any substantive evidence to come to a different view. As a consequence, no changes are proposed with the rDCO (Appendix D).

Requirement 22 – Timing of consultation

- 9.4.137. Further to the insertion of the Requirement 23 (details of consultation), at DL8 [\[REP8-002\]](#), the Applicant proposed a new Requirement 22. In their view [\[REP8-019\]](#) this was necessary so as to:
- provide clarity within the dDCO over the process for the receipt of consultation responses referred to in Requirement 23;
 - ensure that the necessary information was received to enable the report referred to in Requirement 23 to be submitted to the Secretary of State; and
 - ensure that the delivery of the Proposed Development is not unnecessarily delayed.

9.4.138. The ExA considers that the provision of Requirement 22 provides clarity with regards to the approval of further details and will ensure that the Applicant can proceed with certainty in both preparing the detailing design and subsequently implementing the Proposed Development. As such, we consider that this Requirement is a reasonable and necessary addition.

9.4.139. However, as the wording of this Requirement was added into the dDCO on the final day of the Examination, the ExA have not had an opportunity to seek the views of the parties on either its inclusion or the proposed wording. As such, we recommend that the SoS, if they agree with our recommendation, may wish to consult with IPs on this matter before the decision on the DCO is taken.

Requirement 23 – Details of consultation

9.4.140. This Requirement was inserted by the Applicant at DL8 [\[REP8-002\]](#), in response to comments from ECC [\[REP7-049\]](#).

9.4.141. The ExA considers that this provides further clarity with regards to consultation and is therefore a necessary and appropriate addition.

New Requirements

9.4.142. During the Examination, a number of IPs made submissions seeking the inclusion of additional Requirements, which in their DL8 dDCO [\[REP8-002\]](#) the Applicant has not included. In this section we consider these additional requests.

ECC

9.4.143. In their submission [\[REP7-049\]](#), ECC sought the inclusion of the following additional Requirements:

- Pre and post construction surveys.
- Power for ECC to inspect works.
- Road Safety Audit.
- Details of consultation.

9.4.144. In respect of details of consultation, this was inserted by the Applicant as Requirement 23 at DL8 [\[REP8-002\]](#).

9.4.145. At DL8 [REP8-020], ECC confirmed that agreement had been reached in relation to the power to inspect works and, as a result, they were no longer pursuing a Requirement in this regard.

9.4.146. The remaining two suggested Requirements are considered below.

Pre and Post Construction Surveys

9.4.147. ECC welcomed [REP7-049] the Applicant's commitment to carry out surveys through the Outline Construction Traffic Management Plan (oCTMP) [REP6-054], but does not agree with their limited liability. In particular ECC were concerned that without a Requirement, they would be potentially liable to damages caused to highway assets from inappropriate vehicles unintentionally diverting on unsuitable roads. They proposed a new Requirement to address this [REP7-049].

9.4.148. In response [REP8-014], the Applicant referred to the measures contained within the oCTMP [REP6-054] and were of the view that the proposed Requirement was both disproportionate and unworkable.

9.4.149. ExA note the other mechanisms in place as outlined in the oCTMP [REP6-054]. The ExA considers the OCTMP to be well developed, comprehensive and specific. As a consequence, the ExA therefore concludes that there is already sufficient protection in place, along with remediation methods to address the issue. On this basis, the ExA does not consider that an additional requirement is appropriate or necessary.

Road Safety Audit

9.4.150. In their view [REP6-098] ECC considered that they should participate in the Road Safety Audit Process. With regards to identifying a suitable mechanism, ECC were of the view [REP7-049] that a Requirement was appropriate.

9.4.151. Whilst the Applicant agreed that this was a reasonable suggestion [REP8-014], the Applicant considered that a Requirement was not necessary. Instead, they considered that ECC could take sufficient comfort and reassurance from the position outlined in the Statement of Common Ground (SoCG) [REP7-027], where the matter was agreed.

9.4.152. Having reviewed the submission and, given the inclusion of the matter in the agreed SoCG [REP7-027], the ExA conclude that such a Requirement is neither necessary nor appropriate.

Royal London/Edmondson Electrical

9.4.153. We have addressed matters in relation to CA and TP in Chapter 8.

9.4.154. In their submissions [REP3-077], Royal London and Edmondson Electrical Limited (EEL), considered that due to a lack of evidence that reasonable or appropriate alternatives had been considered to justify the grant of rights of access, three new Requirements were required to protect their interests. By the end of the Examination, [REP8-030] they considered that matters had still not been resolved and the Requirements were still needed.

9.4.155. In response [REP4-056], the Applicant considered it was not appropriate to use requirements for restricting compulsory or temporary powers over land at this location to the specific degree that was being sought. Furthermore, the Construction

Traffic Management Plan (CTMP) and Requirement 9 (Traffic Management) provided sufficient protection for highway users.

- 9.4.156. The ExA notes the other mechanisms in place as outlined in the oCTMP [REP6-054]. The ExA considers the oCTMP to be well developed, comprehensive and specific. Therefore, having considered the position of the Parties, the ExA is in agreement with the Applicant and considers that there is sufficient detail in place within the existing application to address the matter. We therefore do not consider that it is necessary or appropriate to add the suggested Requirements into our rDCO.

Other Schedules

Schedule 3 – Classification of Roads

- 9.4.157. Several updates and changes were made to Schedule 3, in particular in relation to Part 6 (Speed Limits) to respond to comments and discussions that took place between the Applicant and ECC during the Examination.
- 9.4.158. ECC [REP6-098] identified a number of locations where they considered changes would be required, to ensure that speed limits complied with the Council's Speed Management Strategy. Subsequent discussions resulted in agreement at eleven of these locations [REP6-098], which required no changes to the Applicant's dDCO, along with a further three where changes were required. However, this left seven locations where the speed limit was not agreed [REP6-098].
- 9.4.159. The Applicant confirmed [REP8-014] that the Traffic Regulation Measures Speed Limits plans were updated at DL7 [REP7-002] to address the majority of the issues raised by ECC. In addition, a narrative associated with speed limits was provided by the Applicant in Appendix B to Applicant's Comments on Information received at DL6 [REP7-045], which directly addressed all of the locations where ECC considered that a change in speed limit and/or highway geometry would be required.
- 9.4.160. In their Schedule of Changes to the dDCO [REP8-019] the Applicant identified that the changes to Schedule 3, Part 6 were requested and agreed with ECC. However, due to the limited time remaining in the Examination, there was no opportunity for ECC to provide confirmation that the additional detail and the amendments to the Traffic Regulation Measures Speed Limits plans and the dDCO had addressed their concerns.
- 9.4.161. In this respect therefore, the ExA considers there to be unresolved issues in relation to identified speed limits. On this basis, we recommend the following:
- If the SoST is minded to make the Order, they may wish to consider seeking the views of the Applicant and ECC in relation to the proposed speed limits identified in Part 6 of Schedule 3.

Schedule 4 – Permanent Stopping up of Highways and Private Means of Access and Provision of New Highways and Private Means of Access

- 9.4.162. A number of changes were made to this Schedule at both DL6 and DL7, to reflect amendments to the design, ensure accuracy and correct typographical errors. Based on these amendments, we are satisfied with Schedule 4 as amended by the Applicant.

Schedules 5, 6, 7 and 8

- 9.4.163. We address Schedules 5, 6, and 7 in Chapter 8 and conclude that no changes are required.
- 9.4.164. With regards to Schedule 8, MDC raised an issue [\[REP8-021\]](#) in relation to wording contained in Part 3 in relation to TPO 07/22 (Blue Mills). We have addressed this in Section 5.17 as it relates directly to the gas main diversion, where we have recommended that the SoST may wish to seek clarification from the Applicant on the exact nature of the works to be carried out within the area subject to TPO 07/22.

Schedule 9 – Hedgerows and Trees

- 9.4.165. Following the submission of a revised Arboricultural Survey Report [\[REP3-008\]](#) and the Supplementary Hedgerow Survey Report [\[REP4-064\]](#), the Applicant made amendments at DL6 [\[REP6-036\]](#) and DL7 [\[REP7-005\]](#) to reflect the changes.
- 9.4.166. Based on the above, we are satisfied with Schedule 9 as amended by the Applicant.

Schedule 10 – Disapplication and Modification of Byelaws

- 9.4.167. No substantive comments or changes were made in relation to this Schedule, and we therefore conclude no changes are required.

Schedule 11 – Protective Provisions

- 9.4.168. Schedule 11 to the dDCO [\[REP8-002\]](#) has Protective Provisions (PPs) for the following Statutory Undertakers (SUs):
- Part 1: Electricity, gas, water and sewage undertakers;
 - Part 2: Electronic Communications Code Networks;
 - Part 3: Anglian Water;
 - Part 4: National Grid Electricity Transmission plc;
 - Part 5: Cadent as gas undertaker; and
 - Part 6: Network Rail.
- 9.4.169. During the course of the Examination, submissions were received from the following SUs:
- Anglian Water [\[RR-054, AS-109, REP2-037, REP2-038, REP4-069, REP5-023, REP7-057\]](#) and [\[REP8-027\]](#);
 - National Grid [\[RR-121, AS-107\]](#) and [\[REP2-090\]](#);
 - Cadent Gas [\[RR-031\]](#) and [\[REP2-042\]](#); and
 - Network Rail [\[RR-045, AS-052, AS-062, REP1-017, REP2-092, REP3-074, REP3-075, REP4-079, REP6-108\]](#) and [\[REP7-056\]](#).
- 9.4.170. By the end of the Examination the position was:
- Anglian Water – retained an objection to dDCO PPs: Schedule 11 Pt.3 Clause 27 (Retained Apparatus) Para. (7) [\[REP8-027\]](#);
 - National Grid Gas - Matters agreed and agreement reach on the form of PPs to be included within the dDCO. Objection withdrawn [\[AS-107\]](#);
 - Cadent – No agreement on PPs, with SoCG identifying them as still under discussion [\[REP7-028\]](#); and
 - Network Rail – PPs agreed, except paragraph 76 and paragraph 80 [\[REP7-056\]](#).

Cadent

- 9.4.171. Whilst an SoCG had been prepared between the parties [REP7-028], Cadent maintained their position [REP2-042] that the dDCO [REP8-002] did not include the specific PPs that they required to prevent serious detriment to their undertaking.
- 9.4.172. In response, the Applicant [REP7-028] considered the PPs for the benefit of Cadent Gas are included within the dDCO [REP8-002] and they were putting in place legal arrangements which are expected to result in Cadent withdrawing their objection to the Proposed Development.
- 9.4.173. By the end of the Examination, no further comments or submissions had been made by Cadent and their objection had not been withdrawn. In this respect therefore, the ExA considers there to be unresolved issues in relation to PPs for Cadent. Therefore, we recommend the following:
- If the SoST is minded to make the Order, they may wish to consider seeking the views of the Applicant and Cadent in relation to the Protective Provisions.

Anglian Water

- 9.4.174. A summary of the changes sought by AW is provided in the below table.

Table 12 Anglian Water Protective Provisions

Provision	AW [REP8-027]	Applicant [REP8-002]
Clause 27 (retained Apparatus) para (7)	<p>(7) For the purposes of sub-paragraph</p> <p>(1) and without prejudice to the generality of the principles set out in that sub-paragraph, works are deemed to be in land near Anglian Water’s apparatus (where it is a pipe) if those works fall within the following distances measured from the medial line of such apparatus:</p> <p>(a) 4 metres (m) where the diameter of the pipe is less than 250 millimetres;</p> <p>(b) 5m where the diameter of the pipe is between 250 and 400 millimetres, and</p> <p>(c) 12m where the diameter of the pipe exceeds 400 millimetres.</p>	<p>7) For the purposes of sub-paragraph</p> <p>(1), works are deemed to be in land near Anglian Water’s apparatus (where it is a pipe) if those works fall within the following distances measured from the medial line of such apparatus:</p> <p>(a) 2.25m where the diameter of the pipe is less than 150 millimetres;</p> <p>(b) 3m where the diameter of the pipe is between 150 and 450 millimetres;</p> <p>(c) 4.5m where the diameter of the pipe is between 451 and 750 millimetres; and</p> <p>(d) 6m where the diameter of the pipe exceeds 750 millimetres.</p>

- 9.4.175. The position of AW [REP5-023, REP7-057 and REP8-027] was that the stand-off distances are required to provide a sufficient working area. AW’s concern was that, for example, the stand-off distances in the dDCO [REP8-002] did not account for wider working areas needed to access deeper pipes. In justifying the need for the

revised distances, AW submitted that it stemmed from a number of shortcomings that had arisen through experiences in addressing their own maintenance and repairs from previous NSIPs that interfaced with their assets.

- 9.4.176. In response [[REP8-014](#)], the Applicant was concerned that the increased stand-off distances had the potential to constrain the ability of the Undertaker to deliver the Proposed Development efficiently, and as such were unable to accept the constraints. In any event, the Applicant confirmed that it would put in place, as a matter of course, reasonable measures to keep AW’s assets safe and secure. This would be considered on an asset-by-asset basis in conjunction with AW and was an obligation under Health and Safety legislation.

ExA Considerations on Anglian Water Protective Provisions

- 9.4.177. Section 127 of PA2008 requires AW to be protected from serious detriment in undertaking its functions. On that basis, whilst we acknowledge the need for sufficient protection for retained AW assets, we consider that the PP as drafted would provide this. These distances, along with the commitment from the Applicant to put in place necessary measures is, in our view, sufficient to ensure they would not result in serious detriment. Moreover, AW, like other road users, will derive some benefit from the improvements in efficiency and capacity of the Strategic Road Network delivered by the Proposed Development and, as a statutory undertaker, it should be obliged to help where appropriate.

- 9.4.178. Consequently, the ExA finds that the drafting contained within the dDCO is appropriate and the ExA concludes the PPs proposed by the Applicant are appropriate and have been included in the rDCO (Appendix D).

Network Rail

- 9.4.179. The below table provides a summary of the changes NR are seeking to the dDCO [[REP8-002](#)].

Table 13 Network Rail Protective Provisions

dDCO reference	Change sought by Network Rail	Applicant’s wording (if relevant)
76(7)(d)	Insert new paragraph - 7)(d) the undertaker shall not allow the use or operation of the authorised development in a manner that has caused or will cause EMI until measures have been taken in accordance with this paragraph to prevent EMI occurring.	
80 (1)	Amend paragraph to read: (1) The undertaker must pay to Network Rail all reasonable costs,	(1) The undertaker must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this Part of

	charges, damages and expenses not otherwise provided for in this Part of this Schedule (subject to article 35 (no double recovery)) which may be occasioned to or	this Schedule (but subject always to the remaining provisions of this paragraph and to article 35 (no double recovery)) which may be occasioned to or reasonably incurred by Network Rail—
80(2)	Delete entire paragraph	
80(3)	Delete entire paragraph	

Paragraph 76

- 9.4.180. NR considers [\[REP7-056\]](#) that the purpose of new paragraph 76(7)(d) is to prevent the commencement of use or operation, until measures have been taken to prevent EMI occurring, rather than to prevent the use or operation of the authorised development once the use or operation has commenced, as interpreted by the Applicant. NR considered the Applicant to have misunderstood its purpose.
- 9.4.181. NR refer [\[REP7-056\]](#) to the preceding paragraph 76(6) which provides that prior to the commencement of operation of the authorised development, the undertaker shall test the use of the authorised development to determine if EMI is caused. Paragraph 76(7) provides that if EMI is caused during this test (which is carried out prior to the commencement of operation) then use or operation of the authorised development cannot commence until measures are taken to prevent EMI occurring. In the view of NR, the addition of 76(7)(d) would ensure that, should EMI occur, the dedication as highway should not take place until any measures are put in place.
- 9.4.182. The Applicant does not agree to the insertion of the wording. They submit that it may be appropriate for other infrastructure schemes such as electricity cables or gas mains where the undertaker has the ability to turn the power off, unlike a highway scheme, where the Applicant does not in the same sense allow the use or operation, as this is constrained by statutory powers and duties, with highway carrying a public right.
- 9.4.183. The Applicant submitted that it may only therefore restrict the use or operation of the highway in circumstances where it has a statutory power to do so. In exercising its powers under the Road Traffic Regulation Act 1984 it must have regard to its duties under Section 122 of the Act and balance the factors specifically set out in that Act. It cannot fetter its statutory discretion in that regard, as that would be unlawful and open any action it took to judicial or statutory review. Equally there is no power to permanently stop up the strategic road network on the basis of EMI being caused.
- 9.4.184. In these circumstances the Applicant considers [\[REP8-014\]](#) that the Interested Party's proposed wording does not work in the context of a highway scheme. The IP is able however to instead rely on paragraphs 70 and 74 of the protective provisions which allow the IP to require protective works to be carried out at the Applicant's expense.
- 9.4.185. In response to the suggestion that the purpose of paragraph 76(7)(d) is to prevent the commencement of use or operation until measures have been taken to prevent EMI from occurring, the Applicant was of the view that nothing in sub-paragraph 76(7) suggests there is a time limitation in relation to when EMI occurs. In their view

[REP8-014] it would apply after the commencement of use of the highway, at which time NH would be simply not be able to prevent the use of the highway.

- 9.4.186. The Applicant referred to sub-paragraph 76(6) itself, which relates to EMI testing. This states that where the tests reveal EMI, the authorised development must cease until measures have been taken to remedy the EMI. As a result, the Applicant considered [REP8-014] that the additional paragraph is self-contained in terms of the cessation of the works and is therefore either duplicative or provides for NH to take steps to prevent use of a highway which go beyond its powers.

ExA considerations on paragraph 76 of Protective Provisions

- 9.4.187. The ExA considers that, paragraph 76 (7) sets out a series of steps to be undertaken should EMI be detected, following an appropriate test being taken in accordance with paragraph 76 (6). The ExA finds that the additional wording would represent a next step in the process, should EMI be encountered. The ExA do not agree that wording would restrict the use or operation of the Proposed Development, but agree with NR, that this relates to the specific instance of bringing it in to use, at which point any EMI issues will have been resolved.

- 9.4.188. However, we agree with the Applicant that paragraph 76 (6) already contains reference to a need to cease to use the undertaker's apparatus that is causing EMI until all measures necessary have been taken to remedy the issue. We also note that this would occur prior to commencement of development, and therefore the Proposed Development would not be a highway at that stage. On this basis, the ExA find that the inclusion of 76(7) (d) as proposed by NR would duplicate measures that already exist and is therefore unnecessary.

- 9.4.189. The ExA therefore finds that there is no reasonable justification for the inclusion of 76 (7)(d).

Paragraph 80

- 9.4.190. In terms of the wording to paragraph 80(1), NR accept that the Applicant's wording does not adversely affect their interests, they did not consider that the proposed wording is necessary and introduced a potential for misinterpretation when the circumstances in which the Applicant is liable are clearly set out in the subsequent subparagraphs.
- 9.4.191. NR is seeking the deletion of paragraph 80(2) and 80(3) from the PPs.
- 9.4.192. In relation to 80(2)(a), NR consider the timeframe to be unnecessary and inappropriate and, they are already required to provide reasonable notice. In relation to 80(2)(a), NR do not consider it to be appropriate for the Applicant to take over disputes between bodies in the rail sector in which it has no experience or expertise. NR also consider that 80(2)(d) would put additional administrative burdens upon them to have regard to the Applicant's representations, and against stress they are the most appropriate body for dealing with rail-related disputes.
- 9.4.193. NR consider the effect of the Applicant's proposed paragraph 80(3) would be to exclude indirect or consequential loss or loss of profit from the scope of the indemnity. There is an express exception from that exclusion, which is where NR is liable for costs to a train operator under an agreement with such operator and where the agreement and the extent of NR's liability has previously been disclosed in writing to the Applicant. NR consider that neither the exclusion nor the exception

make sense in the context of a proper understanding of English common law and the meaning of the relevant terms used in the drafting of paragraph 80(3).

- 9.4.194. NR's view is that proposing the exclusion, the Applicant is seeking to protect itself from losses of which it is unaware. NR consider this to be both misleading and an incorrect statement of common law principles. Common law requires that for losses to be recoverable they must be foreseeable. If they are not foreseeable, then they are not direct or indirect losses and so are not recoverable under law. NR consider that there is no need to expressly exclude liability for loss which is unforeseeable as the law already does that.
- 9.4.195. NR considered the effect of paragraph 80(3) is to exclude the Applicant's liability for losses it might cause to NR which: (a) well established common law says ought to be recoverable as damages in a breach of contract claim; and (b) by definition, the Applicant is in a position to know about. NR contends that it is neither reasonable nor proper that a loss it suffers as a result of the actions of the Applicant which would be recoverable under common law should be excluded from being recoverable under the PPs.
- 9.4.196. NR also notes that the proposed paragraph 80(3) is inconsistent with the position in NR's standard asset protection agreements where indirect and consequential losses are not excluded from the paying party's loss under an indemnity. NR confirmed that those agreements are regulated by the Office of Rail and Road, NR's regulator, and are subject to statutory consultation. NR considered there to be no good reason why the level of protection afforded NR under an asset protection agreement ought to be different from that afforded by the PPs.
- 9.4.197. As a backup NR did propose an alternative set of wording in the event that the ExA or SoS is minded to accept the exclusion of indirect and consequential loss as proposed by the Applicant. NR did however note that such amendment would leave NR open to an element of risk for which it is not funded.
- 9.4.198. NR also noted that costs (losses and expenses) payable by NR to train operators would constitute recoverable direct losses, notwithstanding the inference to the contrary in the drafting of paragraph 80(3) proposed by the Applicant. Paragraph 80(6) of the PPs defines such costs as 'the relevant costs'. It is clear that if the Applicant caused damage or disruption to the railway, NR will be liable to train operators. It is a widely understood and accepted principle that NR is liable to train operators where the railway is not available for use, and so it would be an entirely obvious consequence of breach of the PPs by the Applicant, and therefore constitute a direct loss.
- 9.4.199. By the close of the Examination, the Applicant considered [\[REP8-014\]](#) that the provision followed on from their obligation to pay these costs under paragraph 80(1) and provided a number of safeguards as to how that obligation would work in practice. They consider that the losses which are recoverable should be limited to "direct" losses, meaning the natural result of the breach in the usual course of things.
- 9.4.200. In relation paragraph 80(2) the Applicant considers that the additions ensure that the Applicant is able to be involved when claims are being settled to ensure that public money, for which it is accountable is carefully and properly mitigated and accounted for. Their view was that NR's clause does not include the word 'direct' and would expose the Applicant to 'indirect' (or consequential) losses. This is

essentially loss due to the special circumstances of the case. The Applicant does not consider that it should be made liable for these special losses under the PPs.

9.4.201. The Applicant identified that, although such losses must be foreseeable, the judgment as to what was and was not foreseeable does not just reflect what the Applicant does know, but it also reflects what a third party considers the Applicant should have known. The Applicant wishes to exclude these losses to avoid costly and unnecessary litigation.

9.4.202. In response the NRs reference damages for a breach of contract claim, although enforceable between the parties, the Applicant highlighted that the protective provisions were not contractual clauses. In the Applicant's view, liability for consequential losses is frequently and routinely excluded during contractual negotiations, and this is a normal and established practice and in no way offends the integrity of the common law. Essentially it is up to the parties (or in the absence of agreement the SoS) to determine what the extent of NH's liability should be.

9.4.203. In support of its position, the Applicant referred to a number of other made DCOs that included the Applicant's proposed wording.

ExA considerations on paragraph 80 of Protective Provisions

9.4.204. We have been referred to a number of made Orders where the disputed paragraphs has been both included and excluded, however the ExA find it difficult to make any comparisons with such cases given that the detailed circumstance around each case is not before us.

9.4.205. The ExA do agree with NR that their suggested changes to 80(1) would serve to improve the drafting and legibility of the paragraph and have therefore included the change within our rDCO.

9.4.206. In relation to 80(2) (a), we agree with the Applicant that NR must give the undertaker a reasonable notice period, however we consider that there is no justification for the inclusion of a specific timeframe of 7 days within the provisions. In terms of 80(2)(b), we see no justification in this case for any departure from the use of text that has been used in other DCOs. We acknowledge the submission made by the Applicant [REP8-014] in relation to ensuring that the use of public money is carefully and properly mitigated and accounted for. However, in this instance we accept the submission of NR in relation to the existence of existing contracts in this regard. With respect to 80(d), we agree with NR that they are the most appropriate body to deal with disputes. We therefore conclude that 80(2) would be unreasonable and would be more than adequately covered by a need to give the undertaker written notice.

9.4.207. In relation to 80(3), the ExA accept the submission of the Applicant and their aim of seeking to protect their exposure to indirect or consequential losses. Having reviewed the wording put forward by the Applicant, the ExA concludes that it is appropriate and necessary to include wording in the PPs to address the issue, but we find that the wording put forward by NR to be the most appropriate.

9.4.208. In summary, we do not agree with NR that 80 (2) and (3), should be deleted in its entirety, but should be amended to ensure it appropriately covers the relevant matters. In doing so, we do not consider that NR would suffer from any series detriment as a result of the recommended changes.

9.4.209. We therefore recommend that 80(2) and (3) should be amended to be as follows:

(1) *The undertaker must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule (subject to article 35 (no double recovery)) which may be occasioned to or reasonably incurred by Network Rail...[]*

(2) *Network Rail must –*

(a) *give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of such a claim or demand is to be made without the prior written consent of the undertaker.*

(3) *In no circumstances is the undertaker liable to Network Rail under subparagraph (1) for any indirect or consequential loss that was not in the reasonable contemplation of the parties at the time of making the Order*

9.4.210. Our rDCO (Appendix D) reflects both changes.

Schedule 12 – Documents to be certified.

9.4.211. We have reviewed Schedule 12 as submitted as DL8 [REP8-002]. There were a number of incorrect references to the document revision. In the interests of completeness, we have therefore amended these references. These updates are contained within our rDCO (Appendix D).

9.5. CHANGES TO THE APPLICANT’S FINAL DRAFT DCO

9.5.1. Our reasoning for recommending changes to the final version of the dDCO submitted by the Applicant to the Examination [REP8-002] is set out in the previous section. In this section we summarise the substantial changes included in the rDCO (Appendix D).

Table 14 Summary of ExA’s Recommended Changes to Final dDCO

Provision	Amendment proposed by ExA
Requirement 10 – Detailed design	<p>Insert new (3) as follows:</p> <p><u>(3) No part of the authorised development is to commence until, for that part, a report has been submitted to, and, following consultation with the relevant local planning authority, approved by the Secretary of State, demonstrating that—</u></p> <p><u>(a) the undertaker has engaged with relevant stakeholders on refinements to detailed design for that part of the authorised development;</u></p> <p><u>(b) the undertaker has had regard to the relevant stakeholders’ comments; and</u></p> <p><u>(c) any refinements to the detailed design for that part of the authorised development arising as a result of that engagement should accord with the scheme design approach and design principles.</u></p>
Requirement 14 – Boreham operation	Insert new (e)

<p>phase traffic mitigation measures</p>	<p><u>minor road narrowing (similar to the existing provision at the southern entry to Boreham village) at three new locations:</u></p> <p><u>i. the northern entry to Boreham village;</u></p> <p><u>ii. between the northern entry to Boreham village and Waltham Road; and</u></p> <p><u>iii in the vicinity of the pedestrian entrance to the recreation ground</u></p> <p>Insert new (4)</p> <p><u>(4) No part of the authorised development is to open for public use until the approved scheme has been implemented and delivered by the Undertaker.</u></p>
<p>Requirement 15 – Messing operation phase traffic mitigation measures</p>	<p>Insert new:</p> <p><u>(c) an average speed camera system covering the B1023 between Inworth Road roundabout and the existing 30mph terminal on the northern approach to Tiptree, and a fixed speed camera covering the southbound carriageway north of the Inworth Road roundabout;</u></p> <p><u>(d) widening of pinch points between Perrywood Garden Centre and the B1022 to a minimum carriageway width of 6.1m in line with the approach to other pinch point widening proposals;</u></p> <p><u>(e) measures to improve provision for walking, cycling and horse riding users, as identified in the assessment under subparagraph (2);</u></p> <p><u>(f) narrowing of the entries to Oak Road (both the eastern and western ends), through tightening of entry radii and appropriate landscaping;</u></p> <p><u>(g) priority narrowing measures on Oak Road; and</u></p> <p><u>(h) improved signage at either end of Oak Road to guide through traffic to the B1022/B1023 junction.</u></p> <p>Paragraph (3) – delete ‘for the B1137’</p> <p>Insert new (4):</p> <p><u>No part of the authorised development is to open for public use until the approved scheme has been implemented by the undertaker.</u></p>
<p>Requirement 16 – Operation phase local traffic monitoring</p>	<p>Insert new (h):</p> <p><u>(h) any other locations that are agreed between the undertaker and the local highway authority.</u></p>
<p>Requirement 19 – detrunking</p>	<p>Amend Requirement to read as follows:</p>

	<p>(b) <u>demonstrating details</u> of how the proposals maintain a safe and reliable highway network;</p> <p>(c) <u>details of</u> the provision made for non-car transport modes;</p> <p>(d) <u>demonstrating details of</u> how existing accesses will retain access to the detrunked road;</p> <p>(e) <u>demonstrating details of</u> how existing utilities will be safeguarded;</p> <p>(f) <u>details of</u> landscaping and planting details;</p> <p>(g) <u>details of</u> drainage provision details; and</p> <p>(h) a timetable for implementation of the proposals; <u>and</u></p> <p><u>(i) the agreement of the local highway authority that any highway assets to be transferred to it are in a condition that meets its reasonable satisfaction.</u></p>
Paragraph 80 (1) Schedule 11, Protective Provision	Delete words 'but' and 'always to the remaining provisions of this paragraph and...'
Paragraph 80 (2) Schedule 11, Protective Provision	Delete (a) to (d) and replace with ' <u>give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of such a claim or demand is to be made without the prior written consent of the undertaker.</u> '
Paragraph 80 (3) Schedule 11, Protective Provision	Delete para (3), and sub para (a) and (b) and replace with: <u>'In no circumstances is the undertaker liable to Network Rail under sub-paragraph (1) for any indirect or consequential loss that was not in the reasonable contemplation of the parties at the time of making the Order.'</u>

9.6. OTHER LEGAL AGREEMENTS AND CONSENTS

- 9.6.1. There are no planning obligations proposed to secure any element of the Proposed Development or to manage its onsite or offsite effects. We are content that all necessary security is provided by the DCO and that no planning obligations are required.
- 9.6.2. Details of other consents required to construct, operate and maintain the Proposed Development was set out in the Applicant's Consents and Agreements Position Statement [[REP8-007](#)].
- 9.6.3. During the Examination [[PD-008a](#)] we sought updates on any known impediments, including with respect to other consents. In response the Applicant advised that, to their knowledge, there were no known impediments from its perspective [[REP8-007](#)]. Neither had they been made aware of any in their on-going discussion with the relevant regulatory authorities.

- 9.6.4. Letters of No Impediment were received from NE regards to badgers and bats and were submitted to the Examination by the Applicant [[REP7-019](#)].
- 9.6.5. As a result of their concerns in relation to the proposed use of culverts and the subsequent impact upon water quality, EA objected to the Applicant proposal to disapply the need for FRAPs. As a result, the Applicant will be required to obtain these permits to enable the Proposed Development to proceed. By the close of the Examination, it was unclear whether such consents would be granted, with the EA and Applicant having different opinions over the ability of the EA to re-consider matters that the SoS may already have determined. The EA did however identify that such applications would be considered on their merits [[REP7-058](#)]. Our consideration of these issues is contained in Section 5.16.
- 9.6.6. Matters relating to other consents have been considered throughout the Examination. Given the final position of NE, the LPAs, and the submission of the Applicant, we see no impediments to the delivery of the Proposed Development arising from consents required from these bodies.
- 9.6.7. However, given the position of the EA in relation to water quality matters, we are unable to conclude that, if the DCO is made, there is a reasonable likelihood of outstanding consents in this respect would be granted.
- 9.6.8. We conclude that there are no additional matters arising from or relating to other consents which indicate against the grant of the DCO or for which the DCO should additionally provide.

9.7. CONCLUSIONS

- 9.7.1. We have had regard to all matters forming the application and put before us at the Examination, including the iterations of the dDCO.
- 9.7.2. We have considered the Applicant's final draft dDCO [[REP8-002](#)] and have recommended several changes, which we have included in the rDCO (Appendix D).
- 9.7.3. We are satisfied that the rDCO (Appendix D) adequately defines the scope of the consent being granted and that it secures the necessary controls and mitigation measures that are consistent with the ES.
- 9.7.4. We consider that the rDCO (Appendix D) only includes requirements that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. On that basis we are of the view that paragraph 4.9 of the NPSNN is satisfied.
- 9.7.5. If the SoST is minded to make the DCO, it is recommended to be made in the form set out in Appendix D, subject to SoST being satisfied on the following matters:
- may wish to seek clarification from the Applicant on the exact nature of the works to be carried out within the area subject to Tree Preservation Order 07/22, as set in Schedule 8, part 3 of the rDCO;
 - may wish to consult with IPs on the wording for Requirement 22 of the rDCO;
 - may wish to consider seeking the views of the Applicant and ECC in relation to the proposed speed limits identified in Part 6 of Schedule 3 of the rDCO; and
 - may wish to consider seeking the views of the Applicant and Cadent in relation to the Protective Provisions contained within Schedule 11 of the rDCO.

10. SUMMARY OF FINDINGS AND CONCLUSIONS

10.1. INTRODUCTION

10.1.1. This Chapter provides a summary of our conclusions that arise from the Report as a whole and sets out our recommendation to the Secretary of State for Transport (SoST).

10.2. SUMMARY AND CONCLUSIONS

A12 Chelmsford to A120 widening

10.2.1. Our conclusions are subject to the provisions of the recommended Development Consent Order (rDCO) in Appendix D of this Report and, in relation to sections (s) 104(4), 104(5) and 104(6) of the Planning Act 2008 (PA2008), (subject to the SoST satisfying themselves on the matters identified in Section 10.3.2).

10.2.2. In reaching our conclusions, the ExA has had regard to the matters identified in the Local Impact Reports (LIRs) received from Essex County Council (ECC), Chelmsford City Council (CCC), Colchester City Council (CoCC), Braintree District Council (BDC) and Maldon District Council (MDC), along with all matters that we consider to be both important and relevant.

10.2.3. Whilst the SoST is the competent authority under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and will make the definitive assessment, we conclude that there would be no likely significant effects on the qualifying features of European sites as a result of the Proposed Development, either alone or in combination with other plans and projects. We consider that it is not necessary to undertake an Appropriate Assessment for the Proposed Development. Having taken into account the advice from Natural England (NE), we are satisfied that the SoST has sufficient information available to perform their duties under the Habitats Regulations. We see no reason for HRA matters to prevent the making of the Development Consent Order.

10.2.4. We have considered the case for Compulsory Acquisition (CA) and Temporary Possession (TP) of land and rights sought by the Applicant to implement the Proposed Development. We conclude that the powers sought are necessary to enable the Applicant to complete the Proposed Development. We are satisfied that there is a compelling case in the public interest, that the Applicant has a clear idea of how it intends to use the land, and that adequate funds are available for its completion. On this basis, we find that the CA and TP powers sought by the Applicant are justified, comply with the PA2008, and should therefore be granted.

10.2.5. We have also had regard to the provisions of the Human Rights Act 1998. In some cases, there would be interference with private and family life and home in contravention of Article 8, and interference in the peaceful enjoyment of possessions in contravention of Article 1 of the First Protocol of the Human Rights Act 1998. In relation to Article 6 (entitlement to a fair and public hearing), the Examination has ensured a fair and public hearing.

10.2.6. The weight of national policy in favour of the Proposed Development and the wider public interest qualifies any interference with the human rights affected. The ExA therefore concludes that any interference with human rights arising from the implementation of the Proposed Development would be proportionate and strike a fair balance between the rights of the individual and the public interest.

- 10.2.7. We have had regard to the Public Sector Equality Duty (PSED) and find that the Proposed Development would not harm the interests of persons who share a protected characteristic or have any adverse effect on the relationships between such persons and persons who do not share a protected characteristic. On that basis, we find no breach of the Public Sector Equality Duty.
- 10.2.8. As required by Regulation 3(1) of the Infrastructure Planning (Decisions) Regulations 2010, we have had regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural or historic interest which they possess.
- 10.2.9. Where we have found that there would be harm to the significance of designated and non-designated heritage assets (as set out in Section 5.8), as a result of impacts to their setting, we consider that this would be less than substantial in each instance. In Chapter 7 we conclude that, taking account of the public benefits of the Proposed Development, there is clear and convincing justification for the harm that would result, both individually and collectively, upon designated and non-designated heritage assets. We are satisfied that paragraphs 5.132, 5.134 and 5.135 of the NPSNN and paragraph 202 of the National Planning Policy Framework (NPPF) are complied with.
- 10.2.10. Overall, in our view, the Proposed Development would accord with Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010 relating to the United Nations Environmental Programme Convention on Biological Diversity of 1992.
- 10.2.11. Whilst the Proposed Development would result in the loss of five veteran trees and, due to an increase in nitrogen deposition, would have a significant effect upon Perry's Wood Local Wildlife Site and Perry's Wood Ancient Woodland, we have concluded that these effects are outweighed by the need and the public benefits of the Proposed Development.
- 10.2.12. We have considered all other matters and representations received but have found no other important and relevant matters that would individually or collectively lead to a different recommendation to that set out below.
- 10.2.13. In relation to s104(7) of the PA2008, and with the mitigation proposed through the rDCO in Appendix D to this Report, we consider that the identified adverse impacts arising from the Proposed Development would not outweigh its benefits.

Gas Main Diversion

- 10.2.14. The ExA has concluded that the proposed gas main diversion, which is deemed to be a Nationally Significant Infrastructure Project (NSIP) in its own right, and is delivered under the provisions in this Order, would not conflict with Overarching National Policy Statement for Energy (NPS EN-1) and the National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (NPS EN-4). The ExA has determined that the diversion should be considered an NSIP in the context of the recommendation for the Proposed Development and has examined it accordingly.
- 10.2.15. The ExA has concluded that the diversion is inextricably linked to the delivery of the overall benefits of the Proposed Development and these benefits would outweigh the residual harm of the diversion and consequently the case is made for the gas main diversion under s104(7) of PA2008.

10.3. RECOMMENDATION

- 10.3.1. In relation to s104(2) and s104(3) of the PA2008, we conclude that making the rDCO would be in accordance with the National Policy Statement for National Networks (NPSNN), NPS EN-1 and NPS EN-4, draft NPSNN, relevant development plans and other relevant policy, all of which have been taken into account in this Report.
- 10.3.2. Our findings and conclusions on important and relevant matters are set out in this Report. Our recommendation is subject to the following points on which the SoST may wish to satisfy themselves:
- may wish to consider the changes made in September 2023 to the 2030 targets for the sale of petrol and diesel vehicles;
 - may wish to seek clarification from the Applicant on the exact nature of the works to be carried out within the area subject to Tree Preservation Order 07/22, as set out in Schedule 8, Part 3 of the rDCO;
 - may wish to consult with IPs on the wording for Requirement 22 of the rDCO;
 - may wish to consider seeking the views of the Applicant and ECC in relation to the proposed speed limits identified in Part 6 of Schedule 3 of the rDCO; and
 - may wish to consider seeking the views of the Applicant and Cadent in relation to the Protective Provisions contained within Schedule 11 of the rDCO.
- 10.3.3. Subject to the above, we consider that the Proposed Development meets the tests in s104 of the Planning Act 2008. On that basis, the ExA concludes that the case for the development has been made and we recommend that the Secretary of State for Transport makes the A12 Chelmsford to A120 widening scheme Development Consent Order in the form attached at Appendix D to this Report.

APPENDICES

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APPENDIX A: THE EXAMINATION

APPENDIX A: THE EXAMINATION

The table below lists the main events that occurred during the Examination and the Procedural Decisions taken by the Examining Authority (ExA).

Date	Examination Event
13 December 2022	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Rule 6 letter – Notification of appointment of the ExA, notification of Preliminary Meeting and other Procedural Decisions
3 January 2023	<p>Procedural Deadline A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written submissions on the Examination procedure, including any submissions about the use of virtual methods • Requests to be heard orally at the Preliminary Meeting and the Open Floor Hearings • Suggested locations for site inspections (Accompanied or Unaccompanied), including justifications • The Applicant’s response to as many of the Relevant Representations as practical
11 January 2023	<p>ExA’s Unaccompanied Site Inspection (USI1)</p>
12 January 2023	<p>Preliminary Meeting</p>
12 January 2023	<p>Start of Examination</p>
12 January 2023	<p>Open Floor Hearing 1 (OFH1) Open Floor Hearing 2 (OFH2)</p>
20 January 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Rule 8 letter – Examination Timetable and other Procedural Decisions
23 January 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • ExA’s Written Questions (ExQ1)
30 January 2023	<p>Deadline 1 (D1)</p> <p>For receipt by the ExA of documents from the Applicant only:</p> <ul style="list-style-type: none"> • Applicant’s draft itinerary for ASI • Application Document Tracker • Status of negotiations CA schedule • Status of negotiations with Statutory Undertakers • Additional plans requested by the ExA • Response to submissions by IPs made at OFHs

	<p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on Relevant Representations (RR) • Summaries of all RR exceeding 1500 words • Requests by Interested Parties to be heard at an Open Floor Hearing (OFH) • Written submissions of oral representations made at OFHs • Notification of wish to be an IP from Statutory Parties or Local Authorities • Comments on any submissions accepted by the ExA prior to the Preliminary Meeting • Requests to be heard at a Compulsory Acquisition Hearing (CAH) • Any further information requested by ExA • Comments on any further information/submissions accepted by the ExA
31 January 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Rule 13 and Rule 16 letter – Notification of Hearings and Accompanied Site Inspection
1 February 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Rule 9 and 13 letter – ExA decision on the Applicant’s notice period for forthcoming hearings
13 February 2023	<p>Deadline 2 (D2)</p> <p>For receipt by the ExA of documents from the Applicant only:</p> <ul style="list-style-type: none"> • Draft Statements of Common Ground (SoCG) • Statement of Commonality <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written Representations (WR) and summaries • Responses to ExQ1 • Local Impact Reports (LIR) • Comments on the Applicant’s draft itinerary for the ASI • Any further information requested by the ExA • Comments on any further information requested by the ExA and received by Deadline 1
21 February 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • ExA’s final itinerary for the ASI
28 February 2023	Issue Specific Hearing 1 on Environmental Matters
1 March 2023	Issue Specific Hearing 1 on Environmental Matters (Resumed)
1 March 2023	Issue Specific Hearing 2 on Draft DCO (ISH2) Compulsory Acquisition Hearing 1 (CAH1)

2 March 2023	Accompanied Site Inspection (ASI)
9 March 2023	<p>Deadline 3 (D3)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written submissions of oral representations made at Hearings • Comments on WR • Comments on LIR • Comments on draft SoCG & Statement of Commonality • Comments on responses to ExQ1 • Any further information requested by ExA • Comments on any further information received by the previous deadline
20 March 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • ExA's Second Written Questions (ExQ2)
27 March 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Rule 13 letter – Notification of Hearings
30 March 2023	<p>Receipt by the ExA of:</p> <ul style="list-style-type: none"> • Applicant's notice of intention to make changes to the application
6 April 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • ExA's response to the Applicant's notice of intention to make changes to the application
11 April 2023	<p>Deadline 4 (D4)</p> <p>For receipt by the ExA of documents from the Applicant only:</p> <ul style="list-style-type: none"> • Draft SoCG • Updated Statement of Commonality • Updated Application Document Tracker • Updated BoR and schedule of changes to BoR • Updated Status of negotiations CA schedule • Updated status of negotiations with Statutory Undertakers <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExQ2 • Any further information requested by the ExA • Comments on any further information received <p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • ExA's response to s102a application
26 April 2023	Issue Specific Hearing 3 (ISH3) on Environmental Matters
27 April 2023	Compulsory Acquisition Hearing (CAH2)

	Issue Specific Hearing 4 (ISH4) on the Draft DCO
10 May 2023	<p>Deadline 5 (D5)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written submissions of oral representations made at Hearings • Comments on draft SoCG and Statement of Commonality • Comments on responses to ExQ2 • Any further information requested by ExA • Comments on any further information received
17 May 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • ExA's response to s102a application
22 May 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • ExA's Third Written Questions (ExQ3) • ExA's commentary on, or schedule of changes to, the dDCO
30 May 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Rule 13 letter – Notification of Hearings <p>Receipt by the ExA of:</p> <ul style="list-style-type: none"> • Applicant's formal request to make changes to the application
9 June 2023	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Notification of decision to accept the Applicant's change request
12 June 2023	<p>Deadline 6 (D6)</p> <p>For receipt by the ExA of documents from the Applicant only:</p> <ul style="list-style-type: none"> • Draft SoCG • Updated Statement of Commonality • Updated Application Document Tracker • Updated BoR and schedule of changes to BoR • Updated Status of negotiations CA schedule • Updated status of negotiations with Statutory Undertakers <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExQ3 • Comments on the dDCO • Comments on the RIES • Any further information requested by the ExA • Comments on any further information received
16 June 2023	ExA's Unaccompanied Site Inspection 2 (USI2)
27 June 2023	Issue Specific Hearing 5 (ISH5)

	Compulsory Acquisition Hearing 3 (CAH3)
30 June 2023	Publication by the ExA of: <ul style="list-style-type: none"> • ExA's response to s102a application
3 July 2023	Deadline 7 (D7) For receipt by the ExA of documents from the Applicant only: <ul style="list-style-type: none"> • Closing submissions • Final DCO to be submitted by the Applicant in the SI template with the SI template validation report • Final updated BoR and schedule of changes to BoR • Final SoCG • Final Statement of Commonality of SoCG • List of matters not agreed where SoCG could not be finalised • Final Application Document Tracker • Final Status of Negotiations CA schedule • Final Status of Negotiations with Statutory Undertakers For receipt by the ExA of: <ul style="list-style-type: none"> • Written submissions of oral representations made at Hearings • Comments on draft SoCG & Statement of commonality • Comments on responses to ExQ3 • Any further information requested by ExA • Comments on any further information received by the previous deadline
12 July 2023	Deadline 8 (D8) For receipt by the ExA of: <ul style="list-style-type: none"> • Any further information requested by the ExA • Comments on any further information received by the previous deadline
12 July 2023	Close of Examination
13 July 2023	Publication by the ExA of: <ul style="list-style-type: none"> • Section 99 letter – Notification of completion of the ExA's Examination

APPENDIX B: EXAMINATION LIBRARY

A12 Chelmsford to A120 Widening Scheme

Examination Library

Updated – 22 September 2023

This Examination Library relates to the A12 Chelmsford to A120 Widening Scheme application. The library lists each document that has been submitted to the examination by any party and documents that have been issued by the Planning Inspectorate. All documents listed have been published to the National Infrastructure's Planning website and a hyperlink is provided for each document. A unique reference is given to each document; these references will be used within the Report on the Implications for European Sites and will be used in the Examining Authority's Recommendation Report. The documents within the library are categorised either by document type or by the deadline to which they are submitted.

Please note the following:

- This is a working document and will be updated periodically as the examination progresses.
- Advice under Section 51 of the Planning Act 2008 that has been issued by the Inspectorate, is published to the National Infrastructure Website but is not included within the Examination Library as such advice is not an examination document.
- This document contains references to documents from the point the application was submitted.
- 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.

TR010060 – A12 Chelmsford to A120 Widening Scheme**Examination Library - Index**

Category	Reference
<p>Application Documents</p> <p>As submitted and amended version received before the PM. Any amended version received during the Examination stage to be saved under the Deadline received</p>	APP-xxx
<p>Adequacy of Consultation responses</p>	AoC-xxx
<p>Relevant Representations</p>	RR-xxx
<p>Procedural Decisions and Notifications from the Examining Authority</p> <p>Includes Examining Authority's questions, s55, and post acceptance s51</p>	PD-xxx
<p>Additional Submissions</p> <p>Includes anything accepted at the Preliminary Meeting and correspondence that is either relevant to a procedural decision or contains factual information pertaining to the examination including responses to Rule 6 and Rule 8 letters</p>	AS-xxx
<p>Events and Hearings</p> <p>Includes agendas for hearings and site inspections, audio recordings, responses to notifications and applicant's hearing notices</p>	EV-xxx
<p>Representations – by Deadline</p>	
<p>Procedural Deadline A:</p>	PDA-xxx
<p>Deadline 1:</p> <p>For receipt by the ExA of documents from the Applicant only:</p>	REP1-xxx

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<ul style="list-style-type: none"> - Applicant's draft itinerary for ASI - Application Document Tracker - Status of negotiations CA schedule - Status of negotiations with Statutory Undertakers - Additional plans requested by the ExA - Response to submissions made by IPs at OFHs <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - Comments on Relevant Representations (RR) - Summaries of all RR exceeding 1500 words - Requests by Interested Parties to be heard at an Open Floor Hearing (OFH) - Written submissions of oral representations made at OFHs - Notification of wish to be an IP from Statutory Parties or Local Authorities - Comments on any submissions accepted by the ExA prior to the Preliminary Meeting - Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH) - Requests to be heard at a CAH Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH) <ul style="list-style-type: none"> • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 <ul style="list-style-type: none"> • Comments on any further information/submissions accepted by the ExA 	
<p><u>Deadline 2:</u></p> <p>For receipt by the ExA of documents from the Applicant only:</p> <ul style="list-style-type: none"> - Draft Statements of Common Ground (SoCG) 	<p>REP2-xxx</p>

<p>- Statement of Commonality</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - Written Representations (WR) and summaries - Responses to ExQ1 - Local Impact Report (LIR) - Comments on the Applicant's draft itinerary for the ASI - Any further information requested by ExA <p>Any further information requested by the ExA under Rule 17 of the Examination Rules</p> <ul style="list-style-type: none"> - Comments on any further information received <p>Comments on any further information requested by the ExA and received by Deadline 1</p>	
<p>Deadline 3:</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - Written submissions of oral representations made at Hearings - Comments on WR - Comments on LIR - Comments on draft SoCG & statement of commonality - Comments on responses to ExQ1 - Any further information requested by ExA - Comments on any further information received by the previous deadline 	REP3-xxx
<p>Deadline 4:</p> <p>For receipt by the ExA of documents from the Applicant only:</p> <ul style="list-style-type: none"> - Draft SoCG - Updated Statement of Commonality - Updated Application Document Tracker - Updated BoR and schedule of changes to BoR - Updated Status of negotiations CA schedule - Updated status of negotiations with 	REP4-xxx

<p>Statutory Undertakers</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - Responses to ExQ2 - Any further information requested by ExA - Comments on any further information received 	
<p>Deadline 5:</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - Written submissions of oral representations made at Hearings - Comments on draft SoCG and Statement of Commonality - Comments on responses to ExQ2 - Any further information requested by ExA - Comments on any further information received 	REP5-xxx
<p>Deadline 6</p> <p>For receipt by the ExA of documents from the Applicant only:</p> <ul style="list-style-type: none"> - Draft SoCG - Updated Statement of Commonality - Updated Application Document Tracker - Updated BoR and schedule of changes to BoR - Updated Status of negotiations CA schedule - Updated status of negotiations with Statutory Undertakers <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - Responses to ExQ3 - Comments on the dDCO - Comments on the RIES - Any further information requested by ExA - Comments on any further information received 	REP6-xxx
<p>Deadline 7</p> <p>For receipt by the ExA of documents from the Applicant only:</p>	REP7-xxx

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<ul style="list-style-type: none"> - Closing submissions - Final DCO to be submitted by the Applicant in the SI template with the SI template validation report - Final updated BoR and schedule of changes to BoR - Final SoCG - Final Statement of Commonality of SoCG - List of matters not agreed where SoCG could not be finalised - Final Application Document Tracker - Final Status of Negotiations CA Schedule - Final Status of Negotiations with Statutory Undertakers <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - Written submissions of oral representations made at Hearings - Comments on draft SoCG & statement of commonality - Comments on responses to ExQ3 - Any further information requested by ExA - Comments on any further information requested by the ExA and received by the previous deadline 	
<p>Deadline 8</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - Any further information requested by ExA - Comments on any further information received by the previous deadline 	REP8-xxx
<p>Other Documents</p> <p>Includes s127/131/138 information, s56, s58 and s59 certificates, and transboundary documents</p>	OD-xxx

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APP-006	National Highways 2.2 Works Plans
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APP-013	National Highways 2.4 Classification of Roads Plans - Part 1
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RR-013	Tim Hancock Associates on behalf of Euro Garages Limited and Wolfson Trago Limited
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RR-015	Hallam Land Management
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RR-017	Whirledge & Nott on behalf of Granville Developments
RR-018	Whirledge & Nott on behalf of Andrew Wood and Family
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RR-223	A12 Villages Traffic Action Group (A12VTAG)
Relevant Representation reference numbers which are not in use. These RRs were duplicated within the Examination Library and have been removed.	
RR-036	This reference number is not in use. It was a duplicate of CMS LLP on behalf of Legal & General Investment Management Limited , see RR-035
RR-077	This reference number is not in use. It was a duplicate of East of England Ambulance Service NHS Trust , RR-076
RR-078	This reference number is not in use. It was a duplicate of East of England Ambulance Service NHS Trust , RR-076
RR-098	This reference number not in use. It was a duplicate of Lorna Setter see RR-072
RR-101	This reference number is not in use. It was a duplicate of Christopher Vigrass , see RR-100.
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RR-207	This reference number is not in use. It was a duplicate of Essex County Council , see RR-025
RR-211	This reference number is not in use. It was a duplicate of Marks Tey Parish Council , see RR-064
RR-219	This reference number is not in use. It was a duplicate of Strutt & Parker & Frazer Halls Associates on behalf of Gershwin Park Private Landowners , see RR-080
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RR-037	Police, Fire & Crime Commissioner for Essex
RR-041	WSP on behalf of The Crown Estate
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AS-002	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.2.1 Permanent Works Plans (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-003	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.2.2 Utility Diversions (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-004	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.2.3 Temporary Works Plans (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-005	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.4 Classification of Roads Plans - Part 1 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-006	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.4 Classification of Roads Plans - Part 2 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-007	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.6 Streets, Rights of Way and Access Plans - Part 1 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-008	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.6 Streets, Rights of Way and Access Plans - Part 2 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-009	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.7 Land Plans - Rev 2- These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-010	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.9 General Arrangement Plans - Part 2 (Compressed Format) -

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	These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-011	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.9 General Arrangement Plans - Part 3 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-012	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.9 General Arrangement Plans - Part 4 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-013	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.9 General Arrangement Plans - Part 5 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-014	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.10 De-Trunking and Stopping Up Plans - Part 1 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-015	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.10 De-Trunking and Stopping Up Plans - Part 2 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-016	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.11 Engineering Section Drawings - Part 4 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-017	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.14 Retained and Removed Vegetation Plans - Part 2 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-018	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.15 Construction Phase Plans - Part 1 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-019	National Highways Additional Submission – Response to post-Acceptance s51 advice: 2.15 Construction Phase Plans - Part 2 (Compressed Format) - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
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	Additional Submission – Response to post-Acceptance s51 advice: 3.1 Draft Development Consent Order - Rev 2- These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-021	National Highways Additional Submission – Response to post-Acceptance s51 advice: 4.2 Funding Statement - Rev 2 - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-022	National Highways Additional Submission – Response to post-Acceptance s51 advice: 7.6 Interrelationship Document - Rev 2 - These were published provisionally on 26 September 2022. Accepted by the ExA following appointment on 7 October 2022
AS-023	National Highways Additional Submission - Section 51 and 55 Post DCO-Application Response Cover Letter - Accepted at the discretion of the Examining Authority
AS-024	National Highways Additional Submission - 2.1 Location Plan - Accepted at the discretion of the Examining Authority
AS-025	National Highways Additional Submission - 2.2 Works Plans - Accepted at the discretion of the Examining Authority
AS-026	National Highways Additional Submission - 2.2.1 Permanent Works Plans - Accepted at the discretion of the Examining Authority
AS-027	National Highways Additional Submission - 2.6 Streets, Rights of Way and Access Plans - Part 1 - Accepted at the discretion of the Examining Authority
AS-028	National Highways Additional Submission - 2.6 Streets, Rights of Way and Access Plans - Part 2 - Accepted at the discretion of the Examining Authority
AS-029	National Highways Additional Submission - 2.9 General Arrangement Plans - Part 1 - Accepted at the discretion of the Examining Authority
AS-030	National Highways Additional Submission - 2.9 General Arrangement Plans - Part 2 - Accepted at the discretion of the Examining Authority
AS-031	National Highways Additional Submission - Section 51 and 55 Post DCO-Application Response Cover Letter - Accepted at the discretion of the Examining Authority
AS-032	National Highways Additional Submission - 9.1 Supplementary Bat Survey Report - Accepted at the discretion of the Examining Authority
AS-033	DWD Property Planning on behalf Countryside Zest (Beaulieu Park) LLP

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	Additional Submission accepted at the discretion of the Examining Authority
AS-034	Colchester Model Car Club Additional Submission accepted at the discretion of the Examining Authority
AS-035	Anthony and Angela Carter Additional Submission accepted at the discretion of the Examining Authority
AS-036	National Highways Additional Submission - 9.2 Dormouse Survey Report - Accepted at the discretion of the Examining Authority
AS-037	Roger Wacey Additional Submission - Accepted at the discretion of the Examining Authority
AS-038	Cllr John Spence Additional Submission - Accepted at the discretion of the examining authority
AS-039	Mark East Additional Submissions - Accepted at the discretion of the Examining Authority
AS-040	National Highways Applicant's Request for a reduced notice period under Rule 13(6)
AS-041	Historic England Deadline 2 - Late Submission Accepted by Examining Authority
AS-042	Historic England Deadline 2 - Late Submission Accepted by Examining Authority - Response to ExA First written questions at Deadline 1
AS-043	Colchester Cycling Campaign Additional Submission - Accepted at the discretion of the Examining Authority
AS-044	Essex Ramblers Association Additional Submission - Accepted at the discretion of the Examining Authority
AS-045	Essex Ramblers Association Additional Submission - Accepted at the discretion of the Examining Authority
AS-046	John Holt Additional Submission - Accepted at the discretion of the Examining Authority

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AS-047	Louise Debenham Additional Submission - Accepted at the discretion of the Examining Authority
AS-048	National Highways Additional Submission - Notification of Applicant's Intention to Submit a Change Request to their DCO Application
AS-049	National Highways Additional Submission - Notification of upcoming Change request from the applicant [v2 05/04/23]
AS-050	Mr and Mrs Allen Additional Submission on proposed footbridge at Witham
AS-051	Right Honourable Priti Patel - Member of Parliament for Witham Additional Submission from Rt Hon Priti Patel - Comments on the Proposals for the Gershwin Boulevard Bridge
AS-052	Network Rail Infrastructure Limited Additional Submission - Accepted at the discretion of the Examining Authority
AS-053	National Highways 8.11 Applicants Statement of Common Ground with Maldon District Council
AS-054	Allan Baker Additional Submission - Accepted at the discretion of the Examining Authority
AS-055	Brenda Freeman Additional Submission - Accepted at the discretion of the Examining Authority
AS-056	Essex County Council Additional Submission - Accepted at the discretion of the Examining Authority
AS-057	John Holt Additional Submission - Accepted at the discretion of the Examining Authority
AS-058	John Holt Additional Submission - Accepted at the discretion of the Examining Authority
AS-059	Keith Lomax Additional Submission - Accepted at the discretion of the Examining Authority
AS-060	National Highways Additional Submission - Accepted at the discretion of the Examining Authority
AS-061	Ronald Elliston Additional Submission - Accepted at the discretion of the Examining Authority
AS-062	Addleshaw Goddard LLP on behalf of Network Rail This Additional Submission is Part 2 of the Deadline 2 submission published on 15 February 2023
AS-063	Colchester Cycling Campaign

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	Additional Submission - Accepted at the discretion of the Examining Authority
AS-064	Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council Additional Submission - Accepted at the discretion of the Examining Authority
AS-065	Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council
AS-066	Lynfield Properties Limited Additional Submission – Accepted at the discretion of the Examining Authority
AS-067	Nathan Wacey Additional Submission - Accepted at the discretion of the Examining Authority
AS-068	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 4.1 Statement of Reasons
AS-069	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 7.7 Outline Construction Traffic Management Plan - Appendix B - Permitted and excluded routes for construction vehicles (plans)
AS-070	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Map Book 1- Junction 19 Slip Road - 1 of 1
AS-071	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Transport Assessment Addendum
AS-072	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 3.2 Explanatory Memorandum
AS-073	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Map Book 5 - B1023 Roundabout - Part 1 of 1
AS-074	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 3.1 Draft DCO (Tracked)
AS-075	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 10.14 Consultation Report Annexes
AS-076	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Map Book 3- Replacement Land, Witham - Part 1 of 1
AS-077	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 10.13 Consultation Report
AS-078	ational Highways

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	Additional Submission - Accepted at the discretion of the Examining Authority - 7.9 Replacement Land Statement (Clean)
AS-079	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 7.9 Replacement Land Statement (tracked)
AS-080	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 9.45 Updated Annex A - Statement of Reasons (Clean)
AS-081	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Change Application Cover Letter
AS-082	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 4.3 Book of Reference
AS-083	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Change Application Summary Report
AS-084	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Map Book 4- B1023 Flood Mitigation and Drainage
AS-085	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 3.1 Draft DCO (Clean)
AS-086	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 9.44 BOOK OF REFERENCE - SCHEDULE OF CHANGES AT CHANGE APPLICATION
AS-087	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Schedule of Changes to DCO Application Documents
AS-088	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 7.7 Outline Construction Traffic Management Plan (Tracked)
AS-089	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 9.63 Updated Annex C – Statement of Reasons (Tracked)
AS-090	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 9.63 Updated Annex C – Statement of Reasons (Clean)
AS-091	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Map Book 6 – Junction 25 - Part 2 of 2
AS-092	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Schedule of Changes to draft DCO and Explanatory Memorandum Required for DCO Change Application
AS-093	National Highways

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	Additional Submission - Accepted at the discretion of the Examining Authority - 7.7 Outline Construction Traffic Management Plan (Clean)
AS-094	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Map Book 6 – Junction 25 - Part 1 of 2
AS-095	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 9.45 Updated Annex A - Statement of Reasons (Tracked)
AS-096	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - FLOOD RISK ASSESSMENT ADDENDUM
AS-097	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Application Document Tracker
AS-098	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - ENVIRONMENTAL STATEMENT ADDENDUM
AS-099	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - SURFACE WATER DRAINAGE STRATEGY
AS-100	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - 4.1 Statement of Reasons
AS-101	National Highways Additional Submission - Accepted at the discretion of the Examining Authority - Map Book 2- Anglian Water Pumping Station (Bury Lane, Hatfield Peverel)
AS-102	Forestry Commission Additional Submission - Accepted at the discretion of the Examining Authority
AS-103	National Highways 9.67 Applicants Response ExA dDCO - Additional Submission - Accepted at the discretion of the examining authority
AS-104	National Highways 8.16 Statement of Common Ground with Witham Town Council - Additional Submission - Accepted at the discretion of the examining authority
AS-105	National Highways 8.7 Statement of Common Ground with The Crown Estate Commissioners - Additional Submission - Accepted at the discretion of the examining authority
AS-106	National Highways Deadline 6.1 Cover Letter - Additional Submission - Accepted at the discretion of the examining authority
AS-107	CMS LLP on behalf of National Grid Electricity Transmission plc Additional Submission - Accepted at the discretion of the examining authority
AS-108	Tim Hancock Associates Ltd on behalf of Lynfield Properties Ltd

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	Additional Submission - Accepted at the discretion of the Examining Authority
AS-109	Anglian Water Additional Submission - Accepted at the discretion of the Examining Authority
AS-110	Right Honourable Priti Patel - Member of Parliament for Witham Additional Submission - Accepted at the discretion of the Examining Authority
AS-111	Burgess Salmon LLP on behalf of The Crown Estate Commissioners Additional Submission - Accepted at the discretion of the Examining Authority
AS-112	Holmes and Hills LLP on behalf of Prested Hall - Pegasus Prested Investments Ltd Additional Submission - Accepted at the discretion of the Examining Authority
AS-113	Rosemary Woodgate Additional Submission - Accepted at the discretion of the Examining Authority
AS-114	Maldon District Council Additional Submission - Accepted at the discretion of the Examining Authority
AS-115	Womble Bond Dickinson LLP on behalf of National Highways Additional Submission - Accepted at the discretion of the Examining Authority
AS-116	Allan Baker Additional Submission - Accepted at the discretion of the Examining Authority
Events and Hearings	
Unaccompanied Site Inspections	
EV-001a	Note of Unaccompanied Site Inspection – 11 January 2023
EV-002a	Note of Unaccompanied Site Inspection 2 – 16 June 2023
Preliminary Meeting – 12 January 2023	
EV-001	Recording of Preliminary Meeting - 12 January 2023
EV-002	Preliminary Meeting - Transcript - 12 January 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-002b	Preliminary Meeting note
Open Floor Hearing 1 – 12 January 2023	
EV-003	Recording of Open Floor Hearing 1 - 12 January 2023
EV-004	Open Floor Hearing 1 - Transcript - 12 January 2023

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	This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
Open Floor Hearing 2 – 12 January 2023	
EV-005	Recording of Open Floor Hearing 2 - 12 January 2023
EV-006	Open Floor Hearing 2 - Transcript - 12 January 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
Hearing Agenda	
EV-007	Issue Specific Hearing (ISH1)
EV-008	Issue Specific Hearing (ISH2)
EV-009	Compulsory Acquisition Hearing
EV-010	Accompanied Site Inspection Itinerary - Thursday 2 March
EV-011	Agenda for Issue Specific Hearing 3 (ISH3)
EV-012	Issue Specific Hearing 4 (ISH4)
EV-013	Compulsory Acquisition Hearing 2 (CAH2)
EV-014a	Agenda for Compulsory Acquisition Hearing 3 (CAH3)
EV-015a	Agenda for Issue Specific Hearing 5 (ISH5)
Issue Specific Hearing 1 – 28 February & 1 March 2023	
EV-011a	Recording of Issue Specific Hearing 1 - Session 1 - 28 February 2023
EV-012a	Issue Specific Hearing 1 - Session 1 - Transcript - 28 February 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-013a	Recording of Issue Specific Hearing 1 - Session 2 - 28 February 2023
EV-014	Issue Specific Hearing 1 - Session 2 - Transcript - 28 February 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-015	Recording of Issue Specific Hearing 1 - Session 3 - 28 February 2023
EV-016	Issue Specific Hearing 1 - Session 3 - Transcript - 28 February 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-017	Recording of Issue Specific Hearing 1 - Session 4 - 28 February 2023

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EV-018	Issue Specific Hearing 1 - Session 4 - Transcript - 28 February This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-019	Recording of Issue Specific Hearing 1 - Session 5 - 1 March 2023
EV-020	Issue Specific Hearing 1 - Session 5 - Transcript - 1 March 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-021	Recording of Issue Specific Hearing 1 - Session 6 - 1 March 2023
EV-022	Issue Specific Hearing 1 - Session 6 - Transcript - 1 March 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
Issue Specific Hearing 2 – 1 March 2023	
EV-023	Recording of Issue Specific Hearing 2 - Session 1 - 1 March 2023
EV-024	Issue Specific Hearing 2 - Session 1 - Transcript - 1 March 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
Compulsory Acquisition Hearing 1 - 1 March 2023	
EV-025	Recording of Compulsory Acquisition Hearing 1 - Session 1 - 1 March 2023
EV-026	Compulsory Acquisition Hearing 1 - Session 1 - Transcript - 1 March 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-027	Recording of Compulsory Acquisition Hearing 1 - Session 2 - 1 March 2023
EV-028	Compulsory Acquisition Hearing 1 - Session 2 - Transcript - 1 March 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
Issue Specific Hearing 3 – 26 April 2023	
EV-029	High level Agenda for Issue Specific Hearing 3
EV-030	National Highways Hearing Notice

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EV-031	Recording of Issue Specific Hearing 3 (ISH3) - Session 1 - 26 April 2023
EV-032	Issue Specific Hearing 3 (ISH3) - Session 1 - Transcript - 26 April 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-033	Recording of Issue Specific Hearing 3 (ISH3) - Session 2 - 26 April 2023
EV-034	Issue Specific Hearing 3 (ISH3) - Session 2 - Transcript - 26 April 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-035	Recording of Issue Specific Hearing 3 (ISH3) - Session 3 - 26 April 2023
EV-036	Issue Specific Hearing 3 (ISH3) - Transcript - Session 3 - 26 April 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-037	Recording of Issue Specific Hearing 3 (ISH3) - Session 4 - 26 April 2023
EV-038	Issue Specific Hearing 3 (ISH3) - Session 4 - Transcript - 26 April 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
Issue Specific Hearing 4 – 27 April 2023	
EV-039	Recording of Issue Specific Hearing 4 (ISH4) - Session 1 - 27 April 2023
EV-040	Issue Specific Hearing 4 (ISH4) - Session 1 - Transcript - 27 April 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-041	Recording of Issue Specific Hearing 4 (ISH4) - Session 2 - 27 April 2023
EV-042	Issue Specific Hearing 4 (ISH4) - Session 2 - Transcript - 27 April 2023

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	This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
Compulsory Acquisition Hearing 2 – 27 April 2023	
EV-043	Recording of Compulsory Acquisition Hearing 2 (CAH2) - Session 1 - 27 April 2023
EV-044	Compulsory Acquisition Hearing 2 (CAH2) - Session 1 - Transcript - 27 April 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-045	Recording of Compulsory Acquisition Hearing 2 (CAH2) - Session 2 - 27 April 2023
EV-046	Compulsory Acquisition Hearing 2 (CAH2) - Session 2 - Transcript - 27 April 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-047	National Highways Notice of Hearings in June 2023
Compulsory Acquisition Hearing 3 – 27 June 2023	
EV-048	Recording of Compulsory Acquisition Hearing (CAH3) - Session 1 - 27 June 2023
EV-049	Compulsory Acquisition Hearing (CAH3) - Session 1 - Transcript - 27 June 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-050	Recording of Compulsory Acquisition Hearing (CAH3) - Session 2 - 27 June 2023
EV-051	Compulsory Acquisition Hearing 3 (CAH3) - Session 2 - Transcript - 27 June 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
Issue Specific Hearing 5 – 27 June 2023	
EV-052	Recording of Issue Specific Hearing 5 (ISH5) - Session 1 - 27 June 2023
EV-053	Issue Specific Hearing (ISH5) - Session 1 - Transcript - 27 June 2023

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	This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
EV-054	Recording of Issue Specific Hearing 5 (ISH5) - Session 2 - 27 June 2023
EV-055	Issue Specific Hearing (ISH5) - Session 2 - Transcript - 27 June 2023 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited. The video recording remains as the primary record of the event.
Procedural Deadline A – 03 January 2023	
PDA-001	National Highways Procedural Deadline A Submission - Applicant's Response to Rule 6 Letter of 12 December 2022
PDA-002	National Highways Procedural Deadline A Submission - Suggested locations for site inspections (Accompanied or Unaccompanied), including justifications
PDA-003	National Highways Procedural Deadline A Submission - Requests to be heard orally at the Preliminary Meeting and the Open Floor Hearings
PDA-004	National Highways Procedural Deadline A Submission - 9.3 Applicant's Response to Relevant Representations
PDA-005	Anglian Water Procedural Deadline A Submission - Written submissions on the Examination Procedure, including any submissions about the use of virtual methods
PDA-006	Essex Police Procedural Deadline A Submission - A written submission (Relevant Representation) further to our previous registration as an interested party
PDA-007	Maldon District Council Procedural Deadline A Submission - Written submissions on the Examination Procedure, including any submissions about the use of virtual methods
PDA-008	Maldon District Council Procedural Deadline A Submission - Suggested locations for site inspections (Accompanied or Unaccompanied), including justifications
PDA-009	Andrew Watson and Vivienne Watson Procedural Deadline A Submission - Suggested locations for site inspections (Accompanied or Unaccompanied), including justifications
PDA-010	Essex Local Access Forum (ELAF) Procedural Deadline A Submission - Suggested locations for site inspections (Accompanied or Unaccompanied), including justifications
PDA-011	Feering Parish Council

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	Procedural Deadline A Submission - Suggested locations for site inspections (Accompanied or Unaccompanied), including justifications
PDA-012	CMS Cameron McKenna Nabarro Olswang LLP on behalf of Legal and General Investment Management Limited Procedural Deadline A Submission - Request to be heard at the Compulsory Acquisition Hearings
PDA-013	CMS Cameron McKenna Nabarro Olswang LLP on behalf of Legal and General Investment Management Limited Procedural Deadline A Submission - Written submissions on the Examination Procedure, including any submissions about the use of virtual methods
PDA-014	The Hon J F Strutt on behalf of Lord Rayleighs Farms Ltd Procedural Deadline A Submission - Suggested locations for site inspections (Accompanied or Unaccompanied), including justifications
PDA-015	Lord Rayleighs Farms Ltd Procedural Deadline A Submission - Suggested locations for site inspections (Accompanied or Unaccompanied), including justifications
PDA-016	Mark Cathcart Procedural Deadline A Submission - Suggested locations for site inspections (Accompanied or Unaccompanied), including justifications
PDA-017	Mark Cathcart Procedural Deadline A Submission - Cover Email for the Supporting videos
PDA-018	Mark Cathcart Procedural Deadline A Submission - Supporting video 1
PDA-019	Mark Cathcart Procedural Deadline A Submission - Supporting video 2
PDA-020	Mark Cathcart Procedural Deadline A Submission - Supporting video 3
PDA-021	Mary Ann Lindsay and John Chilcott Lindsay Procedural Deadline A Submission - Written submissions on the Examination Procedure, including any submissions about the use of virtual methods
PDA-022	Messing and Inworth Action Group Limited Procedural Deadline A Submission - Open Floor Hearing 1
PDA-023	Messing and Inworth Action Group Limited Procedural Deadline A Submission - Written submissions on the Examination Procedure, including any submissions about the use of virtual methods
PDA-024	Messing and Inworth Action Group Limited Procedural Deadline A Submission - Requests to be heard orally at the Preliminary Meeting and the Open Floor Hearings
PDA-025	Messing and Inworth Action Group Limited Procedural Deadline A Submission - Suggested locations for site inspections (Accompanied or Unaccompanied), including justifications
PDA-026	Parker Strategic Land Limited

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	Procedural Deadline A Submission - Written submissions on the Examination Procedure, including any submissions about the use of virtual methods
Deadline 1 – 30 January 2023	
For receipt by the ExA of documents from the Applicant only:	
<ul style="list-style-type: none"> - Applicant's draft itinerary for ASI - Application Document Tracker - Status of negotiations CA schedule - Status of negotiations with Statutory Undertakers - Additional plans requested by the ExA - Response to submissions made by IPs at OFHs 	
For receipt by the ExA of:	
<ul style="list-style-type: none"> - Comments on Relevant Representations (RR) - Summaries of all RR exceeding 1500 words - Requests by Interested Parties to be heard at an Open Floor Hearing (OFH) - Written submissions of oral representations made at OFHs - Notification of wish to be an IP from Statutory Parties or Local Authorities - Comments on any submissions accepted by the ExA prior to the Preliminary Meeting - Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH) - Requests to be heard at a CAH 	
Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH)	
<ul style="list-style-type: none"> • Any further information requested by ExA 	
Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010	
<ul style="list-style-type: none"> • Comments on any further information/submissions accepted by the ExA 	
REP1-001	National Highways Deadline 1 Submission - Cover Letter
REP1-002	National Highways Deadline 1 Submission - 9.3 Applicant's Response to Relevant Representations - Rev 2
REP1-003	National Highways Deadline 1 Submission - 9.4 Additional plans requested by the ExA - Rev 1
REP1-004	National Highways Deadline 1 Submission - 9.5 Draft Accompanied Site Inspection - Rev 1
REP1-005	National Highways Deadline 1 Submission - 9.6 Application Document Tracker - Rev 1
REP1-006	National Highways Deadline 1 Submission - 9.7 Scheme Assessment Report Addendum

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REP1-007	National Highways Deadline 1 Submission - 9.8 Status of negotiations Compulsory Acquisition Schedule - Rev 1
REP1-008	National Highways Deadline 1 Submission - 9.9 Status of negotiations with Statutory Undertakers - Rev 1
REP1-009	National Highways Deadline 1 Submission - 9.10 Applicants Response to Open Floor Hearing 1 - Rev 1
REP1-010	National Highways Deadline 1 Submission - 9.11 Junction 19 Surface Water Drainage Design Technical Note to complement Applicant's response to RR-050 - Rev 1
REP1-011	National Highways Deadline 1 Submission - 9.12 Borrow Pits Supplementary Technical Note - Rev 1
REP1-012	National Highways Deadline 1 Submission - 9.13 Applicants Response to Open Floor Hearing 2 - Rev 1
REP1-013	Chelmsford City Council Deadline 1 Submission - Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH)
REP1-014	Environment Agency Deadline 1 Submission - Summaries of all Relevant Representations exceeding 1500 words
REP1-015	Essex County Council Deadline 1 Submission - Response to submissions made by IPs at OFHs
REP1-016	Essex Local Access Forum (ELAF) Deadline 1 Submission - Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH)
REP1-017	Network Rail Infrastructure Limited Deadline 1 Submission - Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH)
REP1-018	Andrew Harding Deadline 1 Submission - Written submissions of oral representations made at Open Floor Hearing (OFH)
REP1-019	Angela Carter and Antony Carter Deadline 1 Submission - Requests to be heard at a CAH (Compulsory Acquisition Hearing)
REP1-020	Angela Carter and Antony Carter Deadline 1 Submission - Response to submissions made by IPs at OFHs
REP1-021	Angela Carter and Antony Carter Deadline 1 Submission - Requests by Interested Parties to be heard at an Open Floor Hearing (OFH)
REP1-022	Boreham Conservation Society

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	Deadline 1 Submission - Any further information requested by the Examining Authority
REP1-023	Boreham Conservation Society Deadline 1 Submission - Comments on Relevant Representations (RR)
REP1-024	Boreham Parish Council Deadline 1 Submission - Written submissions of oral representations made at OFHs - Late Submission - Accepted at the discretion of the Examining Authority
REP1-025	Charles Martin Deadline 1 Submission - Any further information requested by the Examining Authority
REP1-026	Charles Martin Deadline 1 Submission - Additional Information in support of Submission to the Open Floor Hearing (OFH) on 12th January 2023
REP1-027	Feering Parish Council Deadline 1 Submission - Requests by Interested Parties to be heard at an Open Floor Hearing (OFH)
REP1-028	Feering Parish Council Deadline 1 Submission - Written submissions of oral representations made at OFHs
REP1-029	Feering Parish Council Deadline 1 Submission - Written submissions of oral representations made at OFHs
REP1-030	Feering Parish Council Deadline 1 Submission - Written submissions of oral representations made at OFHs
REP1-031	Feering Parish Council Deadline 1 Submission - Written submissions of oral representations made at OFHs
REP1-032	Ian Mahoney Deadline 1 Submission
REP1-033	Kelvedon and Feering Heritage Society Deadline 1 Submission - Comments on Relevant Representations (RR)
REP1-034	CMS LLP on behalf of Legal & General Investment Management Limited Deadline 1 Submission - Requests to be heard at a CAH
REP1-035	Little Braxsted Parish Council Deadline 1 Submission - Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH)
REP1-036	Lynfield Properties Ltd Deadline 1 Submission - Design Query
REP1-037	Mark Cathcart Deadline 1 Submission - Written submissions of oral representations made at the Open Floor Hearing (OFH)
REP1-038	Mark East

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	Deadline 1 Submission - Written submissions of oral representations made at OFHs
REP1-038a	Mark East Chief Planner Newsletter
REP1-039	Mark Tonge Deadline 1 Submission - Written submissions of oral representations made at OFHs
REP1-040	Mark Tonge Deadline 1 Submission - Comments on Relevant Representations (RR)
REP1-041	Mark Tonge Deadline 1 Submission - Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH)
REP1-042	Mark Tonge Deadline 1 Submission - Written submissions of oral representations made at Open Floor Hearing (OFH)
REP1-043	Mark Tonge Deadline 1 Submission - Written submissions of oral representations made at Open Floor Hearing (OFH)
REP1-044	Marks Tey Parish Council Deadline 1 Submission - A12 Widening - Marks Tey Old Rectory Junction - Existing and Proposed
REP1-045	Marks Tey Parish Council Deadline 1 Submission - Comments on the Development Consent Order (DCO)
REP1-046	Mary and John Lindsay Deadline 1 Submission - Written submissions of oral representations made at OFHs
REP1-047	Messing and Inworth Action Group Limited Deadline 1 Submission - Written submissions of oral representations made at Open Floor Hearing (OFH)
REP1-048	Messing and Inworth Action Group Limited Deadline 1 Submission - Clarification on status of MIAG and support
REP1-049	Messing and Inworth Action Group Limited Deadline 1 Submission - Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH)
REP1-050	Messing cum Inworth Parish Council Deadline 1 Submission - Written submissions of oral representations made at the Open Floor Hearing (OFH)
REP1-051	Mr Keith Deal Deadline 1 Submission
REP1-052	Mrs Catherine Thomas Deadline 1 Submission - Horse riding in the vicinity of crossings of proposed road
REP1-053	National Farmers Union Deadline 1 Submission - Requests to be heard at a Compulsory Acquisition Hearing (CAH)

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REP1-054	Nicholle Kingsley (Pinsent Masons LLP) on behalf of Royal London UK Real Estate Fund and Edmundson Electrical Limited Deadline 1 Submission - Requests to be heard at a CAH
REP1-055	Nick Mansell (Pinsent Masons LLP) on behalf of Royal London UK Real Estate Fund and Edmundson Electrical Limited Deadline 1 Submission - Requests to be heard at a CAH
REP1-056	Parker Strategic Land and Henry Robert Siggers Deadline 1 Submission - Requests to be heard at a Compulsory Acquisition Hearing (CAH)
REP1-057	Parker Strategic Land and Henry Robert Siggers Deadline 1 Submission - Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH)
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REP1-062	Roger Wacey Deadline 1 Submission - Comments on Applicant's response to relevant representations RR-061-003
REP1-063	Roger Wacey Deadline 1 Submission - Comments on Applicant's response to relevant representations sub ref RR-061-004
REP1-064	Roger Wacey Deadline 1 Submission - Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH)
REP1-065	Roger Wacey Deadline 1 Submission - Requests to be heard at a CAH
REP1-066	Stanfords Deadline 1 Submission - Requests by Interested Parties to be heard at an Open Floor Hearing (OFH)
REP1-067	Stanfords Deadline 1 Submission - Requests to be heard at a CAH
REP1-068	Tim Pailthorpe Deadline 1 Submission - Comments on Relevant Representations (RR)
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REP1-072	Wickham Bishops Parish Council Deadline 1 Submission - Comments on Relevant Representations (RR)
REP1-073	Wickham Bishops Parish Council Deadline 1 Submission - Comments on Relevant Representations (RR)
<p>Deadline 2 – 13 February 2023</p> <p>For receipt by the ExA of documents from the Applicant only:</p> <ul style="list-style-type: none"> - Draft Statements of Common Ground (SoCG) - Statement of Commonality <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - Written Representations (WR) and summaries - Responses to ExQ1 - Local Impact Report (LIR) - Comments on the Applicant’s draft itinerary for the ASI - Any further information requested by ExA <p>Any further information requested by the ExA under Rule 17 of the Examination Rules</p> <ul style="list-style-type: none"> - Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 1 	
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REP2-002	National Highways Deadline 2 Submission - 7.7 Outline Construction Traffic Management Plan (Tracked) - Rev 02
REP2-003	National Highways Deadline 2 Submission - 7.7 Outline Construction Traffic Management Plan (Clean) - Rev 02
REP2-004	National Highways Deadline 2 Submission - 7.7 Outline Construction Traffic Management Plan - Appendix B - Permitted and excluded routes for construction vehicles (plans)

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REP2-008	National Highways Deadline 2 Submission - 8.2 Statement of Common Ground with the Environment Agency
REP2-009	National Highways Deadline 2 Submission - 8.3 Statement of Common Ground with Historic England
REP2-010	National Highways Deadline 2 Submission - 8.4 Statement of Common Ground with Essex Waterways Limited on behalf of Chelmer and Blackwater Navigation Limited
REP2-011	National Highways Deadline 2 Submission - 8.5 Statement of Common Ground with Network Rail Infrastructure Limited
REP2-012	National Highways Deadline 2 Submission - 8.6 Statement of Common Ground with Messing Cum Inworth Parish Council and Messing Inworth Action Group
REP2-013	National Highways Deadline 2 Submission - 8.7 Statement of Common Ground with The Crown Estate Commissioners
REP2-014	National Highways Deadline 2 Submission - 8.8 Statement of Common Ground with The Brice Family
REP2-015	National Highways Deadline 2 Submission - 8.9 Statement of Common Ground with Colchester City Council
REP2-016	National Highways Deadline 2 Submission - 8.10 Statement of Common Ground with Chelmsford City Council
REP2-017	National Highways Deadline 2 Submission - 8.11 Statement of Common Ground with Maldon District Council
REP2-018	National Highways Deadline 2 Submission - 8.12 Statement of Common Ground with Essex County Council
REP2-019	National Highways Deadline 2 Submission - 8.13 Statement of Common Ground with Cadent Gas Limited
REP2-020	National Highways Deadline 2 Submission - 8.14 Statement of Common Ground with Braintree District Council

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REP2-021	National Highways Deadline 2 Submission - 8.15 Statement of Common Ground with Boreham Parish Council
REP2-022	National Highways Deadline 2 Submission - 8.16 Statement of Common Ground with Witham Town Council
REP2-023	National Highways Deadline 2 Submission - 8.17 Statement of Commonality for Deadline 2
REP2-024	National Highways Deadline 2 Submission - 8.18 Statement of Common Ground with Anglian Water
REP2-025	National Highways Deadline 2 Submission - 9.14 Applicant's Response to the Examining Authority's First Round of Written Questions (ExQ1)
REP2-026	National Highways Deadline 2 Submission - 9.15 Supplementary Badger Survey Report (Confidential)
REP2-027	National Highways Deadline 2 Submission - 9.16 Supplementary Botanical Survey Report
REP2-028	National Highways Deadline 2 Submission - 9.17 Supplementary Reptile Survey Report (Blue Mills)
REP2-029	National Highways Deadline 2 Submission - 9.18 Supplementary Riparian Mammal Survey Report
REP2-030	National Highways Deadline 2 Submission - 9.19 Applicant's Comments on information received at Deadline 1
REP2-031	National Highways Deadline 2 Submission - 9.20 Summary of proposed changes to dDCO to be made at Deadline 3
REP2-032	National Highways Deadline 2 Submission - 9.21 Inclusion of construction and operational maintenance-related greenhouse gas emissions within the BCR Technical Note
REP2-033	National Highways Deadline 2 Submission - 9.22 Materials & Landscaping Palette
REP2-034	National Highways Deadline 2 Submission - 9.23 Tetrattech Reptile Survey Report
REP2-035	Andrew Harding Deadline 2 Submission - Draft Statements of Common Ground (SoCG)
REP2-036	Andrew Watson Deadline 2 Submission - Written Representations (WR) and summaries
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REP2-044	Climate Emergency Policy and Planning (CEPP) Deadline 2 Submission - Written Representations (WR) and summaries
REP2-045	Colchester City Council Deadline 2 Submission - Responses to ExQ1
REP2-045a	Colchester City Council Deadline 2 Submission - D2 Colchester City Council LIR February 2023
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REP2-049	DWD LLP on behalf of Countryside Zest (Beaulieu Park) LLP Deadline 2 Submission - Written Representations (WR) and summaries - Appendix 3
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REP2-058	Essex Local Access Forum (ELAF) Deadline 2 Submission - Written Representations (WR) and summaries
REP2-059	Feering Parish Council Deadline 2 Submission - Written Representations (WR) and summaries
REP2-060	Historic England Deadline 2 Submission - Written Representations (WR) and summaries
REP2-061	Keith Lomax Deadline 2 Submission - Supporting Information. Submission from a non-Interested Party, accepted at the discretion of the Examining Authority
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REP2-064	CMS LLP on behalf of Legal & General Investment Management Limited Deadline 2 Submission - Written Representations (WR) and summaries
REP2-065	Little Braxted Parish Council Deadline 2 Submission - Written Representations (WR) and summaries
REP2-066	Lynfield Properties Ltd Deadline 2 Submission - Written Representations (WR) and summaries
REP2-067	Maldon District Council Deadline 2 Submission - Responses to ExQ1
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REP2-069	Mark Cathcart

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REP2-071	Mark Cathcart Nature cam footage of otter next to his holt
REP2-072	Mark Cathcart) Nature cam footage of a water vole in the reed beds
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REP2-077	Mary Lindsay Deadline 2 Submission - Written Representations (WR) and summaries
REP2-078	Mary Lindsay Deadline 2 Submission - B1023 Accidents updated 2023
REP2-079	Not in use
REP2-080	Mary Lindsay Deadline 2 Submission - Written Representations (WR) and summaries
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REP2-091	Natural England Deadline 2 Submission - Written Representations (WR) and summaries and Response to ExQ1
REP2-092	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited Deadline 2 Submission - Written Representations (WR) and summaries
REP2-093	Oliver Lukies of Strutt & Parker on behalf of Gary and Victoria Woods Deadline 2 Submission - Written Representations (WR) and summaries
REP2-094	Oliver Lukies of Strutt & Parker on behalf of Mr Gerrard and Mrs Jayne Bibbey Deadline 2 Submission - Written Representations (WR) and summaries
REP2-095	Pegasus (Prested) Investments Limited group Deadline 2 Submission - Other: Compulsory purchase hearings
REP2-096	Pegasus (Prested) Investments Limited group Deadline 2 Submission - Written Representations (WR) and summaries
REP2-097	Pegasus (Prested) Investments Limited group Deadline 2 Submission - Other: Compulsory purchase hearings. Duplicate of 'Pegasus (Prested) Investments Limited group - Other-Compulsory purchase hearings' submission
REP2-098	Pegasus (Prested) Investments Limited group Deadline 2 Submission - Comments on the Applicant's draft itinerary for the ASI
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REP2-102	Rosie Woodgate Deadline 2 Submission - Other: resident concern

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REP2-106	Chelmsford City Council Deadline 2 Submission - Local Impact Report (LIR)
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REP2-108	Chelmsford City Council Deadline 2 Submission - Comments on the Applicant's draft itinerary for the ASI
REP2-109	Samantha Mott Deadline 2 Submission - Other: Impact on property Ullswater Maldon Road Witham CM8 1HU
REP2-110	Shoosmiths LLP on behalf of Henry Siggers and Parker Strategic Land Limited Deadline 2 Submission - Written Representations (WR) and summaries
REP2-111	Shoosmiths LLP on behalf of Henry Siggers and Parker Strategic Land Limited (Deadline 2 Submission - Written Representations (WR) and summaries
REP2-112	Stanfords on behalf of J A Bunting & Sons Deadline 2 Submission - Comments on any further information received
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REP2-128	Ulting Overseas Trust Deadline 2 Submission - Written Representations (WR) and summaries
REP2-129	Jones Lang La Salle on behalf of (the 'West Family') Landowners Deadline 2 Submission - Written Representations (WR) and summaries
REP2-130	Witham Town Council Deadline 2 Submission - Written Representations (WR) and summaries
REP2-131	Woodland Trust Deadline 2 Submission - Written Representation. Submission from a non-Interested Party, accepted at the discretion of the Examining Authority
REP2-132	Legal and General Additional Submission accepted at the discretion of the Examining Authority
REP2-133	Legal and General Additional Submission accepted at the discretion of the Examining Authority
<p>Deadline 3 – 9 March 2023</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - Written submissions of oral representations made at Hearings - Comments on WR - Comments on LIR 	

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<ul style="list-style-type: none"> - Comments on draft SoCG & statement of commonality - Comments on responses to ExQ1 - Any further information requested by ExA - Comments on any further information received by the previous deadline 	
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REP3-002	National Highways Deadline 3 Submission - 3.1 Draft DCO (Clean) - Rev 3
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REP3-008	National Highways Deadline 3 Submission - 9.30 Supplementary Arboricultural Survey Report
REP3-009	National Highways Deadline 3 Submission - 9.24 Applicant's Comments on Written Representations
REP3-010	National Highways Deadline 3 Submission - 9.25 Technical Note on Ecological Mitigation
REP3-011	National Highways Deadline 3 Submission - 9.26 Technical Note Gershwin Boulevard Bridge
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REP3-013	National Highways Deadline 3 Submission - 9.28 Written Submission of Oral Case for Issue Specific Hearing 2
REP3-014	National Highways Deadline 3 Submission - 9.29 Written Submission of Oral Case for Compulsory Acquisition Hearing
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REP3-023	National Highways Deadline 3 Submission - 9.39 Borrow Pits Cost Information
REP3-024	National Highways Deadline 3 Submission - 9.40 Schedule of Changes to draft DCO made at Deadline 3
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REP3-026	Boreham Conservation Society Deadline 3 Submission - Written submissions of oral representations made at Hearings
REP3-027	Boreham Conservation Society Deadline 3 Submission - Comments on Local Impact Report (LIR)
REP3-028	Boreham Parish Council Deadline 3 Submission - Written submissions of oral representations made at Hearings
REP3-029	Braintree District Council Deadline 3 Submission - Written submissions of oral representations made at Hearings
REP3-030	Chelmsford City Council Deadline 3 Submission - Written summary of oral representations made to Issue Specific Hearing 1 (ISH1)
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REP3-034	Essex County Council Deadline 3 Submission - B1137 Main Road, Boreham, Technical Note

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REP3-045	John Lindsay Deadline 3 Submission - Written Representations (WR) and summaries
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REP3-061	Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council Deadline 3 Submission - Written submissions of oral representations made at Issue Specific Hearing - Draft DCO
REP3-062	Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council Deadline 3 Submission - Comments on LIR
REP3-063	Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council Deadline 3 Submission - Written submissions of oral representations made at Issue Specific Hearing - Traffic Junction 24
REP3-064	Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council Deadline 3 Submission - Written submissions of oral representations made at Issue Specific Hearing - Cultural Heritage

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REP3-065	Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council Deadline 3 Submission - Written submissions of oral representations made at Hearings relating to the 1.6km buffer zone
REP3-066	Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council Deadline 3 Submission - Written submissions of oral representations made at Issue Specific Hearings
REP3-067	Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council Deadline 3 Submission - Summary of oral submissions made by the Messing and Inworth Action Group Limited ISH2 DCO Hearing
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REP3-074	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited Deadline 3 Submission - Written submissions of oral representations made at Hearings
REP3-075	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited Deadline 3 Submission - Comments on draft SoCG & statement of commonality
REP3-076	Holmes and Hills LLP on behalf of Pegasus Prested Investments Ltd Deadline 3 Submission - Written submissions of oral representations made at Hearings
REP3-077	Pinsent Masons LLP on behalf of Royal London UK Real Estate Fund and Edmundson Electrical Limited Deadline 3 Submission - Written submissions of oral representations made at Hearings

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REP3-078	Roger Wacey Deadline 3 Submission - Written submissions of oral representations made at Hearings
REP3-079	Strutt & Parker Deadline 3 Submission - Written Representations (WR) and summaries
REP3-080	Sue & Alan Russell Deadline 3 Submission - Written Representations (WR) and summaries
REP3-081	Essex County Council Deadline 3 Submission - Detrunking Brochure
REP3-082	Essex County Council Deadline 3 Submission - Detrunking Technical Note
Deadline 4 – 11 April 2023	
For receipt by the ExA of documents from the Applicant only:	
<ul style="list-style-type: none"> - Draft SoCG - Updated Statement of Commonality - Updated Application Document Tracker - Updated BoR and schedule of changes to BoR - Updated Status of negotiations CA schedule - Updated Status of negotiations with Statutory Undertakers 	
For receipt by the ExA of:	
<ul style="list-style-type: none"> - Responses to ExQ2 - Any further information requested by ExA - Comments on any further information received 	
REP4-001	National Highways Deadline 4 Submission - Cover Letter
REP4-002	National Highways Deadline 4 Submission - 2.5 Updated Special Category Land Plans - Rev 2
REP4-003	National Highways Deadline 4 Submission - 2.6 Streets Rights of Way and Access Plans - Part 1
REP4-004	National Highways Deadline 4 Submission - 2.6 Streets Rights of Way and Access Plans - Part 2
REP4-005	National Highways Deadline 4 Submission - 2.7 Updated Land Plans - Rev 3
REP4-006	National Highways Deadline 4 Submission - 2.8 Updated Crown Land Plans - Rev 2
REP4-007	National Highways Deadline 4 Submission - 2.14 Retained and Removed Vegetation Plans Part 2 - Rev 2

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REP4-008	National Highways Deadline 4 Submission - 3.1 Draft DCO (Clean) - Rev 4
REP4-009	National Highways Deadline 4 Submission - 3.1 Draft DCO (Tracked Changes) - Rev 4
REP4-010	National Highways Deadline 4 Submission - 3.2 Explanatory Memorandum (Clean) - Rev 3
REP4-011	National Highways Deadline 4 Submission - 3.2 Explanatory Memorandum (Tracked Changes) - Rev 3
REP4-012	National Highways Deadline 4 Submission - 4.3 Book of Reference - Rev 2
REP4-013	National Highways Deadline 4 Submission - 6.2 - Environmental Statement Fig 7.1 - Cultural Heritage Archaeological Remains
REP4-014	National Highways Deadline 4 Submission - 6.2 - Environmental Statement Fig 7.2 - Cultural Heritage Built Heritage and Historic Landscape
REP4-015	National Highways Deadline 4 Submission - 6.2 - Environmental Statement Figure 2.1 Environmental Masterplan Part 3 - Rev 2
REP4-016	National Highways Deadline 4 Submission - 6.3 Environmental Statement - Appendix 7.9 Cultural Heritage Impact Assessment Summary Tables update for Deadline 4 (Clean) - Rev 2
REP4-017	National Highways Deadline 4 Submission - 6.3 Environmental Statement - Appendix 7.9 Cultural Heritage Impact Assessment Summary Tables update for Deadline 4 (Tracked Changes) - Rev 2
REP4-018	National Highways Deadline 4 Submission - 6.3 - Environmental Statement - Appendix 10.2 - Agricultural Land Classification Survey Report Part 1 - (Clean) - Rev 2
REP4-019	National Highways Deadline 4 Submission - 6.3 - Environmental Statement - Appendix 10.2 - Agricultural Land Classification Survey Report Part 1 - (Tracked Changes) - Rev 2
REP4-020	National Highways Deadline 4 Submission - 6.3 Environmental Statement - Appendix 10.2 - Agricultural Land Classification Survey Report Part 2 - (Clean) - Rev 2
REP4-021	National Highways Deadline 4 Submission - 6.3 Environmental Statement - Appendix 10.2 - Agricultural Land Classification Survey Report Part 2 - (Tracked Changes) - Rev 2
REP4-022	National Highways Deadline 4 Submission - 6.5 First Iteration Environmental Management Plan (Clean) - Rev 2

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REP4-022a	National Highways Deadline 4 Submission - 6.5 First Iteration Environmental Management Plan (Tracked Changes) - Rev 2
REP4-023	National Highways Deadline 4 Submission - 6.5 First Iteration Environmental Management Plan Appendix A: Register of Environmental Actions and Commitments (REAC) - (Clean) - Rev 2
REP4-024	National Highways Deadline 4 Submission - 6.5 First Iteration Environmental Management Plan Appendix A: Register of Environmental Actions and Commitments (REAC) - (Tracked Changes) - Rev 2
REP4-025	National Highways Deadline 4 Submission - 6.5 First Iteration Environmental Management Plan Appendix C: Construction Compound Management Plan (Clean) - Rev 2
REP4-026	National Highways Deadline 4 Submission - 6.5 First Iteration Environmental Management Plan Appendix C: Construction Compound Management Plan (Tracked Changes) - Rev 2
REP4-027	National Highways Deadline 4 Submission - 6.5 First Iteration Environmental Management Plan Appendix M: Soil Handling Management Plan (Clean) - Rev 2
REP4-028	National Highways Deadline 4 Submission - 6.5 First Iteration Environmental Management Plan Appendix M: Soil Handling Management Plan (Tracked Changes) - Rev 2
REP4-029	National Highways Deadline 4 Submission - 6.5 First Iteration Environmental Management Plan Appendix N: Water Management Plan (Clean) - Rev 2
REP4-030	National Highways Deadline 4 Submission - 6.5 First Iteration Environmental Management Plan Appendix N: Water Management Plan (Tracked Changes) - Rev 2
REP4-031	National Highways Deadline 4 Submission - 7.6 Interrelationship Document (Clean) - Rev 4
REP4-032	National Highways Deadline 4 Submission - 7.6 Interrelationship Document (Tracked Changes) - Rev 4
REP4-033	National Highways Deadline 4 Submission - 7.7 - Outline Construction Traffic Management Plan (Clean) - Rev 2
REP4-034	National Highways Deadline 4 Submission - 7.7 - Outline Construction Traffic Management Plan (Tracked Changes) - Rev 2

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REP4-035	National Highways Deadline 4 Submission - 8.1 Statement of Common Ground with Natural England
REP4-036	National Highways Deadline 4 Submission - 8.2 Statement of Common Ground with the Environment Agency
REP4-037	National Highways Deadline 4 Submission - 8.3 Statement of Common Ground with Historic England
REP4-038	National Highways Deadline 4 Submission - 8.4 Statement of Common Ground with Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited
REP4-039	National Highways Deadline 4 Submission - 8.5 Statement of Common Ground with Network Rail Infrastructure Limited
REP4-040	National Highways Deadline 4 Submission - 8.7 Statement of Common Ground with The Crown Estate Commissioners
REP4-041	National Highways Deadline 4 Submission - 8.8 Statement of Common Ground with The Brice Family
REP4-042	National Highways Deadline 4 Submission - 8.9 Statement of Common Ground with Colchester City Council
REP4-043	National Highways Deadline 4 Submission - 8.10 Statement of Common Ground with Chelmsford City Council
REP4-044	National Highways Deadline 4 Submission - 8.12 Statement of Common Ground with Essex County Council
REP4-045	National Highways Deadline 4 Submission - 8.13 Statement of Common Ground with Cadent Gas Limited
REP4-046	National Highways Deadline 4 Submission - 8.14 Statement of Common Ground with Braintree District Council
REP4-047	National Highways Deadline 4 Submission - 8.17 Statement of Commonality - Rev 2
REP4-048	National Highways Deadline 4 Submission - 8.18 Statement of Common Ground with Anglian Water
REP4-049	National Highways Deadline 4 Submission - 8.19 Statement of Common Ground with Hatfield Peverel Parish Council
REP4-050	National Highways Deadline 4 Submission - 8.20 Statement of Common Ground with Essex Police

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REP4-051	National Highways Deadline 4 Submission - 8.21 Statement of Common Ground with The National Farmers Union
REP4-052	National Highways Deadline 4 Submission - 9.6 Application Document Tracker - Rev 2
REP4-053	National Highways Deadline 4 Submission - 9.40 Schedule of Changes to draft DCO (Clean) - Rev 2
REP4-054	National Highways Deadline 4 Submission - 9.40 Schedule of Changes to draft DCO (Tracked Changes) - Rev 2
REP4-055	National Highways Deadline 4 Submission - 9.41 Applicant's Responses to ExQ2 - Rev 2
REP4-056	National Highways Deadline 4 Submission - 9.42 Applicant's Comments on Information received at Deadline 3 - Rev 1
REP4-057	National Highways Deadline 4 Submission - 9.43 A12 Technical Note on De-trunking Proposals - Rev 2
REP4-058	National Highways Deadline 4 Submission - 9.44 Book of Reference Schedule of Changes - Rev 1
REP4-059	National Highways Deadline 4 Submission - 9.45 Updated Annex A - Statement of Reasons - Rev 1
REP4-060	National Highways Deadline 4 Submission - 9.46 A12 Chelmsford to A120 Widening Supplementary Consultation Environment Report November 2021
REP4-061	National Highways Deadline 4 Submission - 9.47 Haul Road Management Plan - Rev 1
REP4-062	National Highways Deadline 4 Submission - 9.48 Appendix G: Draft National Networks National Policy Statement Accordance Table - Rev 1
REP4-063	National Highways Deadline 4 Submission - 9.49 Attenuation Ponds Technical Note - Rev 1
REP4-064	National Highways Deadline 4 Submission - 9.50 Supplementary Hedgerow Survey Report - Rev 1
REP4-065	National Highways Deadline 4 Submission - 9.8 Status of negotiations Compulsory Acquisition Schedule - Rev 1
REP4-066	National Highways Deadline 4 Submission - 9.9 Status of negotiations with Statutory Undertakers (Clean) - Rev 2
REP4-067	National Highways Deadline 4 Submission - 9.9 Status of negotiations with Statutory Undertakers (Tracked Changes) - Rev 2

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REP4-068	REMOVED - DUPLICATE OF REP4-064
REP4-069	Anglian Water Services Deadline 4 Submission - Responses to ExQ2
REP4-070	Boreham Conservation Society Deadline 4 Submission - Comments on any further information received
REP4-071	Braintree District Council Deadline 4 Submission - Responses to ExQ2
REP4-072	Chelmsford City Council Deadline 4 Submission - Responses to ExQ2
REP4-073	Climate Emergency Policy and Planning Deadline 4 Submission - Comments on any further information received
REP4-074	Environment Agency Deadline 4 Submission - Responses to ExQ2
REP4-075	Essex County Council Deadline 4 Submission - Responses to ExQ2 and comments on other matters at Deadline 4
REP4-076	Historic England Deadline 4 Submission - Responses to ExQ2
REP4-077	Maldon District Council Deadline 4 Submission - Cover Letter
REP4-078	Natural England Deadline 4 Submission - Responses to ExQ2
REP4-079	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited Deadline 4 Submission - Responses to ExQ2
REP4-080	Witham Town Council Deadline 4 Submission - Responses to ExQ2
REP4-081	Cllr Paul Thorogood Deadline 4 Submission - Comments on any further information received
REP4-082	DWD LLP on behalf of Countryside Zest (Beaulieu Park) LLP Deadline 4 Submission - Responses to ExQ2
REP4-083	Jordan Hallam and Rosalind Bay Deadline 4 Submission - Comments on any further information received
REP4-084	CMS LLP on behalf of Legal and General Investment Management Ltd Deadline 4 Submission - Responses to ExQ2
REP4-085	Mark East Deadline 4 Submission - Any further information requested by ExA
REP4-086	Mark East Deadline 4 Submission - DEFRA's Clean Air Strategy 2019
REP4-087	Mary Lindsay and John Lindsay Deadline 4 Submission - Responses to ExQ2

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REP4-088	Messing-cum-Inworth Parish Council and Messing and Inworth Action Group Deadline 4 Submission - Responses to ExQ2
REP4-089	Messing-cum-Inworth Parish Council and Messing and Inworth Action Group (Deadline 4 Submission - Responses to ExQ2 - MIAG- report on summary benefits of the Main Alternative
REP4-090	Messing-cum-Inworth Parish Council and Messing and Inworth Action Group Deadline 4 Submission - Responses to ExQ2 - Report on the Design of the Main Alternative For Junction 24
REP4-091	Messing-cum-Inworth Parish Council and Messing and Inworth Action Group Deadline 4 Submission - Responses to ExQ2
REP4-092	Messing-cum-Inworth Parish Council and Messing and Inworth Action Group Deadline 4 Submission - Responses to ExQ2
REP4-093	National Farmers Union Deadline 4 Submission - Responses to ExQ2
REP4-094	Royal London UK Real Estate Fund and Edmundson Electrical Limited Deadline 4 Submission - Responses to ExQ2
REP4-095	Shoosmiths LLP on behalf of Parker Strategic Land and Henry Robert Siggers Deadline 4 Submission - Comments on any further information received
REP4-096	Tiptree Parish Council Deadline 4 Submission - Comments on any further information received
Deadline 5 – 10 May 2023	
For receipt by the ExA of: <ul style="list-style-type: none"> - Written submissions of oral representations made at Hearings - Comments on draft SoCG and Statement of Commonality - Comments on responses to ExQ2 - Any further information requested by ExA - Comments on any further information received 	
REP5-001	National Highways Deadline 5 Submission - Cover Letter
REP5-002	National Highways Deadline 5 Submission - Comments on any further information received
REP5-003	National Highways Deadline 5 Submission - Comments on responses to ExQ2
REP5-004	National Highways Deadline 5 Submission - 3.1 A12 Chelmsford to A120 Widening DCO at D5 (clean)

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REP5-005	National Highways Deadline 5 Submission - 3.1 A12 Chelmsford to A120 Widening DCO at D5 (tracked)
REP5-006	National Highways Deadline 5 Submission - 3.1 Comparison of DCO from SUBMISSION TO DEADLINE 5
REP5-007	National Highways Deadline 5 Submission - 3.1 VALIDATED REPORT - DEADLINE 5 DCO
REP5-008	National Highways Deadline 5 Submission - 3.2 Explanatory Memorandum D5 (Clean)
REP5-009	National Highways Deadline 5 Submission - 3.2 Explanatory Memorandum D5 (Tracked Changes)
REP5-010	National Highways Deadline 5 Submission - 4.1 Statement of Reasons (Clean)
REP5-011	National Highways Deadline 5 Submission - 4.1 Statement of Reasons (Tracked)
REP5-012	National Highways Deadline 5 Submission - 7.10 Design Principles D5 Clean
REP5-013	National Highways Deadline 5 Submission - 7.10 Design Principles D5 tracked
REP5-014	National Highways Deadline 5 Submission - 9.40 Schedule of Changes to draft DCO made at Deadline 5
REP5-015	National Highways Deadline 5 Submission - 9.56 Borrow Pits Summary Report
REP5-016	National Highways Deadline 5 Submission - 9.57 Precommencement plan
REP5-017	National Highways Deadline 5 Submission - 9.58 Appendix H & I Energy NPS Accordance Tables
REP5-018	National Highways Deadline 5 Submission - 9.59 National Highways and Essex County Council – Draft Requirements Matrix
REP5-019	National Highways Deadline 5 Submission - 9.8 Status of negotiations CA schedule - Update since Deadline 4
REP5-020	National Highways Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-021	National Highways Deadline 5 Submission - Written submissions of oral representations made at Hearings 1
REP5-022	National Highways Deadline 5 Submission - Written submissions of oral representations made at Hearings 2

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REP5-023	Anglian Water Services Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-024	Boreham Conservation Society Deadline 5 Submission - Comments on any further information received
REP5-025	Boreham Conservation Society Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-026	Braintree District Council Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-027	Chelmsford City Council Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-028	Chelmsford City Council Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-029	Chelmsford City Council Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-030	Environment Agency (PDF, 303 KB) Deadline 5 Submission - Any further information requested by ExA
REP5-031	Environment Agency Deadline 5 Submission - Comments on any further information received
REP5-032	Environment Agency Deadline 5 Submission - Any further information requested by ExA
REP5-033	Essex County Council Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-034	Essex County Council Deadline 5 Submission - Draft requirement matrix with National Highways
REP5-035	Essex Local Access Forum (ELAF) Deadline 5 Submission - Comments on any further information received
REP5-036	Historic England Deadline 5 Submission Historic England - Written submissions of oral representations made at Hearings
REP5-037	Stanfords on behalf of J A Bunting & Sons Deadline 5 Submission - General Representation and Written submission of oral representations made at Hearings
REP5-038	Keith Lomax Deadline 5 Submission - Written submissions of oral representations made at Hearings - Accepted at the discretion of the Examining Authority

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REP5-039	Tim Hancock Associates Ltd on behalf of Lynfield Properties Ltd Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-040	Maldon District Council Deadline 5 Submission - Cover Letter
REP5-041	Maldon District Council Deadline 5 Submission - Comments on responses to ExQ2
REP5-042	Maldon District Council Deadline 5 Submission - Comments on draft SoCG and Statement of Commonality
REP5-043	Maldon District Council Deadline 5 Submission - Any further information requested by ExA
REP5-044	Maldon District Council Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-045	Mary Ann Lindsay Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-046	Mary Ann Lindsay Deadline 5 Submission - Written submissions of oral representations made at Hearings - Final Comments re CAH2
REP5-047	Messing and Inworth Action Group Limited Deadline 5 Submission - Response to Proposed Scheme Changes - Comments on any further information received
REP5-048	Mr Mark David Cathcart Deadline 5 Submission - Comments on any further information received
REP5-049	Nigel Free Deadline 5 Submission - Comments on any further information received
REP5-050	Shoosmiths LLP on behalf of Parker Strategic Land and Henry Robert Siggers Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-051	Pat Dunphy Deadline 5 Submission - Comments on any further information received
REP5-052	Ray Strudwick Deadline 5 Submission - Written submissions of oral representations made at Hearings
REP5-053	Martin Woodgate on behalf of Rosemary Woodgate Deadline 5 Submission - Comments on any further information received
REP5-054	Pinsent Masons LLP on behalf of Royal London UK Real Estate Fund and Edmundson Electrical Limited (PDF, 25 KB)
REP5-055	Terling and Fairstead Parish Council Deadline 5 Submission - Comments on responses to ExQ2

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Deadline 6 - 12 June 2023

For receipt by the ExA of documents from the Applicant only:

- Draft SoCG
- Updated Statement of Commonality
- Updated Application Document Tracker
- Updated BoR and schedule of changes to BoR
- Updated Status of negotiations CA schedule
- Updated status of negotiations with Statutory Undertakers

For receipt by the ExA of:

- Responses to ExQ3
- Comments on the dDCO
- Comments on the RIES
- Any further information requested by ExA
- Comments on any further information received

REP6-001	National Highways Deadline 6 Submission - Cover Letter
REP6-002	National Highways Deadline 6 Submission - 2.1 Location Plan
REP6-003	National Highways Deadline 6 Submission - 2.2 Works Plans
REP6-004	National Highways Deadline 6 Submission -2.2.1 Permanent Works Plans
REP6-005	National Highways Deadline 6 Submission - 2.2.2 Utility Diversions
REP6-006	National Highways Deadline 6 Submission - 2.2.3 Temporary Works Plans
REP6-007	National Highways Deadline 6 Submission - 2.3.1 Traffic Regulation Measures Speed Limits
REP6-008	National Highways Deadline 6 Submission - 2.3.2 Traffic Regulation Measures Movement Restrictions
REP6-009	National Highways Deadline 6 Submission - 2.3.3 Revocation of Existing Traffic Orders
REP6-010	National Highways Deadline 6 Submission - 2.4 Classification of Roads Plans - Part 1
REP6-011	National Highways Deadline 6 Submission - 2.4 Classification of Roads Plans - Part 2
REP6-012	National Highways Deadline 6 Submission - 2.5 Special Category Land Plans
REP6-013	National Highways Deadline 6 Submission - 2.6 Streets, Rights of Way and Access Plans - Part 1
REP6-014	National Highways

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	Deadline 6 Submission - 2.6 Streets, Rights of Way and Access Plans - Part 2
REP6-015	National Highways Deadline 6 Submission - 2.7 Land Plans
REP6-016	National Highways Deadline 6 Submission - 2.8 Crown Land Plans
REP6-017	National Highways Deadline 6 Submission - 2.9 General Arrangement Plans - Part 1
REP6-018	National Highways Deadline 6 Submission - 2.9 General Arrangement Plans - Part 2
REP6-019	National Highways Deadline 6 Submission - 2.9 General Arrangement Plans - Part 3
REP6-020	National Highways Deadline 6 Submission - 2.9 General Arrangement Plans - Part 4
REP6-021	National Highways Deadline 6 Submission - 2.9 General Arrangement Plans - Part 5
REP6-022	National Highways Deadline 6 Submission - 2.10 De-trunking and Stopping Up Plans - Part 1
REP6-023	National Highways Deadline 6 Submission - 2.10 De-trunking and Stopping Up Plans - Part 2
REP6-024	National Highways Deadline 6 Submission - 2.11 Engineering Section Drawings - Part 1
REP6-025	National Highways Deadline 6 Submission - 2.11 Engineering Section Drawings - Part 2
REP6-026	National Highways Deadline 6 Submission - 2.11 Engineering Section Drawings - Part 3
REP6-027	National Highways Deadline 6 Submission - 2.11 Engineering Section Drawings - Part 4
REP6-028	National Highways Deadline 6 Submission - 2.12 Structures Engineering Drawings and Sections - Part 1
REP6-029	National Highways Deadline 6 Submission - 2.12 Structures Engineering Drawings and Sections - Part 2
REP6-030	National Highways Deadline 6 Submission - 2.13 Drainage and Surface Water Plans - Part 1
REP6-031	National Highways Deadline 6 Submission - 2.13 Drainage and Surface Water Plans - Part 2
REP6-032	National Highways Deadline 6 Submission - 2.14 Retained and Removed Vegetation Plans - Part 1
REP6-033	National Highways Deadline 6 Submission - 2.14 Retained and Removed Vegetation Plans - Part 2

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REP6-034	National Highways Deadline 6 Submission -2.15 Construction Phase Plans - Part 1
REP6-035	National Highways Deadline 6 Submission -2.15 Construction Phase Plans - Part 2
REP6-036	National Highways Deadline 6 Submission - 3.1 Draft DCO (Clean) - Rev 7
REP6-037	National Highways Deadline 6 Submission - 3.1 Draft DCO (Tracked) - Rev 7
REP6-038	National Highways Deadline 6 Submission - 3.2 Explanatory Memorandum (Clean) - Rev 4
REP6-039	National Highways Deadline 6 Submission - 3.2 Explanatory Memorandum (Tracked) - Rev 4
REP6-040	National Highways Deadline 6 Submission - 4.1 Statement of Reasons (Clean) - Rev 4
REP6-041	National Highways Deadline 6 Submission - 4.1 Statement of Reasons (Tracked) - Rev 4
REP6-042	National Highways Deadline 6 Submission - 4.3 Book of Reference - Rev 4
REP6-043	National Highways Deadline 6 Submission - 6.2 Environmental Statement Figure 2.1 Environmental Masterplan - Part 1
REP6-044	National Highways Deadline 6 Submission - 6.2 Environmental Statement Figure 2.1 Environmental Masterplan - Part 2
REP6-045	National Highways Deadline 6 Submission - 6.2 Environmental Statement Figure 2.1 Environmental Masterplan - Part 3
REP6-046	National Highways Deadline 6 Submission - 6.2 Environmental Statement Figure 2.2 Illustrative Cross sections - Part 1
REP6-047	National Highways Deadline 6 Submission - 6.2 Environmental Statement Figure 2.2 Illustrative Cross Sections - Part 2
REP6-048	National Highways Deadline 6 Submission - 6.2 Environmental Statement, Figure 10.2, Version PO2
REP6-049	National Highways Deadline 6 Submission - 6.2 Environmental Statement, Figure 13.3, Version PO2
REP6-050	National Highways Deadline 6 Submission - 6.3 Environmental Statement Appendix 7.7 Archaeological Trial Trenching Final Report - Part 1
REP6-051	National Highways Deadline 6 Submission - 6.3 Environmental Statement Appendix 7.7 Archaeological Trial Trenching Final Report - Part 2

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REP6-052	National Highways Deadline 6 Submission - 6.5 First Iteration Environmental Management Plan - Appendix A: Register of Environmental Actions and Commitments (REAC) (Clean) - Rev 3
REP6-053	National Highways Deadline 6 Submission - 6.5 First Iteration Environmental Management Plan - Appendix A: Register of Environmental Actions and Commitments (REAC) (Tracked) - Rev 3
REP6-054	National Highways Deadline 6 Submission - 7.7 Outline Construction Traffic Management Plan (Clean) - Rev 5
REP6-055	National Highways Deadline 6 Submission - 7.7 Outline Construction Traffic Management Plan (Tracked) - Rev 5
REP6-056	National Highways Deadline 6 Submission - 7.9 Replacement Land Statement (Clean) - Rev 3
REP6-057	National Highways Deadline 6 Submission - 7.9 Replacement Land Statement (Tracked) - Rev 3
REP6-058	National Highways Deadline 6 Submission - 7.10 Design Principles (Clean)
REP6-059	National Highways Deadline 6 Submission - 7.10 Design Principles (Tracked)
REP6-060	National Highways Deadline 6 Submission - 8.1 Statement of Common Ground with Natural England
REP6-061	National Highways Deadline 6 Submission - 8.2 Statement of Common Ground with the Environment Agency
REP6-062	National Highways Deadline 6 Submission - 8.3 Statement of Common Ground with Historic England
REP6-063	National Highways Deadline 6 Submission - 8.4 Statement of Common Ground with Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited
REP6-064	National Highways Deadline 6 Submission - 8.5 Statement of Common Ground with Network Rail Infrastructure Limited
REP6-065	National Highways Deadline 6 Submission - 8.8 Statement of Common Ground with The Brice Family
REP6-066	National Highways Deadline 6 Submission - 8.9 Statement of Common Ground with Colchester City Council
REP6-067	National Highways

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	Deadline 6 Submission - 8.10 Statement of Common Ground with Chelmsford City Council
REP6-068	National Highways Deadline 6 Submission - 8.11 Statement of Common Ground with Maldon District Council
REP6-069	National Highways Deadline 6 Submission - 8.12 Statement of Common Ground with Essex County Council
REP6-070	National Highways Deadline 6 Submission - 8.13 Statement of Common Ground with Cadent Gas Limited
REP6-071	National Highways Deadline 6 Submission - 8.14 Statement of Common Ground with Braintree District Council
REP6-072	National Highways Deadline 6 Submission - 8.15 Statement of Common Ground with Boreham Parish Council
REP6-073	National Highways Deadline 6 Submission - 8.17 Statement of Commonality for Deadline 6
REP6-074	National Highways Deadline 6 Submission - 8.18 Statement of Common Ground with Anglian Water
REP6-075	National Highways Deadline 6 Submission - 8.19 Statement of Common Ground with Hatfield Peverel Parish Council
REP6-076	National Highways Deadline 6 Submission - 8.20 Statement of Common Ground with Essex Police
REP6-077	National Highways Deadline 6 Submission - 8.21 Statement of Common Ground with The National Farmers Union
REP6-078	National Highways Deadline 6 Submission - 9.4 ADDITIONAL PLANS REQUESTED BY THE ExA
REP6-079	National Highways Deadline 6 Submission - 9.6 Application Document Tracker - Rev 4
REP6-080	National Highways Deadline 6 Submission - 9.8 Status of negotiations Compulsory Acquisition Schedule - Rev 4
REP6-081	National Highways Deadline 6 Submission - 9.9 Status of negotiations with Statutory Undertakers (Clean) - Rev 3
REP6-082	National Highways Deadline 6 Submission - 9.9 Status of negotiations with Statutory Undertakers (Tracked) - Rev 3
REP6-083	National Highways Deadline 6 Submission - 9.38 Biodiversity net gain metric 3.0 - Rev 2

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REP6-084	National Highways Deadline 6 Submission - 9.40 Schedule of Changes to draft DCO (Tracked) - Rev 4
REP6-085	National Highways Deadline 6 Submission - 9.44 Book of Reference Schedule of Changes - Rev 3
REP6-086	National Highways Deadline 6 Submission - 9.45 Updated Annex A - Statement of Reasons (Clean) - Rev 3
REP6-087	National Highways Deadline 6 Submission - 9.45 Updated Annex A - Statement of Reasons (Tracked) - Rev 3
REP6-088	National Highways Deadline 6 Submission - 9.59 National Highways and Essex County Council – Draft Requirements Matrix
REP6-089	National Highways Deadline 6 Submission - 9.60 Applicant's Responses to ExQ3
REP6-090	National Highways Deadline 6 Submission - 9.61 Applicant's Comments on Information received at Deadline 5
REP6-091	National Highways Deadline 6 Submission - 9.63 Updated Annex C – Statement of Reasons (Clean) - Rev 2
REP6-092	National Highways Deadline 6 Submission - 9.63 Updated Annex C - Statement of Reasons (Tracked) - Rev 2
REP6-093	National Highways Deadline 6 Submission - 9.65 Errata to the Environmental Statement
REP6-094	National Highways Deadline 6 Submission - 9.66 Gershwin Boulevard Issue Summary Note
REP6-095	National Highways Deadline 6 Submission - 9.68 Technical Note on Proposals for Main River Crossings
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REP6-098	Essex County Council Deadline 6 Submission - Comments on the dDCO
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REP6-103	Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council Deadline 6 Submission - Responses to ExQ3
REP6-104	Environment Agency Deadline 6 Submission - Responses to ExQ3
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REP6-108	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited Deadline 6 Submission
REP6-109	Boreham Conservation Society Deadline 6 Submission
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REP6-111	Essex Local Access Forum (ELAF) Deadline 6 Submission - Comments on any further information received
REP6-112	Stanfords on behalf of J A Bunting & Sons Deadline 6 Submission - Any further information requested by ExA
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REP6-114	Messing and Inworth Action Group Limited Deadline 6 Submission - Responses to ExQ3
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REP6-116	Pinsent Masons LLP on behalf of Royal London UK Real Estate Fund and Edmundson Electrical Limited Deadline 6 Submission - Responses to ExQ3
REP6-117	Mark East Deadline 6 Submission - Draft SoCG
REP6-118	Mark East Deadline 6 Submission - Draft SoCG
REP6-119	Roger Wacey Deadline 6 Submission - Updated Status of negotiations CA schedule
Deadline 7 - 3 July 2023	
For receipt by the ExA of documents from the Applicant only:	
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- Final DCO to be submitted by the Applicant in the SI template with the SI template validation report
- Final updated BoR and schedule of changes to BoR
- Final SoCG
- Final Statement of Commonality of SoCG
- List of matters not agreed where SoCG could not be finalised
- Final Application Document Tracker
- Final Status of Negotiations CA Schedule
- Final Status of Negotiations with Statutory Undertakers

For receipt by the ExA of:

- Written submissions of oral representations made at Hearings
- Comments on draft SoCG & statement of commonality
- Comments on responses to ExQ3
- Any further information requested by ExA
- Comments on any further information requested by the ExA and received by the previous deadline

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REP7-004	National Highways Deadline 7 Submission - 2.8 Crown Land Plans
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REP7-018	National Highways Deadline 7 Submission - 7.10 Design Principles (Tracked)
REP7-019	National Highways Deadline 7 Submission - 8.1 Statement of Common Ground with Natural England
REP7-020	National Highways Deadline 7 Submission - 8.2 Statement of Common Ground with the Environment Agency
REP7-021	National Highways Deadline 7 Submission - 8.4 Statement of Common Ground with Essex Waterways Limited on behalf of The Company of Proprietors of Chelmer and Blackwater Navigation Limited
REP7-022	National Highways Deadline 7 Submission - 8.5 Statement of Common Ground with Network Rail Infrastructure Limited
REP7-023	National Highways Deadline 7 Submission - 8.8 Statement of Common Ground with The Brice Family
REP7-024	National Highways Deadline 7 Submission - 8.9 Statement of Common Ground with Colchester City Council
REP7-025	National Highways Deadline 7 Submission - 8.10 Statement of Common Ground with Chelmsford City Council
REP7-026	National Highways (PDF, 943 KB) Deadline 7 Submission - 8.11 Statement of Common Ground with Maldon District Council
REP7-027	National Highways Deadline 7 Submission - 8.12 Statement of Common Ground with Essex County Council
REP7-028	National Highways Deadline 7 Submission - 8.13 Statement of Common Ground with Cadent Gas Limited
REP7-029	National Highways Deadline 7 Submission - 8.14 Statement of Common Ground with Braintree District Council

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REP7-030	National Highways Deadline 7 Submission - 8.15 Statement of Common Ground with Boreham Parish Council
REP7-031	National Highways Deadline 7 Submission - 8.16 Statement of Common Ground with Witham Town Council
REP7-032	National Highways Deadline 7 Submission - 8.17 Statement of Commonality for Deadline 7
REP7-033	National Highways Deadline 7 Submission - 8.18 Statement of Common Ground with Anglian Water
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REP7-052	Maldon District Council Deadline 7 Submission - Comments on draft SoCG & statement of commonality
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REP7-072	Oliver Lukies Deadline 7 Submission - Written submissions of oral representations made at Hearings
REP7-073	Pinsent Masons LLP on behalf of Royal London UK Real Estate Fund and Edmundson Electrical Limited Deadline 7 Submission - Written submissions of oral representations made at Hearings
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REP7-078	National Highways Deadline 7 Submission - Closing Statement
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REP8-001	National Highways Deadline 8 Submission - Cover Letter
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REP8-003	National Highways Deadline 8 Submission - Draft DCO (Tracked)
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REP8-010	National Highways Deadline 8 Submission - 8.22 List of matters not agreed where SoCG could not be finalised
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REP8-024	Environment Agency Deadline 8 Submission - Any further information requested by ExA
REP8-025	Environment Agency Deadline 8 Submission - Comments on any further information received by the previous deadline
REP8-026	Essex Police Deadline 8 Submission - Item 1.13 - Traffic Management Officer Post. Confirmation of agreement with National Highways.
REP8-027	Anglian Water Services Deadline 8 Submission - Comments on any further information received by the previous deadline
REP8-028	Messing and Inworth Action Group Limited Deadline 8 Submission - Comments on any further information received by the previous deadline
REP8-029	National Farmers Union Deadline 8 Submission - Comments on any further information received by the previous deadline
REP8-030	Pinsent Masons LLP on behalf of Royal London UK Real Estate Fund and Edmundson Electrical Limited Deadline 8 Submission - Comments on any further information received by the previous deadline
REP8-031	Stanfords on behalf of J A Bunting & Sons Deadline 8 Submission - Comments on any further information received by the previous deadline
REP8-032	CMS on behalf of Legal & General Deadline 8 Submission - Other: Withdrawal of objection
REP8-033	Keith Lomax Deadline 8 Submission - Comments on any further information received by the previous deadline
REP8-034	Countryside Zest (Beaulieu Park) LLP Deadline 8 Submission - Other: Withdrawal of objection
REP8-035	Mark East Deadline 8 Submission - Environment Act 2021
REP8-036	Transport Action Network Deadline 8 Submission - Closing submission on Climate Change Committee's 2023 Progress Report
Other Documents	

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OD-001	National Highways Section 56 Notice
OD-002	Section 56 Reg 8 Notice
OD-003	National Highways Notice of Hearings
OD-004	National Highways 9.5 Draft Itinerary for ASI
OD-005	Regulation 32 Transboundary Screening

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APPENDIX C: LIST OF ABBREVIATIONS

APPENDIX C: LIST OF ABBREVIATIONS

Abbreviation or usage	Reference
AA	Appropriate Assessment
AEP	Annual Equivalent Probability
ALO	Agricultural Liaison Officer
AMCT	Annual Mean Concentration Target
ANCB	Appropriate Nature Conservation Body
AP	Affected Person
AQD	Air Quality Directive
AQMAs	Air Quality Management Areas
AQO	Air Quality Objectives
AQS	Air Quality Standards
ARN	Affected Road Network
ASI	Accompanied Site Inspection
AW	Anglian Water
BAP	Biodiversity Action Plan
BCR	Benefit Cost Ratio
BCS	Boreham Conservation Society
BDC	Braintree District Council
BDLP	Braintree District Local Plan 2013 – 2033
BEIS	Department for Business, Energy and Industrial Strategy
BMV	Best and Most Versatile
BNG	Biodiversity Net Gain
BoR	Book of Reference
BoQ	Bill of Quantities
BPC	Boreham Parish Council
BR	Bridleway
CA	Compulsory Acquisition
Cadent	Cadent Gas Limited
CAH (number)	Compulsory Acquisition Hearing and where followed by a number, the number is a reference to the specific CAH on a date in the examination timetable
CBC	Colchester Borough Council
CBDP	Carbon Budget Delivery Plan
CCA2008	Climate Change Act 2008
CCC	Chelmsford City Council
CEMP	Construction Environment Management Plan
CEPP	Climate Emergency Planning and Policy
CLP	Chelmsford Local Plan 2020
CO	Carbon Monoxide
CoCC	Colchester City Council

COMEAP	Committee on the Medical Effects of Air Pollution
COPA	Control of Pollution Act 1974
CTMP	Construction Traffic Management Plan
DCLG/DLUHC	Former Department for Communities and Local Government, re-organised to form Ministry of Housing, Communities and Local Government (MHCLG) in January 2018 and currently the Department for Levelling Up, Housing and Communities. References to documents (eg Examination Guidance) or decisions taken by the former department are referred to using the abbreviation DCLG.
DCO	Development Consent Order
dDCO	draft Development Consent Order
DESNZ	Department for Energy Security and Net Zero
DfT	Department for Transport
DL	Deadline
DMP	Dust Management Plan
DMRB	Design Manual for Roads and Bridges
dNPS	draft National Policy Statement
dNPSNN	draft National Policy Statement for National Networks
DQRA	Detailed Quantitative Risk Assessment
EA	Environment Agency
ECC	Essex County Council
ECFRS	Essex County Fire and Rescue Service
ECHR	European Convention on Human Rights
EconA	Economic Assessment
EEL	Edmundson Electrical Limited
EFT	Emission Factor Toolkit
EIA	Environmental Impact Assessment
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
EL	Examination Library
ELAF	Essex Local Access Forum
EM	Explanatory Memorandum
EMLP	Essex Mineral Local Plan
EMP	Environmental Management Plan
EPR 2010	Infrastructure Planning (Examination Procedure) Rules 2010
EPR 2016	Environmental Permitting (England and Wales) Regulations 2016
EqIA	Equality Impact Assessment
ES	Environmental Statement
ETS	Essex Transport Strategy
EU	European Union
EW	Essex Waterways
ExA	Examining Authority
ExQ (number)	Written examination questions issued by the ExA

APPENDIX C: LIST OF ABBREVIATIONS

A12 CHELMSFORD TO A120 WIDENING SCHEME

REPORT TO THE SECRETARY OF STATE FOR TRANSPORT:

(C:IV)

fCTMP	Framework Construction Traffic Management Plan
FIEMP	First Iteration Environmental Management Plan
FRA	Flood Risk Assessment
FRAP	Flood Risk Activity Permits
FS	Funding Statement
FZ	Flood Zone
GCN	Great Crested Newt
GEML	Great Eastern Main Line
GHG	Greenhouse Gas
GREEN	East Anglia Grid Energy Enablement project
ha	hectares
Habitats Regulations	The Conservation of Habitats and Species Regulations 2017
HDD	Horizontal Directional Drilling
HE	Historic England
HoTs	Heads of Terms
HPPC	Hatfield Peverel Parish Council
HRA	Habitats Regulations Assessment
HSE	Health and Safety Executive
IAPI	Initial Assessment of Principal Issues
IEMA	Institute of Environmental Management and Assessment
IP	Interested Party
ISH(number)	Issue Specific Hearing and where followed by a number, the number is a reference to the specific ISH on a date in the examination timetable
J(number)	Junction (number)
km	Kilometre
kV	Kilovolt
LA	Local Authority
LCA	Landscape Character Area
LDP	Local Development Plan
LEMP	Landscaping and Ecological Management Plan
LGV	Large Goods Vehicle
LIR	Local Impact Report
LLCA	Local Landscape Character Area
LLFA	Lead Local Flood Authority
LNR	Local Nature Reserve
LOAEL	Lowest Observed Adverse Effect Level
LoD	Limits of Deviation
LPA	Local Planning Authority
LRN	Local Road Network
LSE	Likely Significant Effects
LV	Limit value(s) – a regulatory limit expressed as a value above which a regulated substance should not be found in the environment and triggering action for pollution control

APPENDIX C: LIST OF ABBREVIATIONS

A12 CHELMSFORD TO A120 WIDENING SCHEME

REPORT TO THE SECRETARY OF STATE FOR TRANSPORT:

(C:IV)

LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Sites
m	Metre
Made Order	A statutory Order providing development consent made by the relevant SoS under PA2008, use of this term signifies a reference to a DCO that has been decided
MciPC	Messing cum Inworth Parish Council
MDC	Maldon District Council
MIA	Minerals Infrastructure Assessment
MIAG	Messing and Inworth Action Group Limited
MMP	Materials Management Plan
MPA	Minerals Planning Authority
MRA	Minerals Resource Assessment
MSA	Mineral Safeguarding Area
MWPA	Minerals and Waste Planning Authority
NE	Natural England
NERC	Natural Environment and Rural Communities Act 2006
NFU	National Farmers Union
NG	National Grid
NH	National Highways
NIA	Noise Important Areas
NIS	National Infrastructure Strategy
No.	Number
NO ₂	Nitrogen Dioxide
NO _x	Mono-Nitrogen Oxides
NOEL	No Observed Effect Level
NPA2017	The Neighbourhood Planning Act 2017
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPS	National Policy Statement
NPSE	Noise Policy Statement for England
NPS EN-1	National Policy Statement for Energy
NPS EN-4	National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines
NPSNN	National Policy Statement for National Networks
NR	Network Rail
NSIP	Nationally Significant Infrastructure Project
NVMP	Noise and Vibration Management Plan
oCEMP	Outline Construction Environment Management Plan
oCTMP	Outline Construction Traffic Management Plan
OEMP	Operational Environmental Management Plan
OFH	Open Floor Hearing
OL	Order Limit
oLEMP	Outline Landscape and Ecology Management Plan

APPENDIX C: LIST OF ABBREVIATIONS

A12 CHELMSFORD TO A120 WIDENING SCHEME

REPORT TO THE SECRETARY OF STATE FOR TRANSPORT:

(C:IV)

oOEMP	Outline Operational Environmental Management Plan
PA2008	Planning Act 2008 (as amended)
PAQAP	Project Air Quality Action Plan
PC	Principal Contractor
PIA	Personal Injury Accident
PINS	The Planning Inspectorate
PM	Preliminary Meeting
PM _x	Particulate Matter
PP(s)	Protective Provisions
PPG	Planning Practice Guidance
PRoW	Public Right of Way
PSED	Public Sector Equality Duty
RBMP	River Basin Management Plan
RCA	River Control assessment
rDCO	Recommended Development Consent Order
REAC	Register of Environmental Actions and Commitments
RIES	Report on the Implications for European Sites
RIS(number)	Road Investment Strategy (in order of publication)
RR	Relevant Representation
s(number)	Section of a statute and when followed by a number, a particular section number from a named statute
SAC	Special Area of Conservation
SHMP	Soil Handling Management Plan
SI	Statutory Instrument
SMS	Speed Management Strategy
SNCB	Statutory Nature Conservation Body
SNS	Statutory Nuisance Statement
SO ₂	Sulphur Dioxide
SOAEL	Significant Observed Adverse Effect Level
SoCG	Statement of Common Ground
SoR	Statement of Reasons
SoS	Secretary of State
SoSBEIS	... for Department for Business, Energy and Industrial Strategy
SoSDLUHC	... for Department of Levelling Up, Housing and Communities
SoST	... for Transport
SPA	Special Protection Area
SPD	Supplementary Planning Document
SPZ	Source Protection Zone
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
SU(s)	Statutory Undertaker(s)
SuDS	Sustainable Drainage Systems

APPENDIX C: LIST OF ABBREVIATIONS

A12 CHELMSFORD TO A120 WIDENING SCHEME

REPORT TO THE SECRETARY OF STATE FOR TRANSPORT:

(C:IV)

SWMP	Site Waste Management Plan
TA	Transport Assessment
TAG	Transport Analysis Guidance
TAN	Transport Action Network
TDP	Transport Decarbonisation Plan
the Model Provisions	Infrastructure Planning (Model Provisions) (England and Wales) Order 2009
TP	Temporary Possession
TPO	Tree Preservation Orders
UK	United Kingdom
UKHSA	United Kingdom Health Security Agency
UKPN	UK Power Networks
UNEP	United Nations Environmental Programme
USI	Unaccompanied Site Inspection
WCA	The Wildlife and Countryside Act 1981
WCH	Walkers, Cyclists and Horse Riders
WFD	Water Framework Directive – Directive 2000/60/EC
WFD Regulations	The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
WHO	World Health Organisation
WIA	Waste Infrastructure Assessment
WMP	Water Management Plan
WQAR	Water Quality Assessment Report
WQs	Written Questions
WR	Written Representation
WSI	Written Scheme of Investigation
WTC	Witham Town Council
ZTV	Zone of Theoretical Visibility

APPENDIX D: THE RECOMMENDED DCO

2022 No.

INFRASTRUCTURE PLANNING

**A12 Chelmsford to A120 Widening Development Consent Order
2022[*]**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>		***

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 - PART 4 — FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC
 - PART 5 — FOR THE PROTECTION OF CADENT AS GAS UNDERTAKER
 - PART 6 — FOR THE PROTECTION OF RAILWAY INTERESTS
- SCHEDULE 12 — DOCUMENTS TO BE CERTIFIED

An application has been made to the Secretary of State under section 37 of the Planning Act 2008^(a) (“the 2008 Act”) in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009^(b) for an Order granting development consent.

The application was examined by a Panel of three members (“the Panel”) appointed as an examining authority (appointed by the Secretary of State) in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010^(c).

The Panel, having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 74(2) of the 2008 Act has submitted a report and recommendation to the Secretary of State.

(a) 2008 (c.29). Parts 1 to 7 were amended by Chapter 6 of Part 6 and Schedule 13, Para 5 of the Localism Act 2011 (c.20).

(b) S.I. 2009/2264.

(c) S.I. 2010/103, amended by S.I. 2012/635.

The Secretary of State, having considered the representations made and not withdrawn, and the report and recommendation of the Panel, has decided to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.

The Secretary of State is satisfied that replacement land (as that land is defined in section 131(12) of the 2008 Act) has been or will be given in exchange for the special category land (identified in Part 1 of Schedule 8 to this Order), and replacement land has been or will be vested in the person or persons in whom the special category land is vested and subject to the same rights, trusts and incidents as attach to the special category land, and that, accordingly, section 131(4) of the 2008 Act applies.

The Secretary of State, having considered the report and recommendation of the Panel, is satisfied that special category (rights) land identified in Part 3 of Schedule 8 to this Order, when burdened with the new rights authorised for compulsory acquisition under the terms of this Order, will be no less advantageous than it was before such acquisition, to the persons in whom it is vested, other persons, if any, entitled to rights of common or other rights, and the public and that, accordingly, section 132(3) of the 2008 Act applies;

The Secretary of State is satisfied that replacement land (as that land is defined in section 132(12) of the 2008 Act) has been or will be given in exchange for order rights (as defined in that section) to be acquired over the special category (rights) land identified in Part 2 of Schedule 8 to this Order, and replacement land has been or will be vested in the persons or persons in whom the special category land is vested and subject to the same rights, trusts and incidents as attach to the special category land, and that, accordingly, section 132(4) of the 2008 Act applies.

The Secretary of State, in exercise of the powers conferred by sections 114(a), 115(b), 117(c), 120(d), 122(e) and 123(f) of, and paragraphs 1 to 3, 10 to 15, 17, 19 to 23, 26, 33, 36 and 37 of Part 1 of Schedule 5(g) to, the 2008 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A12 Chelmsford to A120 Widening Development Consent Order 202[X] and comes into force on [XX].

Interpretation

2.—(1) In this Order except where provided otherwise—

“the 1961 Act” means the Land Compensation Act 1961(h);

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- (a) Section 114 was amended by paragraph 55 of Part 1 of Schedule 13 to the Localism Act 2011.
 - (b) Section 115 was amended by Part 20 of Schedule 25 to the Localism Act 2011 and section 160 of the Housing and Planning Act 2016 (c.22) and section 43 of the Wales Act 2017 (c.4).
 - (c) Section 117 was amended by paragraph 58 of Part 1 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011.
 - (d) Section 120 was amended by section 140 and paragraph 60 of Part 1 of Schedule 13 to the Localism Act 2011.
 - (e) Section 122 was amended by paragraph 62 of Part 1 of Schedule 13 to the Localism Act 2011.
 - (f) Section 123 was amended by paragraph 62 of Part 1 of Schedule 13 to the Localism Act 2011.
 - (g) Part 1 of Schedule 5 was amended by paragraph 4 of Part 1 of Schedule 8 and Part 2 of Schedule 22 to the Marine and Coastal Access Act 2009, paragraph 71 of Part 1 of Schedule 13 to the Localism Act 2011 and paragraph 76 of Part 3 of Schedule 6 to the Wales Act 2017.
 - (h) 1961 c.33.

“the 1965 Act” means the Compulsory Purchase Act 1965(a);

“the 1980 Act” means the Highways Act 1980(b);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(c);

“the 1984 Act” means the Road Traffic Regulation Act 1984(d);

“the 1986 Regulations” means the Road Vehicles (Construction and Use) Regulations 1986(e);

“the 1990 Act” means the Town and Country Planning Act 1990(f);

“the 1991 Act” means the New Roads and Street Works Act 1991(g);

“the 2004 Act” means the Traffic Management Act 2004(h);

“the 2008 Act” means the Planning Act 2008(i);

“the 2016 Regulations and Directions” means the Traffic Signs Regulations and General Directions 2016(j);

“address” includes any number or address for the purposes of electronic transmission;

“agricultural motor vehicle” has the meaning given in regulation 3(2) of the 1986 Regulations;

“Anglian Water” means Anglian Water Services Limited (company number 2366656) whose registered office is at Lancaster House, Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire, PE29 6XU or a related or subsidiary company of Anglian Water;

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the development and associated development described in Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;

“begin”, for the purposes of sections 154 and 155 of the 2008 Act, means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development;

“book of reference” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridleway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

“BT” means British Telecommunications Plc (company number 1800000), whose registered office is 1 Braham Street, London, United Kingdom, E1 8EE or a related or subsidiary company of BT;

“building” includes any structure or erection or any part of a building, structure or erection;

“Cadent Gas” means Cadent Gas Limited (company number 10080864), whose registered address is Cadent, Pilot Way, Ansty, Coventry, England, CV7 9JU or a related or subsidiary company of Cadent Gas;

“carriageway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

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- (a) 1965 c.56.
 - (b) 1980 c.66.
 - (c) 1981 c.66.
 - (d) 1984 c.27.
 - (e) S.I. 1986/1078. There are amendments to these regulations which are not relevant to this Order.
 - (f) 1990 c.8
 - (g) 1991 c.22
 - (h) 2004 c.18
 - (i) 2008 c.29
 - (j) S.I. 2016/362.

“classification of road plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the classification of roads plans for the purposes of this Order;

“cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act^(a) and for the purposes of this Order includes parts of a cycle track and a right of way on foot;

“design principles” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the design principles for the purposes of this Order;

“de-trunking and stopping up plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the de-trunking and stopping up plans for the purposes of this Order;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

and in this definition “electronic communications network” has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003^(b);

“engineering drawings and sections” means the highways engineering section drawings and the structures engineering drawings and sections;

“Environment Agency” means the body of that name created by the Environment Act 1995^(c) or any successor in function to it;

“environmental masterplan” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the environmental masterplan for the purposes of this Order;

“environmental statement” means the document of that description listed in Schedule 12 (documents to be certified) certified as the environmental statement for the purposes of this Order;

“flood risk assessment” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the flood risk assessment for the purposes of this Order;

“footpath” and “footway” have the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

“highway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act includes part of a highway;

“highway authority” and “local highway authority” have the same meaning as in the 1980 Act;

“Highways engineering section drawings” means the document of that description listed in Schedule 12 (documents to be certified) certified as the highways engineering section drawings for the purposes of this Order;

“land plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the land plans for the purposes of this Order;

“limits of deviation” means the limits of deviation referred to in article 10 (limits of deviation);

“maintain” in relation to the authorised development includes to inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish or replace provided such works do not give rise to any materially new or materially different significant adverse effects in

(a) The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c.38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c.54).

(b) 2003 (c.21). Section 32(1) was amended by S.I. 2011/1210.

(c) 1995 (c.25).

comparison with those reported in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

“motor cycle” has the meaning given in regulation 3(2) of the 1986 Regulations;

“National Grid” means National Grid Electricity Transmission PLC (Company No. 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH;

“Network Rail” means Network Rail Infrastructure Limited (Company No. 02904587) whose registered office is at Waterloo General Office, London, United Kingdom, SE1 8SW;

“Northumbrian Water” means Northumbrian Water Limited (Company No. 02366703) whose registered office is at Northumbria House, Abbey Road, Pity Me, Durham, DH1 5FJ or a related or subsidiary company of Northumbrian Water;

“Order land” means the land shown on the land plans which is within the limits of land to be acquired or used permanently or temporarily and described in the book of reference;

“Order limits” means the limits of land to be acquired permanently or used temporarily as shown on the land plans, and the limits of land within which the authorised development as shown on the works plans may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(a);

“permanent works” means those works shown on the permanent works plans and described as permanent works in Schedule 1;

“permanent works plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the permanent works plans for the purposes of this Order;

“permit scheme” means any scheme made under Part 3 of the Traffic Management Act 2004(b) in force at the date of which this Order is made;

“relevant local highway authority” means the local highway authority in whose area the highway in question lies;

“relevant planning authority” means in any given provision of this Order, the local planning authority for the land to which the provision relates;

“retained and removed vegetation plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the retained and removed vegetation plans for the purposes of this Order;

“revocation of existing traffic orders plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the revocation of existing traffic orders plans for the purposes of this Order;

“road” has the same meaning as the 1984 Act;

“Secretary of State” means the Secretary of State for Transport;

“special category land plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the special category land plans for the purposes of this Order;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act;

“street” means a street within the meaning of section 48(c) (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street,

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

(a) 1981 (c.67). The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 4). There are other amendments to section 7 which are not relevant to this Order.

(b) 2004 (c.18), as brought into force by Article 2 of S.I. 2004/2380 and Article 2 of S.I. 2009/1095 (W.55).

(c) Section 48 was amended by section 124 of the Local Transport Act 2008 (c.26)

“streets, rights of way and access plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the streets, rights of way and access plans for the purposes of this Order;

“structures engineering drawings and sections” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the structures engineering drawings and sections for the purposes of this Order;

“temporary works” means those works shown on the temporary works plans and described as temporary works in Schedule 1;

“temporary works plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the temporary works plans for the purposes of this Order;

“traffic authority” has the same meaning as in section 121A(a) (traffic authorities) of the 1984 Act;

“traffic regulation measures movement restrictions plan” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the traffic regulation measures movement restrictions plan for the purposes of this Order;

“traffic regulation measures speed limits plan” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the traffic regulation measures speed limits plan for the purposes of this Order;

“tribunal” means the Lands Chamber of the Upper Tribunal;

“trunk road” means a highway which is a trunk road by virtue of—

- (c) section 10(b) (general provision as to trunk roads) or section 19(1)(c) (certain special roads and other highways to become trunk roads) of the 1980 Act;
- (d) an order made or direction given under section 10 of that Act; or
- (e) an order granting development consent; or
- (f) any other enactment;

“UKPN” means UK Power Networks (Operations) Limited (company number 03870728), whose registered office is at Newington House 37 Southwark Bridge Road, London, SE1 6NP or a related or subsidiary company of UKPN;

“undertaker” means National Highways Limited, company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“utilities works” means those works shown on the permanent works plans and described as utilities works in Schedule 1;

“utilities works plans” means the document of that description listed in Schedule 12 (documents to be certified) and labelled “Works Plans Utility Diversions”, certified by the Secretary of State as the utilities works plans for the purposes of this Order;

“variable speed limit sign” in relation to a vehicle, means a traffic sign of the type shown in diagram 670 or 671 in Part 2 of Schedule 10 to the 2016 Regulations and Directions which—

- (g) is placed on or near any part of a road which is specified in column (2) of Part 7 of Schedule 3;
- (h) is directed at traffic on the carriageway on which the vehicle is being driven; and
- (i) is displayed as a variable message sign by light-emitting characters and symbols;

(a) Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c.22), and amended by section 1(6) of, and paragraph 95(2) and (3) of Schedule 1 to, the Infrastructure Act 2015, and S.I. 2001/1400. There are other amendments to section 121A which are not relevant to this Order.

(b) Section 10 was amended by section 22(2) of the 1991 Act, by section 36 of, and paragraph 22 of Schedule 2 to the 2008 Act, and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c.7).

(c) Section 19 was amended by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c.7). There are other amendments to section 19 that are not relevant to this Order.

“Verizon” means Verizon UK Limited (company number 02776038) whose registered office is at Reading International Business Park, Basingstoke Road, Reading, RG2 6DA or a related or subsidiary company of Verizon;

“Virgin Media” means Virgin Media Limited (company number 2591237) whose registered office is at 500 Brook Drive, Reading RG2 6UU or a related or subsidiary company of Virgin Media;

“Vodafone” means Vodafone Group Plc (company number 1833679) whose registered office is at Vodafone House, The Connection, Newbury, Berkshire RG14 2FN or a related or subsidiary company of Vodafone;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“works plans” means the plans comprising the permanent works plans, the temporary works plans and the utilities works plans.

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the airspace above its surface.

(3) References in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

(4) References in this Order to the creation and acquisition of rights over land include references to rights to oblige a party having an interest in land to grant those rights referenced in the Order, at the direction of the undertaker, either—

(a) to an affected person directly, where that affected person’s land or rights over land have been adversely affected by this Order, and, where that is the case, the rights referenced in the Order are to be granted for the benefit of the land in which that affected person has an interest at the time of the making of this Order; or

(b) to any statutory undertaker for the purposes of their undertaking.

(5) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(6) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(7) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the relevant plans.

(8) References in this Order to numbered works are references to the works as numbered in Schedule 1 (authorised development).

(9) References in this Order to the expression “includes” may be construed without limitation.

(10) References to any statutory body includes that body’s successor or replacement body that may from time to time be primarily responsible for the functions, duties and responsibilities currently exercised by that statutory body over the authorised development.

Disapplication of legislative provisions

3.—(1) The provisions of the Neighbourhood Planning Act 2017^(a) insofar as they relate to temporary possession of land under articles 40 (temporary use of land for carrying out the authorised development) and 41 (temporary use of land for maintaining the authorised development) of this Order do not apply in relation to the construction of work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within the maintenance period defined in article 41, any maintenance of any part of the authorised development.

(a) 2017 (c.20).

(2) Regulation 6 of the Hedgerows Regulations 1997^(a) is modified so as to read for the purposes of this Order only as if there were inserted after paragraph (1)(j) the following—

“(k) or for carrying out or the maintenance of development which has been authorised by an order granting development consent pursuant to the Planning Act 2008.”

(3) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development—

- (a) section 32 (variation of awards) of the Land Drainage Act 1991; and
- (b) the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991.

(4) The following provisions do not apply in relation to the construction of any activity required for the purpose of, or in connection with, the operation or maintenance of the authorised development—

- (a) section 32 (variation of awards) of the Land Drainage Act 1991; and
- (b) the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991.

Maintenance of drainage works

4.—(1) Nothing in this Order, or the construction, maintenance or operation of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise, unless otherwise agreed in writing between the undertaker and the person responsible.

(2) In this article “drainage” has the same meaning as in section 72(1) (interpretation) of the Land Drainage Act 1991^(b).

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

5.—(1) Subject to the provisions of this Order including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

(2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.

Maintenance of authorised development

6. The undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

Application of the 1990 Act

7.—(1) This article applies where the Order land is used for the temporary works.

^(a) S.I. 1997/1160, there are amendments to this regulation but none are relevant to this Order.

^(b) 1991 (c.59), the definition of “drainage” was substituted by section 100(2) of the Environment Act 1995 (c.25).

(2) Where this article applies, section 57(2) of the 1990 Act (planning permission required for development) applies as if the development consent granted by this Order were planning permission granted for a limited period.

Planning permission

8. If planning permission is issued pursuant to the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is—

- (a) not itself a nationally significant infrastructure project under the 2008 Act^(a) or part of such a project; or
- (b) required to complete or enable the construction, use or operation of any part of the authorised development

then the carrying out, use or operation of such development under the terms of the planning permission does not constitute a breach of the terms of this Order.

Existing powers and duties of the undertaker

9. Except as previously provided, nothing in this Order is to prejudice the operation of, and the powers and duties of the undertaker under the 1980 Act, the 1991 Act and the Town and Country Planning (General Permitted Development) (England) Order 2015^(b).

Limits of deviation

10.—(1) The following provisions of this article have effect subject to the requirement that the undertaker must, save for any works or operations authorised under article 25 (protective work to buildings) or 26 (authority to survey and investigate land), construct the authorised development within the Order limits.

(2) Subject to paragraph (3), in constructing or maintaining the permanent works comprised in the authorised development and shown on the permanent works plans the undertaker may deviate laterally from the lines or situations shown on the permanent works plans, within the limits of deviation for permanent works.

(3) In constructing and maintaining the—

- (a) flood mitigation works; and
- (b) borrow pits restoration works

shown on the permanent works plans, the undertaker may deviate laterally within the limits of deviation for those works shown on those plans.

(4) In constructing the footpaths, cycle tracks, footways and bridleways referred to in article 15(5) (classification of roads, etc.) or referred to in article 20(2)(a) (permanent stopping up and restriction of use of streets and private means of access) the undertaker may, so far as the undertaker considers it necessary or convenient, deviate laterally from the routes shown on the streets, rights of way and access plans to the extent of the limits of deviation shown on those plans.

(5) In constructing or maintaining the linear works, the undertaker may deviate vertically from the levels shown on the highways engineering section drawings—

- (a) Upwards to any extent not exceeding 1 metre, or, in relation to Work Nos. 45(b) and 74(a) upwards to any extent not exceeding 1.5 metres; and
- (b) Downwards to any extent not exceeding 1 metre.

(6) The maximum vertical limits of deviation referred to in paragraph (5) do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State

(a) 2008 (c.29).
(b) S.I. 2015/596.

certifies accordingly, following consultation with the relevant planning authority, that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(7) Without limitation on the scope of paragraphs (2) to (6), in constructing or maintaining the authorised development the undertaker may deviate by up to 3 metres from the points of commencement and termination of any linear works shown on the works plans.

(8) In constructing and maintaining those works shown on the temporary works plans the undertaker may so far as the undertaker considers it necessary or convenient deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation - temporary works shown on the temporary works plans.

(9) In constructing and maintaining those works shown on the utilities works plans the undertaker may so far as the undertaker considers it necessary or convenient deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation - utilities shown on the utilities works plans.

(10) In this article, references to “linear works” are references to any works shown on the permanent works plans by way of a centreline.

Benefit of Order

11.—(1) Subject to article 12 (consent to transfer benefit of Order) and paragraph (2), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.

(2) Paragraph (1) does not apply to the works for which the consent is granted by this Order for the express benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

Consent to transfer benefit of Order

12.—(1) The undertaker may with the written consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee;
- (b) grant to another person (“the grantee”) for a period agreed between the undertaker and the grantee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (4), include references to the transferee or the grantee, or any other person who may exercise, enjoy or be responsible for any functions of the undertaker pursuant to that agreement, as the case may be.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker, save where those benefits or rights are exercised by a statutory undertaker (which for the purposes of this article includes any entity listed in paragraph (5)), or by an owner or occupier of land pursuant to paragraph (2) of article 30 (compulsory acquisition of rights and imposition of restrictive covenants) of this Order, in which case liability for the payment of compensation remains with the undertaker.

(4) The consent of the Secretary of State under this article is not required where the powers of article 30 (compulsory acquisition of rights and imposition of restrictive covenants) are, with the consent of the undertaker given under article 30(2), proposed to be exercised by a statutory undertaker rather than by the undertaker, or are proposed to be exercised for the express benefit or accommodation of owners and occupiers of land, as identified in column (4) of the table in Part 4 of Schedule 4 and in column (2) of the table in Part 5 of Schedule 4 (permanent stopping up of

highways and private means of access and provision of new highways and private means of access) to this Order.

(5) The consent of the Secretary of State is not required under this article, where the transfer or grant is made to—

- (a) Anglian Water for the purposes of undertaking any works relating to its apparatus set out in Work Nos. U1, U2B, U3C, U12A, U13, U25, U26, U29A, U32, U33, U36, U39, U45, U46, U59, U62, U63A, U68, U72, U73, U73A, U74, U85, U85A, U85B, U102, U104A, U106A, U141, U141A, U142, U143, U145A, U146B, U146C, U147A, U147D, U148, U156, U165, U167A, U184A, U186A, U191, U192, U193A, U199, U200 and U208;
- (b) BT for the purposes of undertaking any works relating to its apparatus set out in Work Nos. U5, U7, U8, U9, U11, U14, U15, U16, U17, U18, U19, U20, U22, U27, U28, U30, U37, U40, U41, U43, U48, U51, U53, U55, U56, U64, U75, U77, U79, U83, U86, U88, U91, U92, U93, U94, U96, U99, U100, U101, U105, U108, U109, U110, U111, U111A, U111B, U112, U114, U115, U116, U119, U122, U123, U124, U125, U126, U128A, U129, U133, U134, U138, U139, U145, U146, U147, U147B, U149, U150, U152, U153, U155, U161, U162, U167, U168, U169, U174, U175, U178, U179, U181, U182, U183, U184, U185, U186, U188, U189, U190, U193, U194, U195, U200A, U201, U203 and U206;
- (c) Cadent Gas for the purposes of undertaking any works relating to its apparatus set out in Work Nos. U2, U3, U34, U42, U69, U76, U81, U89, U90, U98, U103, U104, U113, U157, U158, U166 and U170;
- (d) Northumbrian Water for the purposes of undertaking any works relating to its apparatus set out in Work Nos. U3A, U10A, U10B, U10C, U57, U58, U60, U62A, U65, U67, U70, U82, U85A, U87, U95, U117 and U132;
- (e) UKPN for the purposes of undertaking any works relating to its apparatus set out in Works Nos. U2A, U3B, U4, U10, U20A, U23, U24, U29, U31, U37A, U38, U38A, U47, U50, U50A, U52, U54, U61, U63, U66, U71, U78, U84, U84A, U97, U107, U118, U127, U128, U130, U131, U135, U136, U144, U146A, U147C, U159, U160, U163, U166A, U173, U180, U187, U196, U197, U198, U204 and U205;
- (f) Verizon for the purposes of undertaking any works relating to its apparatus set out in Work No. U12B;
- (g) Virgin Media for the purposes of undertaking any works relating to its apparatus set out in Work Nos. U12, U21, U22A, U35, U44, U121, U124A, U137, U154, U172, U177 and U202; and
- (h) Vodafone for the purposes of undertaking any works relating to its apparatus set out in Work Nos. U6, U49, U80, U120, U140, U151, U164, U171, U176 and U207.

PART 3 STREETS

Application of the 1991 Act

13.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major highway works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act^(a); or

(a) 1991 (c.22), there are amendments to section 86 of the Act which are not relevant to this Order.

- (b) they are works which, had they been executed by the relevant local highway authority, might have been carried out in exercise of the powers conferred by section 64(a) (dual carriageways and roundabouts) of the 1980 Act or section 184(b) (vehicle crossings over footways and verges) of that Act.

(2) In Part 3 of the 1991 Act references to the highway authority concerned are, in relation to works which are major highway works by virtue of paragraph (1), to be construed as references to the undertaker.

(3) The following provisions of the 1991 Act (including any equivalent or modified provisions in any permit scheme) do not apply in relation to any works executed under the powers of this Order—

- (a) section 56(c) (power to give directions as to timing of street works);
- (b) section 56A(d) (power to give directions as to placing of apparatus);
- (c) section 58(e) (restrictions on works following substantial road works);
- (d) section 58A(f) (restriction on works following substantial street works);
- (e) section 73A(g) (power to require undertaker to re-surface street);
- (f) section 73B(h) (power to specify timing etc. of re-surfacing);
- (g) section 73C(i) (materials, workmanship and standard of re-surfacing);
- (h) section 78A(j) (contributions to costs of re-surfacing by undertaker); and
- (i) Schedule 3A(k) (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved, under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 19 (temporary alteration, diversion, prohibition and restriction of the use of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act(l) referred to in paragraph (4) are—

- (a) section 54(m) (advance notice of certain works), subject to paragraph (6);
- (b) section 55(n) (notice of starting date of works), subject to paragraph (6);
- (c) section 57(o) (notice of emergency works);
- (d) section 59(p) (general duty of street authority to co-ordinate works);
- (e) section 60(q) (general duty of undertakers to co-operate);
- (f) section 68(r) (facilities to be afforded to street authority);

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- (a) As amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c.51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c.22).
 - (b) As amended by section 4 of, and paragraph 45 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11); and Schedule 8 to the New Roads and Street Works Act 1991 (c.22).
 - (c) As amended by sections 40 and 43 and Schedule 1 of the Traffic Management Act 2004 (c.18).
 - (d) Inserted by section 44 of the Traffic Management Act 2004 (c.18).
 - (e) As amended by section 51 of the Traffic Management Act 2004 (c.18).
 - (f) Inserted by section 52 of the Traffic Management Act 2004 (c.18).
 - (g) Section 73A was inserted by section 55 of the 2004 Act.
 - (h) Section 73B was inserted by section 55 of the 2004 Act.
 - (i) Section 73C was inserted by section 55 of the 2004 Act.
 - (j) Section 78A was inserted by section 57 of the 2004 Act.
 - (k) Schedule 3A was inserted by section 52 of, and Schedule 4 to, the 2004 Act.
 - (l) Sections 54, 55, 57, 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).
 - (m) As also amended by section 49(1) of the Traffic Management Act 2004 (c.18).
 - (n) As also amended by section 49(2) and 51(9) of the Traffic Management Act 2004 (c.18).
 - (o) As also amended by section 52(3) of the Traffic Management Act 2004 (c.18).
 - (p) As amended by section 42 of the Traffic Management Act 2004 (c.18).
 - (q) As amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).
 - (r) As amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).

- (g) section 69(a) (works likely to affect other apparatus in the street);
- (h) section 75(b) (inspection fees);
- (i) section 76 (liability for cost of temporary traffic regulation); and
- (j) section 77 (liability for cost of use of alternative route).

and all such other provisions as apply for the purposes of the provisions mentioned above.

(6) Sections 54(c) and 55(d) of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 of that Act to emergency works were a reference to a restriction, alteration or diversion (as the case may be) required in a case of emergency.

(7) Nothing in article 14 (construction and maintenance of new, altered or diverted streets and other structures) affects the operation of section 87 (prospectively maintainable highways) of the 1991 Act, and

- (a) the undertaker is by reason of any duty under that article to maintain a street to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or
- (b) has effect in relation to maintenance works which are street works within the meaning of the 1991 Act to which the provisions of Part 3 of the 1991 Act apply.

(8) Subject to paragraphs (3), (10) and (11), permit schemes will apply to the construction and maintenance of the authorised development and will be used by the undertaker in connection with the exercise of any powers conferred by this Part.

(9) For the purposes of this Order a permit under a permit scheme may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions pursuant to the powers conferred by this Order.

(10) Without restricting the undertaker's recourse to any appeal mechanism which may be available under a permit scheme the undertaker may alternatively refer the matter to arbitration under article 62 (arbitration).

(11) Any order made by the Secretary of State under section 74A(2)(a) (charge determined by reference to duration of works) of the 1991 Act for the purposes of the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012(e) does not have effect in relation to the construction or maintenance of the authorised development.

Construction and maintenance of new, altered or diverted streets and other structures

14.—(1) Any highway (other than a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of the relevant local highway authority in whose area the highway lies and, unless otherwise agreed in writing with the relevant local highway authority, the highway must be maintained by and at the expense of the relevant local highway authority from its completion.

(2) Where a highway (other than a trunk road) is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the relevant local highway authority and, unless otherwise agreed in writing with the relevant local highway authority, that part of the highway must be maintained by and at the expense of the relevant local highway authority from its completion.

(3) Where a highway is de-trunked under this Order—

(a) As amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).
 (b) As amended by section 58 of the Traffic Management Act 2004 (c. 18).
 (c) As amended by S.I. 1992/2984, article 3(1), and section 49 and Schedule 1 of the Traffic Management Act 2004.
 (d) As modified by S.I. 1992/2984, article 4; Local Government (Miscellaneous Provisions) Act 1976 (c. 57), s.15(4) (as substituted by New Roads and Street Works Act 1991 (c.22), section 168(1), Sch. 8 Pt. IV para. 106; S.I. 1992/2984, art. 2(2), Sch.2); section 55 modified by Local Government, Planning and Land Act 1980 (c.65), section 167(7) (as substituted by New Roads and Street Works Act 1991 (c.22), section 168(1), Sch. 8 Pt. IV para. 109; S.I. 1992/2984, art. 2(2), Sch.2).
 (e) S.I. 2012/425, as amended by S.I. 2015/377 and S.I. 2018/215.

- (a) section 265(a) (transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road) of the 1980 Act applies in respect of that highway; and
- (b) any alterations to that highway undertaken under powers conferred by this Order prior to and in connection with that de-trunking must, unless otherwise agreed in writing with the relevant local highway authority, be maintained by and at the expense of the relevant local highway authority from the date of de-trunking.

(4) Where a footpath, cycle track (not comprised in a carriageway highway) or bridleway is constructed under this Order it must be completed to the reasonable satisfaction of the relevant local highway authority and, unless otherwise agreed in writing with the relevant local highway authority, must be maintained by and at the expense of the relevant local highway authority from its completion.

(5) In the case of a bridge constructed under this Order to carry a highway (other than a trunk road) over a trunk road, the highway surface (being those elements over the waterproofing membrane) must be maintained by and at the expense of the relevant local highway authority unless otherwise agreed in writing between the undertaker and the relevant local highway authority, and the remainder of the bridge, including the waterproofing membrane, the structure below the waterproof membrane and the parapets must be maintained by and at the expense of the undertaker.

(6) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(7) For the purposes of a defence under paragraph (6), the court must in particular have regard to the following matters—

- (a) the character of the street and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and
- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant to prove that the undertaker had arranged for a competent person to carry out or supervise the maintenance of the part of the street to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions with regard to the maintenance of the street and the competent person had carried out those instructions.

Classification of roads, etc.

15.—(1) On and after the date on which the roads described in Part 1 (trunk roads) of Schedule 3 (classification of roads etc.) are completed and open for traffic, they are to become trunk roads as if they had become so by virtue of an order under section 10(2)(b) (general provision as to trunk roads) of the 1980 Act specifying that date as the date on which they were to become trunk roads.

(a) The following provisions have been inserted into the section by paragraph 52, Schedule 1 of the Infrastructure Act 2015 (c.7).

(b) As amended by section 22 of the 1991 Act; paragraph 22 of Schedule 2 to the Planning Act 2008; and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c.7).

(2) On the date on which the roads described in Part 2 (classified A roads), Part 3 (classified B roads) and Part 4 (classified C roads) of Schedule 3 are completed and open for traffic, they are to become classified roads for the purpose of any enactment or instrument which refers to highways classified as classified roads as if such classification had been made under section 12(3) (general provision as to principal and classified roads) of the 1980 Act.

(3) On and after the date on which the roads described in Part 5 (unclassified roads) of Schedule 3 are completed and open for traffic, they are to become unclassified roads for the purpose of any enactment or instrument which refers to roads which are not classified roads.

(4) On such day as the undertaker may determine, the orders specified in column (3) of Part 12 (revocations and variations of existing traffic regulation orders) of Schedule 3 are to be varied or revoked as specified in the corresponding row of column (4) of that Part in respect of the lengths of roads specified in the corresponding row of column (2) of that Part.

(5) Subject to article 10(4) (limits of deviation) unless otherwise agreed in writing with the relevant local highway authority, the footpaths, cycle tracks, footways and bridleways set out in Part 13 (footpaths, cycle tracks, footways and bridleways) of Schedule 3 and identified on the streets, rights of way and access plans are to be constructed by the undertaker in the specified locations and open for use from the date on which the authorised development is open for traffic.

(6) On such day as the undertaker may determine, the roads described in Part 14 (roads to be de-trunked) of Schedule 3 are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which they were to cease to be trunk roads.

(7) The undertaker may only make a determination for the purposes of paragraph (6) with the consent of the Secretary of State, who must consult the relevant local highway authority before deciding whether to give their consent.

(8) The application of paragraphs (1) to (6) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters.

Speed limits

16.—(1) On the date on which the roads specified in Part 6 (speed limits) of Schedule 3 (classification or roads etc) are open for traffic, no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of that Part along the lengths of road identified in the corresponding row of column (2) of that Part.

(2) Except where a variable speed limit sign is displayed in accordance with paragraph (3), where the words “national speed limit” appear in column (3) of Part 6 (speed limits) or the words “variable speed limit” appear in Part 7 (variable speed limits) of Schedule 3 (classification or roads etc), on and after the date on which lengths of road identified in the corresponding row of column (2) of those Parts are open to traffic the national speed limit will apply to those roads.

(3) On and after the date on which the roads specified in Part 7 (variable speed limits) of Schedule 3 (classification or roads etc) are open for traffic no person is to drive any motor vehicle on the lengths of road identified in column (2) of that Part at a speed exceeding the limit in miles per hour indicated by a variable speed limit sign.

(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.

(5) For the purposes of paragraph (3):

- (a) the speed limit indicated by a variable speed limit sign is the speed shown at the time the vehicle passes the sign, or, if higher, the speed limit shown by the sign ten seconds before the vehicle passed the sign.

- (b) a variable speed limit sign is to be taken as not being displayed if, ten seconds before the vehicle passed it, the sign did not display a speed limit or indicated that the national speed limit applied.

(6) Nothing in paragraphs (1) to (4) applies to render it unlawful to a vehicle used for naval, military or air force purposes where it is being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown on an occasion when—

- (a) the person driving the vehicle is a member of the special forces; and
- (b) the vehicle is being driven—
 - (i) in response, or for practice in responding, to a national security emergency by a person who has been trained in driving vehicles at high speeds; or
 - (ii) for the purpose of training a person in driving vehicles at high speeds.

(7) In this article—

“national speed limit” has the same meaning as in Schedule 1 to the 2016 Regulations and Directions and a traffic sign which indicates that the national speed limit applies means a traffic sign of the type shown in diagram 671 in Part 2 of Schedule 10 to the 2016 Regulations and Directions which is—

- (a) placed on or near a road; and
- (b) directed at traffic on the carriageway on which the vehicle is being driven,
where “road” includes the adjacent hard shoulder and verge and any lay by.

(8) The provisions of this article have effect as if made by order under the 1984 Act^(a) and may be varied or revoked by any instrument under any enactment which provides for the variation or revocation of such matters.

Power to alter layout etc. of streets

17.—(1) Subject to paragraph (3), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within the Order limits and the layout of any street having a junction with such a street; and, without limitation on the scope of this paragraph, the undertaker may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of any such kerb, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street; and
- (d) make and maintain passing places.

(2) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.

(3) The powers conferred by paragraph (1)—

- (a) are exercisable on the giving of not less than 42 days’ notice to the street authority; and
- (b) are not to be exercised without the consent of the street authority where that authority is a public authority.

(4) If a street authority which receives an application for consent under paragraph (3) fails to notify the undertaker of its decision before the end of the period 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

(5) Paragraphs (2), (3) and (4) do not apply where the undertaker is the street authority for a street in which the works are being carried out.

(a) 1984 (c. 27).

Street Works

18.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets as are within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street or carry out works to strengthen or repair the carriageway;
- (c) remove or use all earth and materials in or under the street;
- (d) place and keep apparatus in or under the street;
- (e) maintain, renew, alter apparatus in the street or change its position;
- (f) demolish, remove, replace and relocate any street furniture;
- (g) execute any works to provide or improve sight lines;
- (h) execute and maintain any works to provide hard and soft landscaping;
- (i) carry out re-lining and placement of road markings;
- (j) remove and install temporary and permanent signage; and
- (k) execute any works required for, or incidental to, any works referred to in subparagraphs (a) to (j).

(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1)(a) (prohibition of unauthorised street works) of the 1991 Act.

Temporary alteration, diversion, prohibition and restriction of the use of streets

19.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily alter, divert, prohibit or restrict the use of any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limitation on the scope of paragraph (1), the undertaker may use any street where the use has been temporarily prohibited or restricted under the powers conferred by this article, and which is within the Order limits, as a temporary working site.

(3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary alteration, diversion, prohibition or restriction of a street under this article if there would otherwise be no such access.

(4) The undertaker must not temporarily alter, divert, prohibit or restrict the use of any street for which it is not the street authority without the consent of the street authority, which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed.

(5) Any person who suffers loss by the temporary alteration, diversion, prohibition or restriction of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act**(b)**.

(6) If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

(a) 1991 (c.22). There are amendments to section 48(3) and 51(1) which are not relevant to this Order.

(b) 1961 (c.33), Part 1 as amended by S.I. 1994/2716, 1998 (c.38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c.9).

Permanent stopping up and restriction of use of streets and private means of access

20.—(1) Subject to the provisions of this article, the undertaker may, in connection with the construction of the authorised development, stop up each of the streets and private means of access shown on the streets, rights of way and access plans and the de-trunking and stopping up plans and specified in columns (1) and (2) of Parts 1, 2, 4 and 6 of Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) to the extent specified and described in column (3) of those Parts of that Schedule.

(2) No street or private means of access specified in columns (1) and (2) of Parts 2 and 4 of Schedule 4 (being a street or private means of access to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up under this article unless—

- (a) subject to article 10(4) (limits of deviation) the new street or private means of access to be constructed and substituted for it, which is specified in column (4) of those Parts of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street or private means of access to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street or private means of access until the completion and opening of the new street or private means of access in accordance with sub-paragraph (a).

(3) No street or private means of access specified in columns (1) and (2) of Parts 1 and 6 of Schedule 4 (being a highway or private means of access to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street or private means of access to be stopped up.

(4) The condition referred to in paragraph (3) is that—

- (a) the undertaker is in possession of the land; or
- (b) there is no right of access to the land from the street or private means of access concerned; or
- (c) there is a reasonably convenient access to the land otherwise than from the street or private means of access concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(5) Where a public right of way is identified in columns (1) to (3) of Parts 1 and 2 of Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) and shown identified on the streets, rights of way and access plans, that public right of way is permanently extinguished on the date of the expiry of the notice given under paragraph (6).

(6) The undertaker must erect a site notice at each end of the rights of way to be extinguished no less than 28 days prior to the extinguishment of that right of way each of the public rights of way identified in columns (1) to (3) of Parts 1 and 2 of Schedule 4 and shown on the streets, rights of way and access plans.

(7) Where a street or private means of access has been stopped up under this article—

- (a) all rights of way over or along the street or private means of access so stopped up are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as is bounded on both sides by land owned by the undertaker.

(8) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act(a).

(9) This article is subject to article 43 (apparatus and rights of statutory undertakers in stopped up streets).

Access to works

21. The undertaker may, for the purposes of the authorised development, form and lay out means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

Clearways, prohibitions and restrictions

22.—(1) Except as provided in paragraph (6), on an after such day as the undertaker may determine, no person is to cause or permit any vehicle to stop on any part of the lengths of road described in column (2) of Part 8 (traffic regulation measures (clearways)) of Schedule 3 (classification of roads, etc.) and identified on the traffic regulation measures movement restrictions plans where it is identified in the corresponding row of column (3) of that Part that such lengths of road are to become a clearway, or that the stopping of vehicles is otherwise prohibited, except upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(2) Except as provided in paragraph (15), on and after such day as the undertaker may determine, no person is to cause or permit any vehicle to proceed on any part of the lengths of road described in column (2) of Part 9 (traffic regulation measures (prohibitions)) of Schedule 3 (classification of roads, etc.) and identified on the traffic regulation measures movement restrictions plans where it is identified in the corresponding row of column (3) of that Part that such lengths of road are to be subject to a width restriction, if the width of the vehicle exceeds the width specified in column (3) of that Part except upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(3) Except as provided in paragraph (15), on and after such day as the undertaker may determine, no person is to proceed or cause or permit any vehicle to proceed on any part of the lengths of road described in column (2) of Part 9 (traffic regulation measures (prohibitions)) of Schedule 3 (classification of roads, etc.) and identified on the traffic regulation measures movement restrictions plans if they are, or the vehicle is of a type specified in the corresponding row of column (3) of that Part except upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(4) Except as provided in paragraph (16) on and after such day as the undertaker may determine, no person is to proceed or cause or permit any vehicle to enter a road specified in column (2) of Part 10 (traffic regulation measures (no entry)) of Schedule 3 (classification of roads, etc.) and identified on the traffic regulation measures movement restrictions plans from the road which is identified in column (3) of that Part where it is identified in the corresponding row of column (4) of that Part that there is a prohibition on such entry except upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(5) Except as provided in paragraphs (6) to (9), on and after such a day as the undertaker may determine, no person is to cause or permit any vehicle to wait on any part of the length of road described in column (2) of Part 11 (traffic regulation measures (waiting restrictions)) of Schedule 3 (classification of roads etc.) and identified on the traffic regulation measures movement restrictions plans during the periods specified in column (3) of that Part, except upon the direction of, or with the permission of, a uniformed constable or civil enforcement officer.

(6) Nothing in paragraphs and (5) applies—

(a) 1961 (c.33), Part 1 as amended by S.I. 1994/2716, 1998 (c.38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c.9).

- (a) to render it unlawful to cause or permit a vehicle to stop or wait on any part of a road, for so long as may be necessary to enable that vehicle to be used in connection with—
 - (i) the removal of any obstruction to traffic;
 - (ii) the maintenance, improvement, reconstruction or operation of the road;
 - (iii) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the road of any sewer, main pipe, conduit, wire, cable, or other apparatus for the supply of gas, water, electricity or any electronic communications apparatus as defined in Schedule 3A (the electronic communications code) to the Communications Act 2003(a); or
 - (iv) any building operation or demolition;
 - (b) in relation to a vehicle being used—
 - (i) for police, ambulance, fire and rescue authority or traffic officer purposes,
 - (ii) in the service of a local authority, safety camera partnership or Driver and Vehicle Standards Agency in pursuance of statutory powers or duties;
 - (iii) in the service of a water or sewerage undertaker within the meaning of the Water Industry Act 1991(b); or
 - (iv) by a universal service provider for the purposes of providing a universal postal service as defined by the Postal Services Act 2011(c); or
 - (c) in relation to a vehicle stopping or waiting when the person in control of it is—
 - (i) required by law to stop;
 - (ii) obliged to stop in order to avoid an accident; or
 - (iii) prevented from proceeding by circumstances outside the person’s control.
- (7) Nothing in paragraph (5) applies in relation to a vehicle waiting —
- (a) to enable a person to board or alight from the vehicle;
 - (b) while any gate or other barrier at the entrance to premises to or from which the vehicle requires access, or from which it has emerged, is opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise;
 - (c) to enable goods to be loaded or unloaded to or from the vehicle;
 - (d) where the vehicle displays in the relevant position a disabled person’s badge and a parking disc, on which the driver or the person in charge of the vehicle has marked the time at which the period of waiting began, for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same road) but only if that vehicle has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of a disabled person as a passenger (except where the prohibition of waiting does not relate to “no waiting except taxis, ambulances or police vehicles”);
 - (e) where the traffic authority for the road has given permission by means of a dispensation to be displayed in the front or nearside of the vehicle and which includes information to enable the driver to be contacted in an emergency and providing the vehicle is not causing an obstruction by doing so, and that the vehicle can be moved if the driver is requested to do so by a uniformed constable or a civil enforcement officer;
 - (f) where the vehicle is being used in connection with essential work at adjacent premises for the purpose of undertaking emergency glazing repair to those premises; or
 - (g) where the vehicle is being loaded or unloaded while it is in actual use in connection with the removal of furniture from one office or dwelling house to another, or the removal of

(a) 2017 (c.30) as brought into force by Regulation 2 of S.I. 2017/65, Regulation 2 of S.I. 2017/1136 and Regulation 2 of S.I. 2017/1286.
 (b) 1991 (c.56).
 (c) 2011 (c.5).

furniture from such premises to a depository, or such premises from a depository, if it is not practicable to be used for such purpose in any other road.

(8) Upon written application on a form issued by and obtainable from the traffic authority any person duly authorised by the traffic authority may issue a dispensation to exempt that vehicle from a prohibition of waiting on any part of the roads described in paragraph (5).

(9) No person is to cause or permit any vehicle to wait on any part of the roads described in paragraph (5) for the purposes of selling, or dispensing of, goods from that vehicle, unless the goods are immediately delivered at, or taken into, premises adjacent to the land on which the vehicle stood when the goods were sold or dispensed.

(10) If a vehicle is left on any part of the roads described in paragraph (5) in contravention of this Order then a contravention will have occurred and a penalty charge is payable for each period identified in column (4) at the location where the vehicle is parked.

(11) If a contravention has occurred, a penalty charge notice showing the information required under the 2004 Act may be issued by a civil enforcement officer.

(12) Notification of a penalty charge is to be given in respect of a stationary vehicle:

- (a) by a penalty charge notice affixed to the vehicle;
- (b) by a penalty charge notice given to the person appearing to be in charge of the vehicle;
- (c) where a civil enforcement officer attempted to serve a penalty charge notice but was prevented from doing so by any person, by sending a penalty charge notice by post in accordance with the 2004 Act; or
- (d) where the civil enforcement officer has begun to prepare a penalty charge notice, but the vehicle concerned was driven away before the civil enforcement officer has finished preparing the penalty charge notice, by sending a penalty charge notice by post in accordance with the 2004 Act.

(13) A penalty charge is payable not later than 4.00 p.m. on the applicable date, subject to the provisions of the penalty charge and the 2022 Regulations.

(14) A penalty charge is to be paid to the enforcement authority at such address as is detailed on the penalty charge notice in accordance with the instructions contained on the penalty charge notice.

(15) Nothing in paragraphs (2) and (3) applies to render it unlawful to cause or permit a vehicle to proceed on any part of a road, for so long as may be necessary to enable that vehicle to be used in connection with—

- (a) the removal of any obstruction to traffic;
- (b) the maintenance, improvement, reconstruction or operation of the road;
- (c) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the road of any sewer, main pipe, conduit, wire, cable, or other apparatus for the supply of gas, water, electricity or any electronic communications apparatus as defined in Schedule 3A (the electronic communications code) to the Communications Act 2003(a); or
- (d) any building operation or demolition.

(16) Nothing in paragraph (4) applies to render it unlawful to cause or permit a vehicle to proceed on any part of a road, for so long as may be necessary to enable that vehicle to be used in connection with—

- (a) the removal of any obstruction to traffic; or
- (b) the maintenance, improvement, reconstruction or operation of the road.

(a) 2017 (c.30) as brought into force by Regulation 2 of S.I. 2017/65, Regulation 2 of S.I. 2017/1136 and Regulation 2 of S.I. 2017/1286.

(17) Paragraphs (1) to (16) have effect as if made by order under the 1984 Act^(a), and their application may be varied or revoked by an order made under that Act or any other enactment which provides for the variation or revocation of such orders.

(18) In this article:

- (a) “2022 Regulations” means the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022^(b);
- (b) “applicable date” has the same meaning as in the 2002 Regulations;
- (c) “contravention” means a failure to comply with the provisions of this order as they relate to any part of the roads described in paragraph (5) or the relevant provisions of the 2004 Act.
- (d) “civil enforcement officer” has the same meaning as in section 76 (civil enforcement officers) of the 2004 Act;
- (e) “disabled person’s badge” and “parking disc” have the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000^(c);
- (f) “enforcement authority” has the same meaning as in paragraph 8 (designation of civil enforcement areas for parking contraventions) of Schedule 8 of the 2004 Act,
- (g) “penalty charge” has the same meaning as in Section 92 of the 2004 Act;
- (h) “penalty charge notice” has the same meaning as in the 2022 Regulations;
- (i) “traffic officer” means an individual designated under section 2 (designation of traffic officers) of the 2004 Act.

Traffic Regulation

23.—(1) This article applies to roads in respect of which the undertaker is not the traffic authority.

(2) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised development—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicles, or vehicles of any class, or pedestrians access to any road,

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) The power conferred by paragraph (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised development for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (2) may have effect both before and after the expiry of that period.

(4) The undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (5).

(a) 1984 (c.27).
(b) S.I. 2022/71
(c) S.I. 2000/683.

(5) The undertaker must not exercise the powers conferred by paragraph (2) unless the undertaker has—

(a) given not less than—

- (i) 12 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition restriction or other provision intended to have effect permanently; or
- (ii) 4 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily, to the chief officer of police and to the traffic authority in whose area the road is situated; and

(b) advertised its intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(i) or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).

(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (2)—

(a) has effect as if duly made by, as the case may be—

- (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 act; or
- (ii) the local authority in whose area the road is situated, as an order under section 32 (power of local authorities to provide parking spaces) of the 1984 Act(a)

and the instrument by which it is effected may specify savings and exemptions to which the prohibition restriction or other provision is subject; and

(b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the 2004 Act(b).

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (2) within a period of 24 months from the opening of the authorised development.

(8) Before exercising the powers conferred by paragraph (2) the undertaker must consult such persons as the undertaker considers necessary and appropriate and must take into consideration any representations made to the undertaker by any such person.

(9) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

(11) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (2) the traffic authority is deemed to have granted consent.

(12) Any application to which this article applies must include a statement that the provisions of paragraph (1) apply to that application.

(a) 1984 c.27. Section 32 was amended by sections 1, 2, 8(1) and paragraph 4 of Schedule 5 to the Local Government Act 1985 (c.51) and by section 168(1) of, and paragraph 39 of Schedule 8 to the New Roads and Street Works Act 1991 (c.22).

(b) 2004 c.18 Schedule 7 was implemented by Article 2 of S.I. 2007/2053, Article 2 and Schedule of S.I. 2007/3174, as amended by Regulation 28 of S.I. 2013/362 and Regulation 2 and 3 of S.I. 2018/488.

PART 4

SUPPLEMENTAL POWERS

Discharge of water

24.—(1) Subject to paragraphs (3) and (4), the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out, maintenance or use of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or use of a public sewer or drain by the undertaker under paragraph (1) is to be determined as if it were a dispute under section 106 (right to communicate with public sewers) of the Water Industry Act 1991(a).

(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld.

(4) The undertaker must not make any opening into any public sewer or drain except—

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(6) If a person who receives an application for consent under paragraph (3) or approval under paragraph (4)(a) fails to notify the undertaker of a decision within 28 days of receiving an application, that person is deemed to have granted consent or given approval, as the case may be.

(7) Any application to which this article applies must include a statement that the provisions of paragraph (6) apply to that application.

(8) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority, a sewerage undertaker or an urban development corporation; and
- (b) other expressions used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

Protective work to buildings

25.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building which may be affected by the authorised development as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or
- (b) after the completion of that part of the authorised development in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised development is first opened for use.

(a) 1991 (c.56). Section 106 was amended by section 35(1) and (8) of, and Schedule 2 to, the Competition and Service (Utilities) Act 1992 (c.43), sections 36(2) and 99 of the Water Act 2003 (c.37) and paragraph 16(1) of Schedule 3 to the Flood and Water Management Act 2010 (c.29).

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage, and place on, leave on and remove from the land any apparatus and equipment for use in connection with the survey.

(4) For the purpose of carrying out protective works to a building under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land within its curtilage; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter a building and land within its curtilage;
- (c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under paragraph (4)(b) to enter land,

the undertaker must, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 62 (arbitration).

(7) The undertaker must compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised development,

the undertaker must compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Without affecting article 35 (no double recovery) nothing in this article relieves the undertaker from any liability to pay compensation under section 152(a) (compensation in case where no right to claim in nuisance) of the 2008 Act.

(10) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the entry onto land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (compulsory acquisition provisions) of the 2008 Act.

(11) Any compensation payable under paragraph (7) or (8) is to be determined, in case of dispute, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act(b).

(12) In this article “protective works” in relation to a building means —

(a) Section 152 was amended by S.I. 2009/1307.

(b) 1961 (c.33).

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised development; and
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised development.

Authority to survey and investigate the land

26.—(1) The undertaker may for the purposes of the construction, operation or maintenance of the authorised development enter on any land shown within the Order limits; and where reasonably necessary, any land which is adjacent to, but outside the Order limits, and—

- (a) survey or investigate the land (including any watercourses, groundwater, static water bodies or vegetation on the land);
- (b) without limitation on the scope of sub-paragraph (a), make any excavations or trial holes and boreholes and other investigations in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer, subsoil and groundwater and remove soil and water samples and discharge water from sampling operations on to the land;
- (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land, including making excavations or trial holes on the land for such purposes; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making trial holes and boreholes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) must, if so required, before or after entering the land, produce written evidence of their authority to do so; and
- (b) may take into the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes and boreholes.

(4) No trial holes are to be made under this article—

- (a) in land located within the highway boundary without the consent of the relevant local highway authority; or
- (b) in a private street without the consent of the street authority.

but such consent must not be unreasonably withheld.

(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act^(a).

(6) The notice required under paragraph (2) must indicate the nature of the survey or investigation that the undertaker intends to carry out.

(7) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(a) 1961 (c.33).

(8) If either a local highway authority or a street authority which receives an application for consent fails to notify the undertaker of its decision within 28 days of receiving the application for consent—

- (a) under paragraph (4)(a) in the case of the local highway authority; or
- (b) under paragraph (4)(b) in the case of a street authority,

that authority is deemed to have granted consent.

PART 5

POWERS OF ACQUISITION

Compulsory acquisition of land

27.—(1) The undertaker may acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate it, or is incidental to it, or is required as replacement land.

(2) This article is subject to paragraph (3) of article 30 (compulsory acquisition of rights and imposition of restrictive covenants) and paragraph (9) of article 40 (temporary use of land for carrying out the authorised development) and article 53 (crown rights).

Compulsory acquisition of land – incorporation of the mineral code

28. Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981(a) are incorporated into this Order subject to the modifications that—

- (a) paragraph 8(3) is not incorporated;
- (b) for “the acquiring authority” substitute “the undertaker”; and
- (c) for “undertaking” substitute “authorised development”.

Time limit for exercise of authority to acquire land compulsorily

29.—(1) After the end of the period of 5 years beginning on the day on which this Order is made—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act; and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act(b) as applied by article 37 (application of the 1981 Act).

(2) The authority conferred by article 40 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker from remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Compulsory acquisition of rights and imposition of restrictive covenants

30.—(1) Subject to the following paragraphs of this article, the undertaker may acquire such rights over the Order land or impose restrictive covenants affecting the land as may be required for any purpose for which that land may be acquired under article 27 (compulsory acquisition of land), by creating them as well as acquiring rights already in existence.

(2) The powers of paragraph (1) may be exercised by a statutory undertaker or by an owner or occupier of land identified in column (4) of the table in Part 4 of Schedule 4 (permanent stopping

(a) 1981 c.67.

(b) 1981 (c.66), as amended by paragraph 150 of Schedule 1, of S.I. 2009/1307, and sections 184 and 185 of Part 7 and Schedule 18 Housing and Planning Act 2016 (c.22)..

up of highways and private means of access and provision of new highways and private means of access) to this Order, instead of by the undertaker in any case where the undertaker has given its prior consent to that in writing, and that consent may be given subject to terms and conditions.

(3) Where in consequence of paragraph (2), a statutory undertaker or an owner or occupier of land exercises the powers in paragraph (1) in place of the undertaker, the statutory undertaker or the owner or occupier of land, as the case may be, is to be treated for the purposes of this Order, and by any person with an interest in the land affected, as being the undertaker in relation to the acquisition of the rights and the imposition of the restrictive covenants in question, except in relation to the payment of compensation the liability for which remains with the undertaker.

(4) In the case of the Order land specified in column (1) of Schedule 5 (land in which new rights etc. may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants as may be required for the purpose specified in relation to that land in column (2) of that Schedule and relating to that part of the authorised development specified in column (3) of that Schedule.

(5) The power under paragraph (1) to acquire the rights and to impose the restrictive covenants described in Schedule 5 for the benefit of statutory undertakers or for the benefit of any other person—

- (a) does not preclude the acquisition of such other rights and the imposition of such other restrictive covenants in respect of the same land in accordance with Schedule 5 as may be required for the benefit of any other statutory undertaker or any other person; and
- (b) must not be exercised by the undertaker in a way that precludes the acquisition of such other rights and the imposition of such other restrictive covenants in respect of the same land in accordance with Schedule 5 as are required for the benefit of any other statutory undertaker or any other person.

(6) Subject to section 8(a) (other provisions as to divided land) of, and Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 5(8) of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights)), where the undertaker acquires a right over land or the benefit of a restrictive covenant, affecting land under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.

(7) Schedule 6 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.

Private rights over land

31.—(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under this Order are extinguished on—

- (a) the date of acquisition of the land by the undertaker whether compulsorily or by agreement; or
- (b) the date of entry on the land by the undertaker under section 11(1)(b) (power of entry) of the 1965 Act,-

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights or the imposition of restrictive covenants under this Order are extinguished in

(a) Section 8 was amended by paragraphs 1 and 2 of Schedule 17 to the Housing and Planning Act 2016 (c.22) and paragraph 62, Schedule 1, of S.I.2009/1307.

(b) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c.67), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure (2006 No. 1); and sections 186(1) and (2), 187 and 188 of the Housing and Planning Act 2016.

so far as their continuance would be inconsistent with the exercise of the right or the burden of the restrictive covenant—

- (a) from the date of the acquisition of the right or the benefit of the restrictive covenant by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1)(a) (power of entry) of the 1965 Act.

whichever is earlier.

(3) Subject to the provisions of this article, all private rights over land owned by the undertaker which, being within the limits of land which that are within the Order limits are extinguished when any material operation comprised in the authorised development interferes with or breaches those rights.

(4) Subject to the provisions of this article, all private rights over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(5) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation in accordance with the terms of section 152(b) (compensation in case where no right to claim in nuisance) of the 2008 Act to be determined, in case of dispute, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act(c).

(6) This article does not apply in relation to any right to which section 138(d) (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act or article 42 (statutory undertakers) applies.

(7) Paragraphs (1) to (4) have effect subject to—

- (a) any notice given by the undertaker before—
 - (i) the completion of the acquisition of the land or the acquisition of the rights or the imposition of the restrictive covenant over or affecting the land;
 - (ii) the undertaker's appropriation of it;
 - (iii) the undertaker's entry onto it; or
 - (iv) the undertaker's taking temporary possession of it,that any or all of those paragraphs do not apply to any right specified in the notice; and
- (b) any agreement made at any time between the undertaker and the person in or to whom the right in question is vested or belongs.

(8) If any such agreement is referred to in paragraph (7)(b)—

- (a) is made with a person in or to whom the right is vested or belongs; and
- (b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(9) References in this article to private rights over land include any trust, incident, easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by virtue of a contract, agreement or undertaking having that effect.

(a) 1965 (c.56). Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c.67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c.71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No.1), Section 103 of the Planning and Compulsory Purchase Act 2004 c.5 and S.I. 2009/1307.

(b) Section 152 as implemented by S.I. 2009/1307.

(c) 1961 (c.33), Part 1 as amended by S.I. 2009/1307 and section 192(1) of the Housing and Planning Act 2016 (c.22).

(d) Section 138 was amended by section 23 (1) and (4) of the Growth and Infrastructure Act 2013 (c.27) and S.I. 2017/1285.

(10) From such date as the undertaker may determine, which may not be later than the date on which the private means of access listed in column 2 of Part 4 of Schedule 4 is stopped up, the owners and occupiers, their agents contractors and any person with the permission of the owner or occupier of the land to be accessed by the private means of access to be substituted or provided on the Order Land and listed in column 4 of Part 4 of Schedule 4, will be entitled to take access to their land at all times with or without vehicles across or along the private means of access to be substituted or provided on the Order Land listed in column 4 of Part 4 of Schedule 4.

Power to override easements and other rights

32.—(1) Any authorised activity which takes place on land within the Order limits (whether the activity is undertaken by the undertaker or by any person deriving title from the undertaker or by any contractors, servants or agents of the undertaker) is authorised by this Order if it is done in accordance with the terms of this Order, notwithstanding that it involves—

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to the user of land arising by virtue of a contract.

(2) The interests and rights to which this article applies include any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by the virtue of a contract.

(3) Where an interest, right or restriction is overridden by paragraph (1), compensation—

- (a) is payable under section 7 (measure of compensation in case of severance) or 10 (further provision as to compensation for injurious affection) of the 1965 Act; and
- (b) is to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections where—
 - (i) the compensation is to be estimated in connection with a purchase under that Act; or
 - (ii) the injury arises from the execution of works on or use of land acquired under that Act.

(4) Where a person deriving title under the undertaker by whom the land in question was acquired—

- (a) is liable to pay compensation by virtue of paragraph (3); and
- (b) fails to discharge that liability, the liability is enforceable against the undertaker.

(5) Nothing in this article is to be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in paragraph (1) of this article.

(6) In this article “authorised activity” means—

- (a) the erection, construction or maintenance of any part of the authorised development;
- (b) the exercise of any power authorised by this Order; or
- (c) the use of any land (including the temporary use of land).

Disregard of certain interests and improvements

33.—(1) In assessing the compensation payable to any person on the acquisition from that person of any land or right over any land under this Order, the tribunal must not take into account—

- (a) any interest in land; or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works carried out or improvement or alteration made on the relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the carrying out of the works or the making of the improvement or alteration as part of the authorised development was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works constructed or the improvement or alteration made as part of the authorised development, directly or indirectly concerned.

Set-off for enhancement in value of retained land

34.—(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including the subsoil) the tribunal must set off against the value of the land so acquired any increase in value of any contiguous or adjacent land belonging to that person in the same capacity which will accrue to that person by reason of the construction of the authorised development.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil) under article 30 (compulsory acquisition of rights and imposition of restrictive covenants), the tribunal must set off against the value of the rights so acquired—

- (a) any increase in the value of the land over which the new rights are required; and
- (b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised development.

(3) The 1961 Act has effect, subject to paragraphs (1) and (2) as if this Order were a local enactment for the purposes of that Act.

No double recovery

35. Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.

Modification of Part 1 of the 1965 Act

36.—(1) Part 1 of the 1965 Act, as applied to this Order by section 125(a) (application of compulsory acquisition provisions) of the 2008 Act, is modified as follows.

(2) In section 4A(1)(b) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118 of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent(c)), the five year period mentioned in article 29 (time limit for exercise of authority to acquire land compulsorily) of the A12 Chelmsford to A120 Widening Development Consent Order 202[X]”.

(3) In section 11A(d) (powers of entry: further notice of entry)—

- (a) in subsection (1)(a), after “land” insert “under that provision”;
- (b) in subsection (2), after “land” insert “under that provision”.

(4) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 29 (time limit for exercise of authority to acquire land compulsorily) of the A12 Chelmsford to A120 Widening Development Consent Order202[X]”.

(5) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat)—

(a) Section 125 was amended by section 190 of, and paragraph 17, Schedule 16 to the Housing and Planning Act 2016.

(b) Section 4A(1) was inserted by section 202(1) of the Housing and Planning Act 2016.

(c) Section 118 was amended by paragraphs 1 and 59 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011 (c.20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c.2)

(d) Section 11A was inserted by section 186(3) Housing and Planning Act 2016.

(a) for paragraphs 1(2) and 14(2) substitute—

“(2) But see article 38 (acquisition of subsoil or airspace only) on the A12 Chelmsford to A120 Widening Development Consent Order 202[X], which excludes the acquisition of subsoil or airspace only from this schedule;”

(b) after paragraph 29, end insert—

“PART 4

INTERPRETATION

30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 25 (protective work to buildings), 40 (temporary use of land for carrying out the authorised development) or 41 (temporary use of land for maintaining the authorised development) of the A12 Chelmsford to A120 Widening Development Consent Order [XX]”.

Application of the 1981 Act

37.—(1) The 1981 Act applies as if this Order were a compulsory purchase order.

(2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.

(3) In section 1 (application of Act), for subsection 2 substitute—

“(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”

(4) In section 5(a) (earliest date for execution of declaration) in subsection (2), omit the words from “, and this subsection” to the end.

(5) Omit section 5A(b) (time limit for general vesting declaration).

(6) In section 5B(c) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the five year period mentioned in article 29 (time limit for exercise of authority to acquire land compulsorily) of the A12 Chelmsford to A120 Widening Development Consent Order 202[X]”.

(7) In section (6)(d) (notices after execution of declaration), in subsection (1)(b), for “section 15 of, or paragraph 6 of Schedule 2 to, the Acquisition of Land Act 1981” substitute “section 134(e) (notice of authorisation of compulsory acquisition) of the Planning Act 2008”.

(8) In section 7(f) (constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.

(9) In Section 11 (recovery of compensation overpaid) for subsection (1) substitute—

“(1) This section applies where after the execution of a general vesting declaration a person (“the claimant”) claims compensation in respect of the Acquisition of an interest in land by virtue of the declaration and the acquiring authority pay compensation in respect of that interest”.

(10) In Schedule A1(a) (counter-notice requiring purchase of and not in general vesting declaration) for paragraph 1(2) substitute—

(a) Section 5 was amended by Schedule 15 to the Housing and Planning Act 2016.

(b) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016.

(c) Section 5B was inserted by section 202(2) of the Housing and Planning Act 2016.

(d) Section 6 was amended by section 4 of, and paragraph 52(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (C.11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016.

(e) As amended by section 142 and paragraph 1 of Schedule 25 to the Localism Act 2011 (c.20) and paragraph 6 of Schedule 1 of S.I. 2017/16.

(f) Section 7(1) was substituted by paragraphs 1 and 3 of Schedule 18 to the Housing and Planning Act 2016.

“(2) But see article 38(3) (acquisition of subsoil or airspace only) of the A12 Chelmsford to A120 Widening Development Consent Order 202[X], which excludes the acquisition of subsoil or airspace only from this Schedule”.

(11) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and as modified by article 36 (modification of Part 1 of the 1965 Act)) to the compulsory acquisition of land under this Order.

Acquisition of subsoil or airspace only

38.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of or the airspace over the land referred to in paragraph (1) of article 27 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of or the airspace over the land referred to in paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.

(3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or airspace only—

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as modified by article 36 (modification of Part 1 of the 1965 Act)) of this Order;
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the Compulsory Purchase (Vesting Declarations) Act 1981; and
- (c) section 153 (4A)(b) (blighted land: proposed acquisition of part interest; material detriment test) of the Town and Country Planning Act 1990.

(4) Paragraphs (2) and (3) are to be disregarded where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.

Rights under or over streets

39.—(1) The undertaker may enter on and appropriate so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil or airspace for those purposes or any other purpose ancillary to the authorised development.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person’s interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation is not payable under paragraph (4) to any person who is a statutory undertaker to whom section 85 (sharing of cost of necessary measures) of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

(a) Schedule A1 was inserted by paragraph 6 of Part 1 of Schedule 18 to the Housing and Planning Act 2016.

(b) Section 153(4A) was inserted by section 200(1) and (2) of the Housing and Planning Act 2016.

Temporary use of land for carrying out the authorised development

40.—(1) The undertaker may, in connection with the carrying out of the authorised development, but subject to article 29 (time limit for exercise of authority to acquire land compulsorily)—

- (a) enter on and take possession of—
 - (i) the land specified in columns (1) and (2) of Schedule 7 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised development specified in column (4) of that Schedule; and
 - (ii) any other Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;
- (b) remove any electric line, electrical plant, structures, apparatus, buildings and vegetation from that land,
- (c) construct temporary works (including the provision of means of access) and buildings or structures on that land; and
- (d) construct any works on that land as are mentioned in Schedule 1 (authorised development).

(2) Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken in respect of land specified under paragraph (1)(a)(ii).

(3) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article—

- (a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (4) of Schedule 7 (land of which temporary possession may be taken); or
- (b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to—

- (a) replace a building removed under this article;
- (b) restore the land on which any permanent works have been constructed under paragraph (1)(d);
- (c) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development;
- (d) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development;
- (e) remove or reposition any apparatus installed for or belonging to statutory undertakers; or
- (f) remove or reposition any necessary mitigation or accommodation works.

(5) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(7) Any dispute as to the removal of temporary works and restoration of land under paragraph (4) does not prevent the undertaker giving up possession of the land.

(8) Subject to article 35 (no double recovery), nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

(9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 38 (acquisition of subsoil or airspace only).

(10) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(11) Section 13(a) (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(12) Paragraph (1)(a)(ii) does not authorise the undertaker to take temporary possession of any land which the undertaker is not authorised to acquire under article 27 (compulsory acquisition of land) or article 30 (compulsory acquisition of rights and imposition of restrictive covenants).

Temporary use of land for maintaining the authorised development

41.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—

- (a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development;
- (b) enter on any land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and
- (c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and must explain the purpose for which entry is taken.

(4) The undertaker is not required to serve notice under paragraph (3) where the undertaker has identified a potential risk to the safety of—

- (a) the authorised development or any of its parts;
- (b) the public; or
- (c) the surrounding environment, and

in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such period of notice as is reasonably practical in the circumstances.

(a) Section 13 was amended by sections 62(3) and 139 of, and paragraph 28 of Schedule 13, and part 3 of Schedule 23, to, the Tribunals, Courts and Enforcement Act 2007 (c.15).

(5) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.

(6) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(7) Any dispute as to the removal of temporary works and restoration of land under paragraph (5) does not prevent the undertaker giving up possession of the land.

(8) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(9) Any dispute as to a person's entitlement to compensation under paragraph (8), or as to the amount of the compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.

(10) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (8).

(11) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(12) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(13) In this article "the maintenance period", in relation to any part of the authorised development, means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.

Statutory undertakers

42.—(1) Subject to the provisions of article 30 (compulsory acquisition of rights and imposition of restrictive covenants), Schedule 11 (protective provisions) and paragraph (2), the undertaker may—

- (a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, any Order land belonging to statutory undertakers; and
- (b) extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land.

(2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—

- (a) Part 3 (street works in England and Wales) of the 1991 Act; and
- (b) article 43(2) (apparatus and rights of statutory undertakers in stopped up streets).

Apparatus and rights of statutory undertakers in stopped up streets

43.—(1) Where a street is stopped up under article 20 (permanent stopping up and restriction of use of streets and private means of access), any statutory utility whose apparatus is under, in, on, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 20 (permanent stopping up and restriction of use of streets and private means of access) any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker must—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).

(3) Subject to the following provisions of this article, the undertaker must pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—

- (a) the execution of the relocation works required in consequence of the stopping up of the street; and
- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under paragraph (2)—

- (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which, apart from this paragraph, would be payable to the statutory utility by virtue of paragraph (3) is to be reduced by the amount of that excess.

(5) For the purposes of paragraph (4)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Paragraphs (3) to (6) do not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“relocation works” means work executed, or apparatus provided, under paragraph (2); and

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003(a).

(a) There are amendments to section 151 which are not relevant to this Order.

Recovery of costs of new connections

44.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 42 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 41 (temporary use of land for maintaining the authorised development), any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article does not have effect in relation to apparatus to which article 43 (apparatus and rights of statutory undertakers in stopped up streets) or Part 3 of the 1991 Act applies.

(4) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) (interpretation of Chapter 1) of the Communications Act 2003(a); and

“public utility undertaker” means a gas, water, electricity or sewerage undertaker.

Special category land

45.—(1) On the exercise by the undertaker of the relevant Order powers, the special category land identified in Part 1 of Schedule 8 is not to vest in the undertaker, and the undertaker may not acquire any rights over the special category (rights) land identified in Part 2 of Schedule 8 until the undertaker has acquired the replacement land identified in Part 4 of Schedule 8 and the Secretary of State (in consultation with the relevant planning authority) has certified that a scheme for the provision of the replacement land as open space and a timetable for the implementation of the scheme has been received from the undertaker.

(2) On the requirements of paragraph (1) being satisfied, the special category land identified in Part 1 of Schedule 8 is to vest in the undertaker and be discharged from all rights, trusts and incidents to which it was previously subject.

(3) On the requirements of paragraph (1) being satisfied, the undertaker may acquire the rights over the special category (rights) land are to vest in the undertaker and the special category (rights) land is to be discharged from all private rights to which it was previously subject in accordance with article 31 (private rights over land) subject so far as their continuance would be inconsistent with the said rights that are to be acquired.

(4) On the date on which the replacement land is laid out and provided in accordance with the scheme requirements at paragraph (1), the replacement land is to vest in the person(s) in whom the special category land was vested immediately before it was vested in the undertaker and is to be subject to the same rights, trusts and incidents as attached to the special category land.

(5) In this article “the relevant Order powers” means the powers exercisable over the special category land by the undertaker under article 27 (Compulsory acquisition of land) or article 30 (compulsory acquisition of rights and imposition of restrictive covenants).

(a) There are amendments to section 151 which are not relevant to this Order.

PART 6 OPERATIONS

Felling or lopping of trees and removal of hedgerows

46.—(1) The undertaker may fell or lop any tree or shrub, or cut back its roots, within or overhanging land within the Order limits if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1) or (4) the undertaker must—

- (a) do no unnecessary damage to any tree or shrub; and
- (b) pay compensation to any person for any loss or damage arising from such activity.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined and if it were a dispute under Part 1 of the 1961 Act.

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2)—

- (a) remove any hedgerow described in Part 1 or Part 2 of Schedule 9 (hedgerows and trees); and
- (b) subject to consultation with the relevant planning authority, remove any hedgerow within the Order limits that may be identified and that is not otherwise set out within Part 1 or Part 2 of Schedule 9.

(5) In this article “hedgerow” has the same meaning as in the Hedgerows Regulations 1997^(a) and includes important hedgerows.

Trees subject to tree preservation orders, etc.

47.—(1) The undertaker may fell or lop any tree described in Part 3 of Schedule 9 (trees subject to tree preservation orders), cut back its roots or undertake such other works as the undertaker reasonably believes to be necessary to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1)—

- (a) the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity; and
- (b) the duty contained in section 206(1) (replacement of trees) of the 1990 Act is not to apply although where possible the undertaker is to seek to replace any trees which are removed.

(3) The authority given in paragraph (1) constitutes a deemed consent under the relevant tree preservation order.

(4) The powers in paragraph (1) may be exercised in relation to any tree or shrub that is situated within a conservation area designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(a) S.I. 1997/1160.

(5) Action may not be taken under paragraph (4) unless the undertaker has given written notice to the relevant planning authority of the intended action (with sufficient particulars to identify the tree), and either—

- (a) the relevant planning authority has indicated in writing that it has no objection to the works or that they fall within an exemption in paragraph (6) or (7), or
- (b) six weeks have elapsed from the date of the notice and a tree preservation order has not been made in respect of the tree or shrub.

(6) Paragraph (4) does not apply where consent would not be needed for the proposed action if the tree or shrub were subject to a tree preservation order.

(7) Paragraph (4) does not apply to any action which would be exempt in accordance with regulations under section 212 of the 1990 Act (disapplication of tree preservation offences).

(8) The duty contained in section 213(1) of the 1990 Act (replacement of trees) does not apply to the undertaker in carrying out any activity authorised by paragraphs (4) and (5).

(9) The authority given by paragraphs (4) and (5) constitutes an authorisation by an order granting development consent for the purposes of section 211(1A) of the 1990 Act.

(10) In carrying out any activity authorised by this article, the undertaker must not unnecessarily damage any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

(11) Any dispute as to a person's entitlement to compensation under this article, or as to the amount of compensation, is to be determined as if it were a dispute under Part 1 (of the 1961 Act).

PART 7

MISCELLANEOUS AND GENERAL

Application of landlord and tenant law

48.—(1) This article applies to—

- (a) any agreement for lease to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(3) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

49. Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as operational land for the purposes of that Act) of the 1990 Act.

Defence to proceedings in respect of statutory nuisance

50.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(**a**) in relation to a nuisance falling within paragraph (g) of section 79(1) (**b**) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if—

- (a) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites), of the Control of Pollution Act 1974(**c**); or
 - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990(**d**)) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

Appeals relating to the Control of Pollution Act 1974

51.—(1) Except as otherwise provided for in this Order the undertaker may appeal in the event that a local authority issues a notice under section 60 (control of noise on construction sites), or does not give consent or grants consent but subject to conditions, under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(**e**).

(2) The appeal process is as follows—

- (a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision, or the date by which a decision was due to be made, as the case may be;
- (b) the undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the local authority and affix a notice to a conspicuous object on or near the site of the works which are the subject of such appeal, which must give details of the decision of the local authority and notice that an appeal has been made together with the address within the locality where the appeal documents may be inspected and details of the manner in which representations on the appeal may be made;

(a) 1990 (c.43). There are amendments to this sub-section which are not relevant to this Order.

(b) There are amendments to section 79(1) which are not relevant to this Order.

(c) 1974 (c.40). Section 61 was amended by section 162 of, and paragraph 15(1) and (3) of Schedule 15 to, the Environmental Protection Act 1990 (c. 43), there are other amendments to section 61 of the Act but none are relevant to this Order

(d) Section 61(9) was amended by section 162 of, and paragraph 15 of Schedule 15 to, the Environmental Protection Act 1990. There are further amendments to section 61 which are not relevant to this Order.

(e) 1974 (c.40). Section 60 was amended by section 162 of, and paragraph 15(1) and (3) of Schedule 15 to, the Environmental Protection Act 1990 (c.43), there are other amendments to section which are not relevant to this Order.

- (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to consider the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person, a start date and the address to which all correspondence for their attention should be sent;
- (d) the local authority must submit their written representations to the appointed person in respect of the appeal within 10 business days of the start date and must ensure that copies of their written representations and any other representations as sent to the appointed person are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (e) the appeal parties must make any counter-submissions to the appointed person within 10 business days of receipt of written representations under sub-paragraph (d); and
- (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

(3) The appointment of the person under sub-paragraph (2)(c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(4) In the event that the appointed person considers that further information is necessary to enable the appointed person to consider the appeal, the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(5) Any further information required under paragraph (4) must be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person.

(6) The appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day.

(7) The revised timetable for the appeal must require submission of written representations to the appointed person within 10 business days of the agreed date but must otherwise be in accordance with the process and time limits set out in sub-paragraphs (2)(c) to (e).

(8) On an appeal under this paragraph, the appointed person may—

- (a) allow or dismiss the appeal; or
- (b) reverse or vary any part of the decision of the local authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to the appointed person in the first instance.

(9) The appointed person may proceed to a decision on an appeal taking into account such written representations as have been sent within the relevant time limits and in the sole discretion of the appointed person such written representations as have been sent outside the relevant time limits.

(10) The appointed person may proceed to a decision even though no written representations have been made within the relevant time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(11) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(12) Except where a direction is given under paragraph (13) requiring some or all of the costs of the appointed person to be paid by the local authority, the reasonable costs of the appointed person must be met by the undertaker.

(13) The appointed person may give directions as to the costs of the appeal and as to the parties by whom such costs are to be paid.

(14) In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the relevant Planning Practice Guidance published by the Department for Levelling Up, Housing and Communities or such guidance as may from time to time replace it.

Removal of human remains

52.—(1) In this article, “the specified land” means any land within the Order limits.

(2) Before the undertaker carries out any development or works which will or may disturb any human remains in the specified land it must remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article.

(3) Subject to paragraph (12), before any such remains are removed the undertaker must give notice of the intended removal describing the specified land and stating the general effect of the following provisions of this article by—

- (a) publishing a notice for two successive weeks in a newspaper circulating in the area of the authorised development; and
- (b) displaying a notice in a conspicuous place on or near to the specified land.

(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker must send a copy of the notice to the relevant planning authority.

(5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the undertaker of that person’s intention to undertake the removal of the remains.

(6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be—

- (a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or
- (b) removed to, and cremated in, any crematorium,

and that person is to, as soon as reasonably practicable after such re-interment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (11).

(7) If the undertaker is not satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question must be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who must remove the remains and as to the payment of the costs of the application.

(8) The undertaker must pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under this article.

(9) If—

- (a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land; or
- (b) such notice is given and no application is made under paragraph (7) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or
- (c) within 56 days after any order is made by the county court under paragraph (7) any person, other than the undertaker, specified in the order fails to remove the remains; or
- (d) it is determined that the remains to which any such notice relates cannot be identified

subject to paragraph (10) the undertaker must remove the remains and cause them to be reinterred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves are to be reinterred in individual containers which are to be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.

(10) If the undertaker is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker must comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains.

- (11) On the re-interment or cremation of any remains under this article—
- (a) a certificate of re-interment or cremation is to be sent to the Registrar General by the undertaker giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and
 - (b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) must be sent by the undertaker to the relevant planning authority.
- (12) No notice is required under paragraph (3) before the removal of any human remains where the undertaker is satisfied—
- (a) that the remains were interred more than 100 years ago; and
 - (b) that no relative or personal representative of the deceased is likely to object to the remains being removed in accordance with this article.
- (13) In the case of remains in relation to which paragraph (12) applies, the undertaker—
- (a) may remove the remains;
 - (b) must apply for direction from the Secretary of State under paragraph (14) as to their subsequent treatment; and
 - (c) must deal with the remains in such manner, and subject to such conditions, as the Secretary of State directs.
- (14) The removal of the remains of any deceased person under this article must be carried out in accordance with any directions which may be given by the Secretary of State for Justice.
- (15) Any jurisdiction or function conferred on the county court by this article may be exercised by the district judge of the court.
- (16) Section 25 (offence of removal of body from burial ground) of the Burial Act 1857(a) does not apply to a removal carried out in accordance with this article.

Crown Rights

53.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any lessee or licensee

- (a) to take, use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—
 - (i) belonging to His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;
 - (ii) belonging to His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or
 - (iii) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.
- (b) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory purchase of any interest in any Crown land (as defined in the 2008 Act) for the time being held otherwise than by or on behalf of the Crown.

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

(a) 1857 c. 81. Section 25 was substituted by section 2 of the Church of England (Miscellaneous Provisions) Measure 2014 (No. 1).

Use of private roads for construction

54.—(1) The undertaker may use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with, the construction of the authorised development.

(2) The undertaker must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss or damage which that person may suffer by reason of the exercise of the power conferred by paragraph (1).

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of such compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

Disapplication of local legislation

55.—(1) The provisions of the Chelmer and Blackwater Navigation Act 1793 do not apply in relation to the construction of works carried out for the purpose of, or in connection with, the construction or maintenance of the authorised development and are made subject to the acquisition of new rights and covenants under article 30 (compulsory acquisition of new rights and imposition of restrictive covenants), or the exercise of temporary powers over land included in article 40 (temporary use of land for carrying out the authorised development) or article 41 (temporary use of land for maintaining the authorised development) of this Order.

(2) In this article “the Chelmer and Blackwater Navigation Act 1793” means the Public Act, 33 George III, C.93, being an ‘Act for making and maintaining a Navigable Communication between the Town of Chelmsford, or some Part of the Parish of Springfield in the County of Essex, and a Place called Collier’s Reach, in or near the River Blackwater in the said.

Disapplication and modification of local byelaws

56.—(1) The local byelaws specified in Schedule 10 (disapplication and modification of local byelaws) are hereby disappplied and do not apply insofar as inconsistent with a provision of, or a power conferred by, this Order.

(2) For the purpose of paragraph (1) a provision is inconsistent with the exercise of a power conferred by this Order if and insofar as (in particular)—

- (a) it would make it an offence to take action, or not to take action, in pursuance of the power;
- (b) action taken in pursuance of the power would cause the provision to apply so as to enable a person to require the taking of remedial or other action or so as to enable remedial or other action to be taken;
- (c) action taken in pursuance of a power or duty under the provision would or might interfere with the exercise of any work authorised by this Order.

(3) Where any person notifies the undertaker in writing that anything done or proposed to be done by the undertaker or by virtue of this Order would amount to a contravention of a statutory provision of local application, the undertaker must as soon as reasonably practicable, and at any rate within 14 days of receipt of the notice, respond in writing setting out—

- (a) whether the undertaker agrees that the action taken or proposed does or would contravene the provision of local application;
- (b) if the undertaker does agree, the grounds (if any) on which the undertaker believes that the provision is excluded is excluded by this article; and
- (c) the extent of that exclusion.

Use of land between Bury Lane and Station Road, Hatfield Peverel

57.—(1) The undertaker may—

- (a) use the relevant land; and

(b) authorise the use of the relevant land by any qualifying person,

for the passage on foot or with vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with access to specified land.

(2) Every part of the relevant land is deemed to form part of a road for the purposes of article 23 (traffic regulation) of this Order.

(3) The undertaker must compensate the person liable for the repair of the land to which paragraph (1) applies for any loss or damage which that person may suffer by reason of the exercise of the power conferred by paragraph (1).

(4) Any dispute as to a person's entitlement to compensation under paragraph (3), or as to the amount of such compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.

(5) In this article—

the “relevant land” means any part of the land within the plot 5/20a of the Order land as shown on the land plans and described in the book of reference;

“qualifying person” means any person authorised by the undertaker to use the relevant land; and

“specified land” means any land specified by the undertaker as being land to which qualifying persons require access over the relevant land.

Use of Consecrated land

58.—(1) Sections 238 (use and development of consecrated land) and 239 (use and development of burial grounds) of the 1990 Act apply—

(a) in relation to land, other than a right over land, acquired for the purposes of the authorised development (whether or not by agreement) so as to permit use by the undertaker in accordance with the provisions of this Order; and

(b) in relation to a right over land acquired for the purposes of the authorised development (whether or not by agreement) the temporary use of land pursuant to articles 40 (temporary use of land for constructing the authorised development) or 41 (temporary use of land for maintaining the authorised development) so as to permit the exercise of that right or the temporary use by the undertaker in accordance with the provisions of this Order, without prejudice to the status of the land over which the right is exercised as consecrated land,

and in section 238(1) of the 1990 Act reference to a “planning permission” includes this Order, in section 240(1) of the 1990 Act reference to “regulations made for the purposes of sections 238(3) and (4) and 239(2) means, so far as is applicable to land or a right over land acquired under this Order paragraphs (2) to (15) of article 52 and in section 240(3) of the 1990 Act reference to a “statutory undertaker” includes the undertaker and reference to “any other enactment” includes this Order.

(2) The Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950(a) do not apply to the authorised development.

Protective provisions

59. Schedule 11 (protective provisions) to the Order has effect.

(a) 1950/792, as amended by paragraph 7 of Schedule 1 to The Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996/525.

Certification of documents, etc.

60.—(1) As soon as practicable after the making of this Order, the undertaker must submit copies of each of the plans and documents set out in Schedule 12 (documents, etc to be certified) to the Secretary of State for certification as true copies of those plans and documents.

(2) Where any plan or document set out in Schedule 12 requires an amendment to reflect the terms of the Secretary of State’s decision to make this Order, that plan or document in the form amended to the Secretary of State’s satisfaction is the version of the plan or document required to be certified under paragraph (1).

(3) A plan or document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

61.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post;
- (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or
- (c) with the consent of the recipient and subject to paragraphs (5) to (8) by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(a) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is to be taken to be fulfilled only where—

- (a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;
- (b) the notice or document is capable of being accessed by the recipient;
- (c) the notice or document is legible in all material respects; and
- (d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.

(a) 1978 (c. 30), as amended by section 17 of 1994 (c. 36). There are other amendments to the Act which are not relevant to this Order.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

(a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

(b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

(10) In this article “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.

Arbitration

62.—(1) Except where otherwise expressly provided for in this Order and unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) must be referred to and settled by a single arbitrator to be agreed between the parties, or failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

(2) This article does not apply where any difference under any provision of this Order is between any person and the Secretary of State.

Signed by authority of the Secretary of State for Transport

Name
Head of the Transport and Works Act Orders Unit
Department for Transport

Address

Date

SCHEDULES

SCHEDULE 1

Articles 2, 5 and 6

AUTHORISED DEVELOPMENT

In the County of Essex, in the administration areas of Chelmsford City Council, Braintree District Council, Maldon District Council and Colchester City Council.

The Works are situated as follows—

in respect of the whole of Work Nos. 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 1(g), 1(h), 1(i), 1(j), 1(k), 1(l), 2(a), 2(b), 3(a), 3(b), 4, 5, 6(a), 6(b), 7(a), 7(b), T1, T2, T3, T4, T5, T6, U1, U2, U3, U4, U5, U6, U7, U8, U9, U10, U11, U12, U13, U14, U15, U16, U17, U18, U19, U20, U20A, U2A, U3A, U3B, U10A, U10C, U12A, U3C, U2B, U1A, U12B and part of Work Nos. U21, U22 in the administrative area of Chelmsford City Council;

in respect of the whole of Work Nos. 8(a), 8(b), 9, 10, 11, 12(a), 12(b), 12(c), 13(a), 13(b), 14(a), 14(b), 15, 16, 17, 18(a), 18(b), 18(c), 18(d), 18(e), 18(f), 19, 20, 21, 22, 23(a), 23(b), 24(a), 24(b), 24(c), 24(d), 24(e), 24(g), 25, 26, 27, 28(a), 28(b), 29(a), 29(b), 30, 31, 32(a), 32(b), 32(c), 32(d), 33(a), 33(b), 34(a), 34(b), 35(a), 35(b), 36, 37(a), 37(b), 37(c), 37(d), 37(e), 38(a), 38(b), 39(a), 39(b), 39(c), 39(d), 40(a), 40(b), 41(a), 41(b), 41(c), 42(a), 42(b), 43(a), 43(b), 44(a), 44(b), 45(c), 45(d), 45(e), 46(a), 46(b), 47, 48, 49, 51(b), 52, 53, 56, 57, 58, 59, 60, 61(a), 61(d), 62(a), 62(b), 64, 66(b), 75, 76, 77, 78(a), 78(b), 79(a), 79(b), 79(c), 80(a), 80(b), 81, 82(a), 82(b), 82(c), 82(d), 82(e), 82(f), 82(g), 84, 85(a), 85(b), 86, 87(a), 87(b), 88(d), 91(a), 30A, 22A, 21A, 27A, 49A, 60A, 83, T7, T8, T9, T10, T11, T12, T13, T14, T15, T16, T17, T18, T19, T20, T21, T22, T23, T24, T25, T26, T27, T28, T29, T30, T31, T32, T33, T34, T35, T36, T38, T40, T47, U23, U24, U25, U26, U27, U28, U29, U30, U31, U32, U33, U34, U35, U36, U37, U38, U39, U40, U41, U42, U43, U57, U45, U46, U47, U55, U50, U50A, U51, U52, U53, U54, U48, U59, U49, U56, U44, U60, U61, U62, U63, U64, U65, U66, U68, U22A, U71, U72, U37A, U74, U75, U76, U77, U78, U79, U80, U81, U82, U83, U84, U86, U88, U89, U90, U91, U92, U93, U94, U95, U96, U97, U98, U99, U100, U101, U102, U103, U104, U105, U106, U107, U108, U109, U110, U111, U112, U113, U114, U115, U116, U117, U118, U119, U120, U121, U122, U123, U124, U125, U126, U127, U128, U129, U130, U131, U132, U135, U136, U151, U152, U153, U155, U156, U157, U158, U159, U160, U161, U162, U163, U164, U165, U166, U128A, U124A, U141A, U29A, U58, U62A, U63A, U70, U67, U73, U73A, U87, U85A, U85B, U85, U104A, U167A, U166A, U111B, U111A, U41A, U89A, U111C, U136A, U167B, U167C, U38A, U84A] and part of Work Nos. 45(a), 45(b), 50, 51(a), 54(a), 54(b), 55(a), 55(c), 61(b), 61(c), 65(b), 66(a), 68(a), 74(a), 88(a), 88(b), 88(c), 89(a), 91(b), 91(c), 76A, 50A, T37, T39, T41, T43, T45, T46, T48, T49, U21, U22, U69, U133, U134, U137, U138, U139, U140, U141, U149, U150, U154, U167, U168, U169, U170, U171, U172, U173 in the administrative area of Braintree District Council;

in respect of the whole of Work Nos. 55(b), 63(a), 63(b) and part of Work Nos. 45(a), 50, 51(a), 54(a), 54(b), 55(a), 55(c), 61(b), 61(c), 50A, T37, U69, U133, U134, U137, U138, U139, U140 in the administrative area of Maldon District Council; and

in respect of the whole of Work Nos. 45(f), 65(a), 67(a), 67(b), 68(b), 69(a), 69(b), 70, 71, 72(a), 72(b), 73, 74(b), 74(c), 89(b), 90, 92(a), 92(b), 93(a), 93(b), 94(a), 94(b), 94(c), 94(d), 95, 96(a), 96(b), 97, 98(a), 98(b), 99(a), 99(b), 100, 101, 102(a), 102(b), 102(c), 102(d), 103(a), 103(b), 104, 105(a), 105(b), 105(c), 106, 107, 108, 109(a), 109(b), 110(a), 110(b), 112, 113, 114, 116, 117, 119, 120, 122, 104A, T42, T44, T50, T51, T52, T53, T54, U142, U143, U144, U145, U146, U147, U148, U174, U175, U176, U177, U178, U179, U180, U181, U182, U183, U184, U185, U186, U187, U188, U189, U190, U191, U192, U193, U194, U195, U196, U197, U198, U199, U200, U201, U202, U203, U204, U205, U206, U207, U145A, U146B, U146C, U184A, U193A, U186A, U208, U200A, U147C, U147B, 147A, U147D, U173A, U173B, U174A, U180A, U146A and part

of Work Nos. 45a, 45b, 65b, 66a, 68a, 74a, 88a, 88b, 88c, 89a, 91b, 91c, 76A, T39, T41, T43, T45, T46, T48, T49, U137, U140, U141, U149, U150, U154, U167, U168, U169, U170, U171, U172, U173 in the administrative area of Colchester City Council.

The authorised development is a nationally significant infrastructure project as defined in sections 14, 20 and 22 of the 2008 Act^(a) and associated development within the meaning of section 115(2) of the 2008 Act, comprising—

Permanent Works

Work No. 1 – As shown on sheets 1 and 2 of the permanent works plans improvement works to junction 19 (J19) of the A12 including:

- (a) Works to widen the carriageway of the existing A12 south and north of the existing J19, of approximately 1618 metres in length including works to tie in to the existing A12;
- (b) the widening of Boreham Bridge, alterations to Generals Lane Roundabout and Generals Farm roundabout;
- (c) the construction of the J19 slip roads (northbound on-slip, southbound off-slip and southbound merge). The southbound off-slip includes alterations to the throughabout at Generals Farm Roundabout, which consists of widening the existing throughabout, through the centre of the existing roundabout;
- (d) the widening of B1137 Main Road of approximately 236 metres in length northeast of the Generals Farm roundabout and the provision of means of access to adjoining land;
- (e) realigning the A138 south of the Generals Lane roundabout;
- (f) alteration to the Generals Lane roundabout link to the A12 northbound on-slip;
- (g) alterations to the realigned Beaulieu Park Radial Distributor Road to the A12 northbound;
- (h) alterations to the segregated left turn from Boreham Bridge to the A130;
- (i) alterations to the A130 to tie in with the Generals Lane Roundabout;
- (j) widening the Realigned Beaulieu Park Radial Distributor Road to tie in with the Generals Lane Roundabout;
- (k) alterations to the A138 link to the A12 northbound on-slip; and
- (l) construction of segregated left turn lane from the realigned Beaulieu Park Radial Distributor Road to Boreham Bridge.

Work No. 2 – As shown on sheets 1 and 2 of the permanent works plans the construction of a new drainage facility to the east of the A12 south of J19, Springfield, including the construction of:

- (m) an attenuation pond including associated outfall to the River Chelmer; and
- (n) an access track of approximately 1287 metres in length from the Generals Farm roundabout to the pond (Work No. 2(a)) and the provision of mean of access to adjoining land.

Work No. 3 – As shown on sheet 1 of the permanent works plans the construction of a drainage facility east of the A12 and south of J19 including:

- (o) an attenuation pond including associated outfall; and
- (p) an access track of approximately 310 metres in length connecting to Work No. 2(b).

Work No. 4 – As shown on sheet 2 of the permanent works plans resurfacing and extension of Paynes Lane of approximately 264 metres in total length from its junction with B1139 Main Road to the proposed Paynes Lane Bridge (Work No. 5), Boreham;

(a) 2008 (c. 29), section 14 as implemented by S.I. 2010/101, S.I. 2017/1078, S.I. 2011/705, S.I. 2011/2054 and as amended by S.I. 2019/12, S.I. 2012/1645, there are other amendments to the Act which are not relevant to this Order. Section 22 as implemented by S.I. 2010/101 and amended by Article 3 of S.I. 2013/1883 and paragraph 153(3) of Schedule 1(2) of the Infrastructure Act 2015 (c.7).

Work No. 5 – As shown on sheet 2 of the permanent works plans the construction of the proposed Paynes Lane Bridge over the existing A12 and the Great Eastern Main Line Railway, north of J19;

Work No. 6 – As shown on sheet 2 of the permanent works plans the construction of a drainage facility east of Generals Lane Roundabout at Junction 19 and to the north of the A12, including the construction of:

- (q) an attenuation pond including associated outfall; and
- (r) an access track of approximately 20 metres in length from the Junction 19 northbound on-slip road.

Work No. 7 – As shown on sheet 2 of the permanent works plans the construction of a drainage facility including the construction of east of Boreham Brook and to the south of the existing A12:

- (s) an attenuation pond including associated outfall in to the Boreham Brook; and
- (t) an access track of approximately 93 metres in length from B1137 Main Road.

Work No. 8 – As shown on sheet 5 of the permanent works plans the construction of a drainage facility, north east of the River Ter Bridge, including the construction of:

- (u) an attenuation pond including associated outfall, and
- (v) an access track of approximately 531 metres in length from Bury Lane, Hatfield Peverel and the provision of means of access to adjoining land.

Work No. 9 – As shown on sheet 5 of the permanent works plans the construction of a replacement overbridge to carry Bury Lane over the A12 including demolition of the existing bridge carrying the highway of Bury Lane over the A12, Hatfield Peverel and associated tie in works;

Work No. 10 – As shown on sheet 5 of the permanent works plans the construction of a replacement overbridge to carry Station Road over the A12, including the demolition of the existing bridge carrying the highway of Station Road, Hatfield Peverel over the A12 and associated tie in works.

Work No. 11 – As shown on sheets 4 and 5 of the permanent works plans the construction of the realigned B1137 known as Main Road and The Street, Hatfield Peverel.

Work No. 12 – As shown on sheets 4, 5, 6, 7, 8 and 9 of the permanent works plans alterations to the existing A12 commencing 518 metres southwest of River Ter Bridge to a point to the west of Junction 22 (J22) west facing slip roads and including:

- (w) works to the existing A12 carriageways of approximately 3110 metres in length, including widening of the existing carriageways, new carriageways, widening of the carriageway over the River Ter Bridge, retaining earth structures and tie in works;
- (x) the construction of slip roads to and from Junction 21 roundabouts (Work No. 18(a)); and
- (y) the widening of the existing A12 carriageway of approximately 3754 metres in length, widening of the existing carriageways, new carriageways, including retaining earth structures, noise barriers, demolition of the existing Woodend Bridge and tie in works.

Work No. 13 – As shown on sheet 5 of the permanent works plans the construction of a drainage facility to the south of the B1137 (The Street), Hatfield Peverel, including the construction of:

- (z) an attenuation pond including associated outfall to the River Ter; and
- (aa) an access track of approximately 296 metres in length from The Street.

Work No. 14 – As shown on sheet 6 of the permanent works plans the construction of a drainage facility including:

- (bb) an attenuation pond and outfall to the north of the New Hatfield Peverel Link Road (Work No. 18(b)); and
- (cc) an access track of approximately 96 metres in length from the new Hatfield Peverel Link Road (Work No. 18(b)).

Work No. 15 – As shown on sheet 6 of the permanent works plans the construction of a flood mitigation area to the north and south of the New Hatfield Peverel Link Road (Work No. 18(b)).

Work No. 16 – As shown on sheet 6 of the permanent works plans the construction of an attenuation pond including associated outfall, to the north of the New Hatfield Peverel Link Road (Work No. 18(b)).

Work No. 17 – As shown on sheet 6 of the permanent works plans, a borrow pit (Borrow Pit-E) north of the new proposed northern roundabout forming part of the proposed Junction 21 (Work No. 18(a)) and south of the Great Eastern Mainline Railway.

Work No. 18 – As shown on sheet 6 of the permanent works plans the construction of a new Junction 21 (J21) of the A12, north of Hatfield Peverel, including:

- (dd) the construction of northern and southern roundabouts of J21 as well as a new bridge (Hatfield Road Overbridge) to carry Hatfield Road over the A12;
- (ee) the construction of a new Hatfield Peverel Link Road of approximately 900 metres in length between the northern roundabout of J21 to Hatfield Peverel including the diversion of Footpath (90_02), demolition of the existing Wellington Bridge over the A12, demolition of a barn at Witham Field Farm, construction of a replacement overbridge (Wellington Road Overbridge) and the provision of means of access to adjoining land;
- (ff) realigned Witham Link Road of approximately 500 metres in length from the proposed northern roundabout of J21 to Witham;
- (gg) the realigned access of approximately 548 metres in length between the southern roundabout of J21 to Latneys Kennels (Kennel Access) and the provision of means of access to adjoining land;
- (hh) a cycle track of approximately 452 metres in length linking the cycle track along the New Hatfield Peverel Link Road to the cycle track along the realigned Witham Link Road to the north of the A12; and
- (ii) the construction of a cycle track of approximately 914 metres in length from The Street, Hatfield Peverel to the south of J21.

Work No. 19 – As shown on sheet 6 of the permanent works plans the construction of an attenuation pond including associated outfall and access from the realigned Witham Link Road (Work No. 18(c)), between Junction 21 northbound on-slip (Work No. 12(b)) and the new Hatfield Peverel Link Road (Work No. 18(c)), Witham.

Work No. 20 – As shown on sheet 6 of the permanent works plans the construction of an attenuation pond including associated outfall and access from the realigned Witham Link Road (Work No. 18(c)), to the north of the new Hatfield Peverel Link Road (Work No. 18(c)), Witham.

Work No. 21 – As shown on sheet 6 of the permanent works plans the construction of an attenuation pond including associated outfall and access from the existing B1389, between the A12 and the realigned Kennel Access (Work No. 18(d)), Witham.

Work No. 21A – As shown on sheets 6 and 7 of the permanent works plans a new public footpath adjacent to the realigned Kennel Access and the construction of a private means of access of 226 metres in length to the south of the altered A12 (Work No. 12(a) and Work No 12(c)), Witham, including the provision of means of access to the borrow pit restoration adjoining land (Work No. 26);

Work No. 22 – As shown on sheets 6 and 7 of the permanent works plans the construction of an attenuation pond including associated outfall and access track from the realigned Kennel Access (Work No. 18(d)), south of the realigned Kennel Access (Work No. 18(d)), Witham.

Work No. 22A – As shown on sheet 6 of the permanent works plans the construction of a field access track to the southeast of the southern roundabout of J22 (Work No. 18(a));

Work No. 23 – As shown on sheet 6 of the permanent works plans the construction of a drainage facility including:

- (jj) an attenuation pond including associated outfall to the south of the A12; and
- (kk) an access track of 462 metres in length from The Street and the provision of means of access to adjoining land.

Work No. 24 – As shown on sheets 8, 9, 10,11 and 12 of the permanent works plans alterations to the A12 between the west facing slip roads to the west of the proposed Junction 22 (Work No. 32) and a point 40 metres to the west of Cranes Bridge (Work No. 45(d)) including:

- (ll) the alteration of the A12 of 1857 metres in length by widening of the existing carriageways, provision of new carriageways, retaining earth structures, noise barriers and tie in works;
- (mm) the construction of four slip roads to and from the proposed Junction 22 roundabouts (Work No. 32(a));
- (nn) the widening of Olivers Bridge Witham;
- (oo) the widening of Benton Bridge, Witham;
- (pp) the widening of Brain Bridge, Witham;
- (qq) not used; and
- (rr) the alteration of the A12 of 1832 metres in length, widening of the existing carriageways, new carriageways, including retaining earth structures, noise barriers, noise and visual bunds, tie in works and demolition of the residential properties known as Badger (previously Erimyka) and Hair Lodge, Rivenhall End;

Work No. 25 – As shown on sheet 7 of the permanent works plans the construction of private means of access of 322 metres in length to Dengie Farm, south of the altered A12 (Work No. 12(c)), Witham;

Work No. 26 – As shown on sheet 7 of the permanent works plans, a borrow pit (Borrow Pit-F) to the south of the existing A12 and west of Dengie Farm, Witham;

Work No. 27 – As shown on sheet 8 of the permanent works plans the construction of a new bridge (Gershwin Boulevard Bridge) over the A12 south of Olivers Drive, Witham, together with associated footpath connections to Olivers Drive and Gershwin Boulevard;

Work No. 27A – As shown on sheets 8 and 9 of the permanent works plans the construction of a private means of access of 392 metres in length from the existing Blackwater Lane, Witham to the Barrows Creep underpass, Whetmead;

Work No. 28 – As shown on sheet 8 of the permanent works plans, construction of a drainage facility to the south of the A12 carriageway, Witham including:

- (ss) an attenuation pond including associated outfall in to the River Brain; and
- (tt) an access track from Blue Mill Hill of 819 metres in length including the diverted Footpath 121_101;

Work No. 29 – As shown on sheets 7 and 8 of the permanent works plans the construction of a drainage facility to the south of the A12, Witham, including:

- (uu) an attenuation pond and associated outfall to Maldon Road: and
- (vv) an access track of 596 metres in length from the realigned access to Dengie Farm (Work No. 25) including the provision of means of access to adjoining land;

Work No. 30 – As shown on sheet 10 of the permanent works plans the demolition of the existing Colemans Bridge, the construction of a new bridge (Little Braxted Bridge) over the A12 including a new cycle track from Little Braxted Lane to the realigned Colchester Road (Work No. 32(c)), Witham.

Work No. 30A – As shown on sheets 9 and 10 of the permanent works plans the construction of new public footpath connecting the cycle track from Little Braxted Lane (Work No. 30) to Footpath (121_103), Witham;

Work No. 31 – As shown on sheet 10 of the permanent works plans the construction of an attenuation pond including associated outfall and access to the realigned Colchester Road, Witham, to the east of the new Junction 22 northbound off-slip (Work No. 24(b)).

Work No. 32 – As shown on sheet 10 of the permanent works plans the construction of a new Junction 22 of the A12 (J22), Witham, including:

- (ww) the northern and southern roundabouts of J22 and Little Braxted Lane Overbridge;
- (xx) the northern connector road from the northern roundabout to the de-trunked A12 eastern connection;
- (yy) improvements to Eastways Junction and the realignment and dualling of Colchester Road to connect to the northern roundabout of J22; and
- (zz) the construction of the realigned Little Braxted Lane to connect with the southern roundabout of J22 including an access to the quarry to the east of the existing A12.

Work No. 33 – As shown on sheet 10 of the permanent works plans the construction of a drainage facility northeast of the northern roundabout of Junction 22 (Work No. 32(a)) including the construction of:

- (aaa) an attenuation pond and associated outfall; and
- (bbb) an access track of 332 metres in length from the de-trunked A12 eastern connection.

Work No. 34 – As shown on sheet 10 of the permanent works plans the construction of a drainage facility between the existing A12 and the northbound on-slip of J22 (Work No. 24(b)) including:

- (ccc) an attenuation pond and associated outfall; and
- (ddd) an access track of 166 metres in length from the existing A12.

Work No. 35 – As shown on sheets 9 and 10 of the permanent works plans construction of drainage facility including:

- (eee) an attenuation pond and associated outfall to the southeast of Little Braxted Lane, Witham; and
- (fff) an access track of 298 metres in length from the diverted Little Braxted Lane (Work No. 32(d)).

Work No. 36 – As shown on sheets 9 and 10 of the permanent works plans the construction of an attenuation pond and associated outfall to the southeast of Little Braxted Lane, Witham:

Work No. 37 – As shown on sheets 10 and 11 of the permanent works plans the construction of:

- (ggg) the new Rivenhall End West Roundabout and its eastern and western connection to the de-trunked A12, the replacement of the Oak Road junction with the existing A12 with a turning head on Oak Road, and alterations to the realigned Rivenhall Access, including the provision of means of access to adjoining land;
- (hhh) the realigned Braxted Road to the south of the existing A12;
- (iii) the realignment of Henry Dixon Road and the provision of means of access to adjoining land;
- (jjj) the new overbridge to carry Braxted Road over the altered A12 (Braxted Road Overbridge); and
- (kkk) a realigned access road to the south of the altered A12 (Work No. 24(a) and Work No 24(g)).

Work No. 38 – As shown on sheet 11 of the permanent works plans the construction of a drainage facility south of Rivenhall End West Roundabout (Work No. 37(a)) including:

- (lll) an attenuation pond and associated outfall; and
- (mmm) an access track of 165 metres in length from the existing A12.

Work No. 39 – As shown on sheets 11 and 12 of the permanent works plans the construction of:

- (nnn) Rivenhall End East Roundabout;
- (ooo) the western connection to the de-trunked A12 from Rivenhall End East Roundabout, including the provision of means of access to adjoining land;
- (ppp) New B1024 Link Road from Rivenhall End East Roundabout to the existing B1024; and
- (qqq) the construction of a new public footpath linking Rivenhall End East Roundabout (Work No. 39(a)) to the public Footpath (105_45), including the provision of means of access to adjoining land.

Work No. 40 – As shown on sheet 11 of the permanent works plans the construction of a drainage facility to the west of the altered A12 carriageway (Work No. 24(g)) and north of Rivenhall End East Roundabout (Work No. 39(a)) including:

- (rrr) an attenuation pond and associated outfall; and
- (sss) an access track of 143 metres in length from Rivenhall End East Roundabout (Work No. 39(a)).

Work No. 41 – As shown on sheets 11 and 12 of the permanent works plans the construction of a drainage facility including:

- (ttt) an attenuation pond including associated outfall, to the Rivenhall Brook;
- (uuu) an access track of 421 metres in length from the new Essex Fire and Rescue Access Road (Work No. 52); and
- (vvv) diversion of public Footpath (105_36).

Work No. 42 – As shown on sheet 11 of the permanent works plans:

- (www) the construction of Rivenhall Brook Culvert under the altered A12 carriageway (Work No. 24(g)); and
- (xxx) the realignment of Rivenhall Brook.

Work No. 43 – As shown on sheet 11 of the permanent works plans construction of a drainage facility to the east of the altered A12 carriageway (Work No. 24(g)) including:

- (yyy) an attenuation pond and associated outfall; and
- (zzz) an access track of 306 metres in length to connect with the realigned Access Road (Work No. 37(e)).

Work No. 44 – As shown on sheet 11 of the permanent works plans the construction of a drainage facility to the south of the altered A12 carriageway (Work No. 24(a)) and east of the realigned Braxted Road (Work No. 37(b)) including:

- (aaaa) an attenuation pond and associated outfall;
- (bbbb) an access track of 77 metres in length from the realigned access road comprising Work No. 37(e).

Work No. 45 – As shown on sheets 11, 12, 13 and 14 of the permanent works plans the alteration of the A12 between a point 40 metres to the west of Cranes Bridge (Work No. 45(d)) and the east facing slip roads east of the proposed Junction 24 (Work No. 74) including:

- (cccc) the alteration of the A12 of 2882 metres in length, widening of the existing carriageways, new carriageways, including the demolition of Brick Kiln Farm, retaining earth structures and tie in works;
- (dddd) the construction of four slip roads to and from Junction 24 roundabouts (Work No. 45(b)) and associated demolition works to the existing A12;
- (eeee) the construction of a bund to the southeast of Rivenhall Brook culvert (Work No. 42(a))
- (ffff) widening of Cranes Bridge including associated tie in works;

(gggg) widening of Ashmans Bridge; and

(hhhh) widening of Park Bridge.

Work No. 46 – As shown on sheet 11 of the permanent works plans the construction of drainage facility to the south of the altered A12 carriageway (Work No. 24(a)) and east of the realigned Braxted Road including:

(iii) an attenuation pond and associated outfall; and

(jjj) an access track of 222 metres in length from the realigned Braxted Road (Work No. 37(b)).

Work No. 47 – As shown on sheet 12 of the permanent works plans the construction of an attenuation pond associated outfall including an access track from the New B1024 Link Road (Work No. 39(c)), to the north of the altered A12 carriageway and east of Sniveller's Lane Bridge (Work No. 53).

Work No. 48 – As shown on sheets 11 and 12 of the permanent works plans a borrow pit (Borrow Pit-I) to the north of the existing A12, east of Rivenhall End.

Work No. 49 – As shown on sheet 12 of the permanent works plans the construction of drainage facility including an attenuation pond and associated outfall to the north of the existing Junction 23 and north of the altered A12 carriageway (Work No. 45(a)).

Work No. 49A – As shown on sheet 12 of the permanent works plans a private means of access of 121 metres in length from the existing Cranes Lane, Kelvedon;

Work No. 50 – As shown on sheets 12 and 13 of the permanent works plan a new public footpath from the existing Footpath (246_19) to the footway adjacent to the B1024, including the provision of means of access to adjoining land and the relocation of Ashmans Farm Footbridge.

Work No. 50A – As shown on sheets 12 and 13 of the permanent works plans the construction of a proposed flood bund to the south of the altered A12 (Work No. 45(a)), Kelvedon;

Work No. 51 – As shown on sheet 12 of the permanent works plans the construction of a drainage facility to the south of the new public footpath (Work No. 50) including:

(kkkk) an attenuation pond and associated outfall; and

(lll) an access track of 268 metres in length from the existing B1024 south of the altered A12 carriageway (Work No. 45(a)).

Work No. 52 – As shown on sheet 12 of the permanent works plans the construction of the New Essex Fire and Rescue Access Road including the provision of means of access to adjoining land.

Work No. 53 – As shown on sheet 12 of the permanent works plans construction of a new bridge (Sniveller's Lane Bridge) to the east of the Essex County Fire and Rescue Service headquarters over the altered A12 (Work No. 45) and a new cycle track from the New Essex Fire and Rescue Access (Work No.52) to the New B1024 Link Road (Work No. 39(c)).

Work No. 54 – As shown on sheet 13 of the permanent works plans the construction of a drainage facility to the west of the realigned Maldon Road, Kelvedon (Work No. 55(a)) and north of the altered A12 carriageway (Work No. 45(a)) including:

(mmmm) an attenuation pond and associated outfall; and

(nnnn) an access track of 174 metres in length from the realigned Maldon Road (Work No. 55(a)) including the provision of means of access to adjoining land.

Work No. 55 – As shown on sheet 13 of the permanent works plans the construction of:

(oooo) the realigned Maldon Road, Kelvedon;

(pppp) a replacement overbridge (Highfields Overbridge) over the altered A12 carriageway (Work No. 45(a)) and the demolition of the existing Highfields Bridge; and

(qqqq) the realigned Highfields Lane and the construction of private means of access to adjoining land.

Work No. 56 – As shown on sheet 13 of the permanent works plans the construction of an attenuation pond including associated outfall and access from the realigned Maldon Road (Work No. 55(a)), to the east of the realigned Maldon Road, Kelvedon (Work No. 55(a)) and north of the altered A12 carriageway (Work No. 45(a)).

Work No. 57 – As shown on sheet 13 of the permanent works plans the construction of an attenuation pond including associated outfall and access track from Ewell Hall Chase, to the north of the altered A12 carriageway (Work No. 45(a)).

Work No. 58 – As shown on sheets 13 and 14 of the permanent works plans the construction of an attenuation pond including associated outfall, northwest of realigned Ewell Road (Work No. 76) and a maintenance lay-by on Ewell Hall Chase;

Work No. 59 – As shown on sheets 13 and 14 of the permanent works plans a borrow pit (Borrow Pit-J) to the south of the altered A12 carriageway (Work No. 45(a));

Work No. 60 – As shown on sheets 13 and 14 of the permanent works plans a new public footpath between Highfields Lane (Work No. 55(c)) and the replacement Ewell Overbridge (Work No. 76), including the provision of means of access to the borrow pit restoration adjoining land (Work No. 59) and the ponds (Work No 77 and Work No. 58);

Work No. 60A – As shown on sheet 13 of the permanent works plans a private means of access of 226 metres in length to the south of the realigned Highfields Lane from the existing Highfields Lane, Kelvedon; and

Work No. 61 – As shown on sheet 12 and 13 of the permanent works plans:

(rrrr) a flood mitigation area to the south of the realigned Highfields Lane (Work No. 55(c)) and a proposed flood bund;

(ssss) new western culvert of 583 metres in length;

(tttt) ditch connection from the new culvert to River Blackwater; and

(uuuu) the realignment of Footpath (92_26).

Work No. 62 – As shown on sheet 13 of the permanent works plans the construction of a drainage facility to the south of the realigned Highfields Lane (Work No. 55(c)) including:

(vvvv) an attenuation pond and associated outfall; and

(wwww) an access track of 134 metres in length from the realigned Highfields Lane.

Work No. 63 – As shown on sheet 13 of the permanent works plans the construction of a drainage facility to the east of the realigned Highfields Lane (Work No. 55(c)) including:

(xxxx) an attenuation pond including associated outfall; and

(yyyy) an access track of 149 metres in length from the realigned Highfields Lane.

Work No. 64 – As shown on sheets 14 and 21 of the permanent works plans the construction of an attenuation pond including associated outfall, to the north of Ewell Hall Chase;

Work No. 65 – As shown on sheets 14 and 21 of the permanent works plans the construction of a drainage facility south of B1023 Kelvedon Road, Kelvedon, including:

(zzzz) an attenuation pond including associated outfall; and

(aaaa) an access track of 639 metres in length from B1023 Kelvedon Road to Work No. 64 and provision of means of access to adjoining land.

Work No. 66 – As shown on sheets 14 and 15 of the permanent works plans the construction of a drainage facility to the north of the realigned Domsey Brook (Work No. 67(b)) including:

(bbbb) an attenuation pond including associated outfall; and

(cccc) an access track of 668 metres in length from the realigned Prested Hall Access Road and provision of means of access to adjoining land.

Work No. 67 – As shown on sheet 14 of the permanent works plans:

(dddd) the widening of Domsey Brook Bridge carrying the A12 over Domsey Brook;
and

(eeee) the realignment of Domsey Brook.

Work No. 68 – As shown on sheets 14, 15, 16, 17, 18 and 19 of the permanent works plans the alteration of the A12 between the east facing slip roads east of the proposed Junction 24 (Work No. 74) and the east facing slip roads east of the proposed Junction 25 including:

(ffff) the alteration of the A12 of 7898 metres in length, widening of the existing carriageways, new carriageways, noise and visual bunds and noise barriers; and

(gggg) new four slip roads to and from Junction 25 including noise and visual bunds and associated demolition works to the existing A12.

Work No. 69 – As shown on sheet 14 of the permanent works plans the construction of a drainage facility to the south of the realigned Domsey Brook (Work No. 67(b)) including:

(hhhh) an attenuation pond including associated outfall; and

(iiii) an access track of 257 metres in length from the existing B1023 Kelvedon Road.

Work No. 70 – As shown on sheet 14 of the permanent works plans the construction of an attenuation pond including associated outfall and an access track from the realigned B0123 Kelvedon Road, to the north of Inworth roundabout (Work No. 74(c)).

Work No. 71 – As shown on sheet 14 of the permanent works plans the construction of an attenuation pond including associated outfall to the west of B1023 Kelvedon Road including an access track from Inworth roundabout (Work No. 74(c)) and access to adjoining land.

Work No. 72 – As shown on sheet 14 of the permanent works plans the construction of a drainage facility south of B1023 Kelvedon Road including:

(jjjj) an attenuation pond and associated outfall; and

(kkkk) an access track of 217 metres in length from the New Inworth Link (Work No. 74(b)).

Work No. 73 – As shown on sheet 14 of the permanent works plans flood mitigation area to the south of B1023 Kelvedon Road.

Work No. 74 – As shown on sheet 14 of the permanent works plans the construction of the new Junction 24 of the A12 (J24), including:

(llll) northern and southern roundabouts of J24, and a connecting underbridge;

(mmmm) New link road (Inworth Link) from the southern roundabout of J24 to the new Inworth roundabout (Work No. 74(c)); and

(nnnn) a new roundabout on B1023 Kelvedon Road (Inworth roundabout) including the realigned Kelvedon Road, realigned B1023 Kelvedon Road north and realigned B1023 Kelvedon Road south.

Work No. 75 – As shown on sheet 14 of the permanent works plans flood mitigation area to the south of J24 southbound on-slip (Work No. 45) and a proposed flood bund.

Work No. 76 – As shown on sheet 14 of the permanent works plans the demolition of the existing Ewell Bridge and the construction of a new bridge (replacement Ewell Overbridge) over the altered A12 (Work No. 45(a)), including the construction of the realigned Ewell Road, a new public footpath connecting Footpath (92_95) to Footpath (92_15), the construction of private means of access to adjoining land and the provision of means of access to the ponds (Work No. 58).

Work No. 76A – As shown on sheet 14 of the permanent works plans the construction of new public footpath connecting Footpath (92_20) to Footpath (92_25), Kelvedon;

Work No. 77 – As shown on sheet 14 of the permanent works plans the construction of an attenuation pond including associated outfall and an access track of 123 metres in length from the realigned Ewell Road, southeast of Ewell Overbridge replacement (Work No. 76).

Work No. 78 – As shown on sheet 15 of the permanent works plans the construction of a drainage facility, to the north of the altered A12 carriageway (Work No. 68(a)), including:

- (ooooo) an attenuation pond including associated outfall; and
- (ppppp) an access track of 217 metres in length from the realigned Threshelfords Access Road.

Work No. 79 – As shown on sheet 15 of the permanent works plans the construction of:

- (qqqqq) the realigned Prested Hall access, the demolition of the existing Nursery Bridge and provision of means of access to adjoining land and associated swales;
- (rrrrr) Prested Hall overbridge; and
- (sssss) the realigned Threshelfords Access Road and demolition of the existing Threshelfords Bridge.

Work No. 80 – As shown on sheet 15 of the permanent works plans the construction of a drainage facility, west of the altered A12 carriageway (Work No. 68(a)) and north the realigned Prested Hall Access (Work No. 79(a)) including:

- (ttttt) an attenuation pond including associated outfall; and
- (uuuuu) an access track of 390 metres in length from the realigned Prested Hall access (Work No. 79(a)).

Work No. 81 – As shown on sheet 15 of the permanent works plans flood mitigation area north of the realigned Prested Hall Access (Work No. 79(a)); and west of the altered A12 carriageway (Work No. 68(a));

Work No. 82 – As shown on sheet 15 of the permanent works plans the construction of:

- (vvvvv) Feering East roundabout;
- (wwwww) eastern connection to the de-trunked A12;
- (xxxxx) the realigned London Road;
- (yyyyy) the realigned New Lane;
- (zzzzz) the realigned access track and provision of mean of access to adjoining land;
- (aaaaa) extension of the existing culvert east of realigned New Lane and a new ditch connecting to the extended culvert; and
- (bbbbbb) access track north of the existing A12, from the new Feering East roundabout, extending east for 69 metres and private mean of access to adjoining land.

Work No. 83 – As shown on sheet 15 of the permanent works plans the construction of new public footpath connecting Footpath (78_12) to the realigned Prested Hall Access Road;

Work No. 84 – As shown on sheet 15 of the permanent works plans the construction of an attenuation pond including associated outfall to the north of the altered A12 carriageway (Work No. 68(a)) including an access track of 192 metres in length from (Work No. 80b);

Work No. 85 – As shown on sheet 15 of the permanent works plans the construction of a drainage facility between the de-trunked A12 and the altered A12 carriageway (Work No. 68(a)), east of the new Feering East roundabout (Work 82(a)), including:

- (ccccc) an attenuation pond and outfall; and
- (dddddd) an access track of 121 metres in length from the de-trunked A12.

Work No. 86 – As shown on sheet 15 of the permanent works plans the construction of an attenuation pond including associated outfall, to the east of the altered A12 carriageway (Work No. 68(a)) and north the realigned Prested Hall Access Road (Work No. 79(a)) including access track from the existing Prested Hall access and provision of access to adjoining land.

Work No. 87 – As shown on sheet 15 of the permanent works plans the construction of a drainage facility including the construction of:

- (eeeeee) an attenuation pond including associated outfall to the east of the altered A12 carriageway (Work No. 68(a)) and north of Prested Hall.
- (ffffff) an access track (115 metres in length) from the existing access track serving Prested Hall.

Work No. 88 – As shown on sheet 16 of the permanent works plans the construction of:

- (gggggg) the realigned Easthorpe Road including provision of access to adjoining land;
- (hhhhhh) the Easthorpe roundabout, realigned Domsey Chase, eastern and western connection to the de-trunked A12 and provision of means of access to adjoining land;
- (iiiiii) Easthorpe Road Overbridge; and
- (jjjjjj) a new turning facility on Easthorpe Road south of the existing A12, and provision of means of access to adjoining land.

Work No. 89 – As shown on sheet 16 of the permanent works plans the construction of a drainage facility east of Easthorpe Roundabout (Work No. 88(b)) and north of the altered A12 carriageway (Work No. 68(a)) including:

- (kkkkkk) an attenuation pond including outfall; and
- (llllll) the construction of an access track of 97 metres in length from the de-trunked A12.

Work No. 90 – As shown on sheet 16 of the permanent works plans the construction of an attenuation pond including outfall to the south of the new Easthorpe Road (Work No. 88(a)).

Work No. 91 – As shown on sheets 15 and 16 of the permanent works plans of a drainage facility to the east of the altered A12 carriageway (Work No. 68(a)) including:

- (mmmmmm) the construction of an attenuation pond including associated outfall
- (nnnnnn) an access track (1206 metres in length) from the realigned Easthorpe Road (Work No. 88(a)) and associated swales; and
- (oooooo) a new public footpath connecting with Footpath (78_15), south of the altered A12 (Work No. 68(a)).

Work No. 92 – As shown on sheet 17 of the permanent works plans:

- (pppppp) the construction of Domsey Brook East culvert under the altered A12 carriageway (Work No. 68(a)), Easthorpe; and
- (qqqqqq) the realignment of Domsey Brook.

Work No. 93 – As shown on sheet 17 of the permanent works plans the construction of a drainage facility to the south of the new Wishingwell Farm Roundabout (Work No. 94(b)); including:

- (rrrrrr) an attenuation pond including associated outfall; and
- (ssssss) an access track of 204 metres in length east of the existing A12.

Work No. 94 – As shown on sheets 17 and 18 of the permanent works plans the construction of:

- (tttttt) the New Wishingwell Bridge Road including provision of access to adjoining land;
- (uuuuuu) Wishingwell Farm roundabout and its eastern and western connection to the existing A12;
- (vvvvvv) Wishingwell Overbridge; and

(wwwwww) the realigned Easthorpe Green Access Road and the New Wishingwell Access Road, east of the altered A12 (Work No. 68(a)).

Work No. 95 – As shown on sheet 17 of the permanent works plans the construction of an attenuation pond and associated outfall to the northeast of Wishingwell Farm Roundabout (Work No. 94(b)) between the existing A12 and the altered A12 (Work No. 68(a)) including an access track from the existing A12.

Work No. 96 – As shown on sheets 17 and 18 of the permanent works plans the construction of a drainage facility to the south of the altered A12 carriageway (Work No. 68(a)) including:

(xxxxxxx) an attenuation pond including associated outfall; and

(yyyyyyy) an access track of 120 metres in length from New Wishingwell Access Road (Work No. 94(d)) including provision of access to adjoining land.

Work No. 97 – As shown on sheet 17 of the permanent works plans the construction of an attenuation pond including associated outfall and access, to the south of the realigned Easthorpe Green Access Road (Work No. 94(d)).

Work No. 98 – As shown on sheet 17 of the permanent works plans the construction of a drainage facility to the northeast of Domsey Brook to the east of the altered A12 carriageway (Work No. 68(a)), including:

(zzzzzzz) an attenuation pond including associated outfall to the Domsey Brook; and

(aaaaaaa) an access track of 558 metres in length from the Realigned Easthorpe Green Access Road (Work No. 94(d)).

Work No. 99 – As shown on sheets 16 and 17 of the permanent works plans the construction of a drainage facility to the southwest of Domsey Brook to the south of the altered A12 carriageway (Work No. 68(a)) including:

(bbbbbbb) an attenuation pond including associated outfall; and

(ccccccc) an access track of 764 metres in length from the realigned Easthorpe Road (Work No. 88(a)) including provision of access to adjoining land.

Work No. 100 – As shown on sheet 18 of the permanent works plans the construction of a new bridge (Potts Green Bridge) over the altered A12 (Work No. 68(a)) and a new public footpath connecting Footpath (144_19) to the north and south of the altered A12, Marks Tey;

Work No. 101 – As shown on sheet 18 of the permanent works plans the construction of two ponds including associated outfalls and access tracks to the south of the new London Road Roundabout (Work No. 102(b)), Marks Tey.

Work No. 102 – As shown on sheet 18 of the permanent works plans the alteration of London Road, Marks Tey, including:

(ddddddd) a connection from London Road Roundabout (Work No. 102(b)) to Old Rectory Junction (Work No. 104);

(eeeeeee) a new roundabout (London Road Roundabout);

(ffffff) western connection from London Road Roundabout to the existing A12; and

(ggggggg) a realigned access to Old London Road.

Work No. 103 – As shown on sheet 18 of the permanent works plans the construction of a drainage facility to the southwest of Old Rectory Junction (Work No. 104), Marks Tey and alterations to the realigned Old London Road including:

(hhhhhhh) an attenuation pond including associated outfall; and

(iiiiiii) the realignment of Old London Road, to form an access to the new pond (work 103(a)) and access to the vehicle turning head.

Work No. 104 - As shown on sheets 18 and 19 of the permanent works plans alterations to Old Rectory Junction and including the realignment of A120 Coggeshall Road, realigned Station Road and realigned A120 linking to Prince of Wales Roundabout, Marks Tey;

Work No. 104A – As shown on sheet 18 of the permanent works plans the construction of a cycle track to connect the footway along Work No. 103(b) to the cycle track along the realigned Coggeshall Road, Marks Tey;

Work No. 105 – As shown on sheet 18 of the permanent works plans the construction of Hall Chase roundabout, Marks Tey, including:

- (jjjjjj) a new roundabout (Hall Chase Roundabout);
- (kkkkkkk) alterations to London Road; and
- (lllllll) realignment of Hall Chase Road.

Work No. 106 – As shown on sheet 18 of the permanent works plans the construction of an attenuation pond including associated outfall and access track from Hall Chase Roundabout (Work No. 105(a)), to the east of the altered A12 carriageway (Work No. 68(a)), Marks Tey;

Work No. 107 – As shown on sheet 18 of the permanent works plans a flood mitigation area to the south of Footpath (144_18) and east of Junction 25 southbound on-slip;

Work No. 108 – As shown on sheet 18 of the permanent works plans a cycle track between Potts Green Bridge (Work No. 100) and the realigned Hall Chase (Work No. 105(c));

Work No. 109 – As shown on sheet 19 of the permanent works plans:

- (mmmmmmm) the widening of the Roman River Culvert under the altered A12 carriageway (Work No. 68(a)), Marks Tey; and
- (nnnnnnn) the realignment of the Roman River.

Work No. 110 – As shown on sheet 19 of the permanent works plans the construction of a drainage facility to the south of the altered A12 carriageway (Work No. 68(a)), Copford, including:

- (ooooooo) an attenuation pond including associated outfall to the Roman River; and
- (ppppppp) an access track of 336 metres in length from London Road.

Work No. 111 – Not used.

Work No. 112 – As shown on sheet 19 of the permanent works plans the demolition of the existing Marks Tey Footbridge, the construction of a new bridge (Marks Tey Bridge Replacement) over the altered A12 (Work No. 68(a)) and a new cycle track from London Road to Station Road, Marks Tey;

Work No. 113 – As shown on sheet 20 of the permanent works plans a flood mitigation area including access track and realigned ditch to the south of Windmill Hill, Inworth;

Work No. 114 – As shown on sheet 20 of the permanent works plans a flood mitigation measure in the form of a realigned ditch to the south of All Saints' Church, Inworth and east of B1023 Kelvedon Road;

Work No. 115 – Not used;

Work No. 116 – As shown on sheets 14 and 20 of the permanent works plans the construction of an attenuation pond including associated outfall and access track to the east of B1023 Kelvedon Road and north of Inworth Hall;

Work No. 117 – As shown on sheet 20 of the permanent works plans the construction of two flood mitigation areas including realigned ditch and access track on either side of Footpath (145_15) and east of B1023 Kelvedon Road;

Work No. 118 – Not used;

Work No. 119 – As shown on sheet 20 of the permanent works plans the construction of an attenuation pond including associated outfall and access track to the north of Windmill Hill and east of B1023 Kelvedon Road;

Work No. 120 – As shown on sheet 20 of the permanent works plans a flood mitigation area including realigned ditch to the north of Windmill Hill and east of B1023 Kelvedon Road;

Work No. 121 – Not used; and

Work No. 122 – As shown on sheets 14 and 20 of the permanent works plans improvements to B1023 Kelvedon Road including localised widening of the carriageway and provision of means of access to adjoining land.

Temporary Works

Work No. T1 – As shown on sheets 1 and 2 of the temporary works plans, a haul road of approximately 1200 metres in length, south of the existing junction 19 and to the east of the A12 southbound verge, Springfield;

Work No. T2 – As shown on sheet 2 of the temporary works plans, a temporary carriageway of approximately 200 metres in length in the A12 northbound verge south of the Boreham Bridge at junction 19 of the A12;

Work No. T3 – As shown on sheet 2 of the temporary works plans, a temporary carriageway of approximately 150 metres in length in the A12 southbound verge south of the Boreham Bridge at junction 19 of the A12;

Work No. T4 – As shown on sheet 2 of the temporary works plans, a temporary carriageway of approximately 350 metres in length between the A12 junction 19 northbound on-slip road and the A12 northbound carriageway, Boreham;

Work No. T5 – As shown on sheet 2 of the temporary works plans, a haul road of approximately 600 metres in length west of the northern abutment of the proposed Paynes Lane Bridge (Work No. 5), north of junction 19 of the A12;

Work No. T6 – As shown on sheet 2 of the temporary works plans, a compound and traffic management and recovery yard of approximately 11000 square metres in area, between the B1137, Main Road and the A12 southbound carriageway, and including a temporary access of approximately 15 metres in length from the B1137, Main Road, Boreham;

Work No. T7 – As shown on sheet 5 of the temporary works plans, a temporary access of approximately 25 metres in length from the A12 northbound carriageway to a field north of the A12, west of the River Ter Bridge; Hatfield Peveler;

Work No. T8 – As shown on sheet 5 of the temporary works plans, a temporary road of approximately 600 metres in length between Bury Lane and Station Road, Hatfield Peveler, to the north of the A12;

Work No. T9 – As shown on sheet 5 of the temporary works plans, a temporary bridge of approximately 60 metres in length spanning over the A12 together with a path of approximately 100 metres in length between Station Road and Swan Close, Hatfield Peveler;

Work No. T10 – As shown on sheet 5 of the temporary works plans, a temporary private means of access to Stonelow and the Moorings from Bury Lane, Hatfield Peveler;

Work No. T11 – As shown on sheet 5 of the temporary works plans, a temporary private means of access to the rear of Kinsby House from Swan Close, Hatfield Peveler.

Work No. T12 – As shown on sheet 5 of the temporary works plans, a temporary private means of access to Acres Down and Primrose Cottage, from Station Road, Hatfield Peveler;

Work No. T13 – As shown on sheets 5 and 6 of the temporary works plans, a temporary car park of approximately 31000 square metres in area between the Great Eastern Mainline Railway and The Vineyards, Hatfield Peverel;

Work No. T14 – As shown on sheet 6 of the temporary works plans, temporary roads of approximately 1600 metres in length between the A12 junction 20b and the A12 junction 21 in the field to the north of the A12 northbound carriageway;

Work No. T15 – As shown on sheet 6 of the temporary works plans, a temporary road of approximately 800 metres in length, north east of the junction of the B1137 and Glebefield Road, Hatfield Peverel and east of the existing A12;

Work No. T16 – As shown on sheet 6 of the temporary works plans, a construction compound of approximately 80000 square metres in area between the Great Eastern Mainline Railway and the A12 northbound carriageway, and to the east of the A12 existing junction 20b, Hatfield Peverel;

Work No. T17 – As shown on sheet 6 of the temporary works plans, temporary works associated with the proposed Borrow Pit E (Work No. 17) including, access routes, temporary diversion of private rights of way, water management, soil storage and material processing areas, between the Great Eastern Mainline Railway and the A12 northbound carriageway, and to the east of the A12 existing junction 20b, Hatfield Peverel;

Work No. T18 – As shown on sheet 6 of the temporary works plans, a haul road of approximately 150 metres in length between the proposed Borrow Pit E (Work No. 17) and the temporary road to the north-east of the A12 existing junction 20b (Work No. T14), Hatfield Peverel;

Work No. T19 – As shown on sheets 6 and 7 of the temporary works plans, a haul road of approximately 300 metres in length between Woodend Bridge and the A12 southbound carriageway, east of the existing A12, Witham;

Work No. T20 – As shown on sheets 6 and 7 of the temporary works plans, a haul road of approximately 600 metres in length between the proposed A12 junction 21 southern roundabout (Work No. 18(a)) and Borrow Pit F (Work No. 26) east of the existing A12, Witham;

Work No. T21 – As shown on sheet 7 of the temporary works plans, the temporary works associated with the proposed Borrow Pit F (Work No. 26) including access routes, utility protection slabs, controlled pedestrian crossing, water management, soil storage and material processing areas, east of the existing A12, Witham;

Work No. T22 – As shown on sheet 7 of the temporary works plans, a temporary traffic management and recovery area of approximately 8000 square metres in area situated to the north of Gershwin Boulevard, between Owers Road and Hawkes Road, Witham;

Work No. T23 – As shown on sheets 7 and 8 of the temporary works plans, a haul road of approximately 2400 metres in length between the proposed Borrow Pit F (Work No. 26) and Brain Bridge, south east of the A12 with a spur heading south to Blue Mill Hill, including the provision of utility protection slabs and a temporary bridge over the River Brain, Witham;

Work No. T24 – As shown on sheets 7 and 8 of the temporary works plans, a haul road of approximately 100 metres in length between Gershwin Boulevard and the northern abutment of the proposed Gershwin Boulevard Bridge (Work No. 27), Witham;

Work No. T25 – As shown on sheet 8 of the temporary works plans, a temporary bridge of approximately 75 square metres in area crossing over the River Brain to the north of Brain Bridge (Work No. 24(e)).

Work No. T26 – As shown on sheets 8, 9, 10 and 11 of the temporary works plans, a haul road of approximately 3700 metres in length between Brain Bridge, Witham and the proposed Borrow Pit I (Work No. 48), including the provision of utility protection slabs and a temporary access and egress onto the A12 southbound carriageway at a point to the west of Barrows Creep Underpass;

Work No. T27 – As shown on sheet 10 of the temporary works plans, a temporary carriageway of approximately 150 metres in length from the proposed northbound A12 carriageway to the existing northbound off-slip road at the existing junction 22 of the A12, Witham.

Work No. T28 – As shown on sheet 10 of the temporary works plans, a temporary carriageway of approximately 300 metres in length from the existing southbound off-slip road at the proposed junction 22 to Colemans Bridge (Work No. 30), Witham.

Work No. T29 – As shown on sheet 10 of the temporary works plans, a compound of approximately 78500 square metres in area together with access to the existing A12 northbound carriageway and the provision of utility protection slabs each of approximately 200 square metres, west of Whitelands, Witham;

Work No. T30 – As shown on sheet 11 of the temporary works plans, a temporary road of approximately 150 metres in length from the existing A12 southbound carriageway to the proposed A12 northbound carriageway, through the service area at Rivenhall;

Work No. T31 – As shown on sheet 11 of the temporary works plans, a temporary bridge to carry a haul road over the existing A12 at the proposed Rivenhall End East Roundabout (Work No. 39), Rivenhall End;

Work No. T32 – As shown on sheets 11 and 12 of the temporary works plans, the temporary works associated with Borrow Pit I (Work No. 48) including access routes, temporary diversion of public and private rights of way, water management, soil storage and material processing areas, Rivenhall End;

Work No. T33 – As shown on sheet 11 of the temporary works plans, a temporary carriageway of approximately 300 metres in length from the existing southbound A12 carriageway to the proposed A12 southbound carriageway west of the Essex County Fire and Rescue Service Headquarters, Rivenhall End;

Work No. T34 – As shown on sheet 12 of the temporary works plans, a haul road of approximately 1200 metres in length between Borrow Pit I (Work No. 48) and Cranes Lane, Kelvedon;

Work No. T35 – As shown on sheet 12 of the temporary works plans, a temporary carriageway of approximately of the A12 southbound carriageway of 500 metres in length, between Hole Farm and Cranes Bridge, Kelvedon;

Work No. T36 – As shown on sheet 12 of the temporary works plans, a haul road of approximately 300 metres in length between Cranes Bridge and Ashmans Bridge, Kelvedon;

Work No. T37 – As shown on sheets 12 and 13 of the temporary works plans, a haul road of approximately 1300 metres in length between Ashmans Bridge and the proposed Highfields Lane Overbridge replacement (Work No. 55(b)) and the proposed realigned Highfield Lane (Work No. 55(c)), Kelvedon, including a temporary access and egress onto the A12 southbound carriageway at a point to the west of the proposed realigned Highfield Lane, Kelvedon;

Work No. T38 – As shown on sheets 13 and 14 of the temporary works plans, a haul road of approximately 950 metres in length between the proposed Highfields Overbridge Replacement (Work No. 55(b)) and the proposed Ewell Overbridge Replacement (Work No. 76), including a temporary access and egress onto the A12 northbound carriageway at a point to the east of the proposed realigned Highfield Lane (Work No. 55(c)), Kelvedon;

Work No. T39 – As shown on sheets 13 and 14 of the temporary works plans, a haul road of approximately 2500 metres in length between Borrow Pit J (Work No. 59) and B1023 Kelvedon Road including a temporary access and egress onto the A12 southbound carriageway at a point to the east of the proposed realigned Highfield Lane (Work No. 55(c)), Kelvedon;

Work No. T40 – As shown on sheets 13 and 14 of the temporary works plans, the temporary works associated with Borrow Pit J (Work No. 59) including, access routes, temporary diversion

of public and private rights of way, controlled pedestrian crossing, water management, soil storage and material processing areas, Kelvedon;

Work No. T41 – As shown on sheet 14 of the temporary works plans, a temporary carriageway of approximately 250 metres in length to the south of the existing A12, at the proposed junction 24 southern roundabout (Work No. 74(a)), Kelvedon;

Work No. T42 – As shown on sheet 14 of the temporary works plans, a temporary carriageway of approximately 225 metres in length to the south of the existing A12, at the proposed junction 24 northern roundabout (Work No. 74(a)), Kelvedon;

Work No. T43 – As shown on sheet 14 of the temporary works plans, a haul road of approximately 900 metres in length between Ewell Overbridge Replacement (Work No. 76) and B1023 Kelvedon Road, Kelvedon including a temporary access and egress onto the A12 northbound carriageway at points to the east and west of the proposed Junction 24 Underbridge (Work No. 74(a)), Kelvedon;

Work No. T44 – As shown on sheet 14 of the temporary works plans a temporary office of approximately 500 square metres in area to the south of Brick Kiln Farm;

Work No. T45 – As shown on sheets 14 and 15 of the temporary works plans, a haul road of approximately 700 metres in length between B1023 Kelvedon Road, Kelvedon and to the north of the proposed Domsey Brook Bridge (Work No. 67(a)), Kelvedon, including the provision of a temporary bridge over Domsey Brook;

Work No. T46 – As shown on sheets 14 and 15 of the temporary works plans, a haul road of approximately 1300 metres in length between the proposed Domsey Brook Bridge (Work No. 67(a)) and the private access track to Prested Hall;

Work No. T47 – As shown on sheet 15 of the temporary works plans, a temporary road of approximately 350 metres in length between the proposed realigned Prested Hall access road (Work No. 79(a)) and the B1024, A12 southbound junction 24 off-slip road, Kelvedon;

Work No. T48 – As shown on sheet 16 of the temporary works plans, a temporary road of approximately 600 metres in length along Easthorpe Road between the A12 southbound carriageway and the proposed satellite compound and traffic management recovery yard on Easthorpe Road (Work No. T49);

Work No. T49 – As shown on sheet 16 of the temporary works plans, a compound and traffic management recovery yard of approximately 34000 square metres in area including access from Easthorpe Road, south of the A12 and east of the existing Easthorpe Road, Easthorpe;

Work No. T50 – As shown on sheet 17 of the temporary works plans, a haul road of approximately 150 metres in length south of the A12 London Road and north of Easthorpe Green Farm;

Work No. T51 – As shown on sheet 18 of the temporary works plans, a haul road of approximately 850 metres in length between Hall Chase Road and the proposed Potts Green Bridge (Work No. 100);

Work No. T52 – As shown on sheet 18 of the temporary works plans, a compound of approximately 12000 square metres in area north-east of Hall Chase, Marks Tey including a temporary road of approximately 100 metres in length from London Road, Marks Tey;

Work No. T53 – As shown on sheet 19 of the temporary works plans, a haul road of approximately 400 metres in length between B1408, London Road and the culverted Roman River under the A12, Copford; and

Work No. T54 – As shown on sheet 19 (Inset C) of the temporary works plans, a traffic management recovery area of approximately 1200 square metres in area on the A12 southbound carriageway between junction 27 and junction 26 of the A12, Stanway.

Utilities Works

Work No. U1 – As shown on sheet 1 of the utilities works plans, the diversion of a buried water main of approximately 75 metres in length, south of the existing junction 19 and to the east of the A12 southbound verge, Springfield;

Work No. U1A – As shown on sheet 1 of the utilities works plans, the diversion of a buried water main of approximately 900 metres in length, south of the existing junction 19, and to the east of the A12, Springfield;

Work No. U2 – As shown on sheet 1 of the utilities works plans, the diversion of a buried local high pressure gas pipeline of approximately 200 metres in length between the A12 northbound verge and the A12 southbound verge, south of the existing junction 19;

Work No. U2A – As shown on sheet 1 of the utilities works plans, the diversion of an overhead 11kV electricity cable of approximately 125 metres in length between Winsford Way, Springfield to the west of the A12 northbound verge and to a point to the east of the A12 southbound verge;

Work No. U2B – As shown on sheet 1 of the utilities works plans, the diversion of a buried foul sewer of approximately 150 metres in length, south of junction 19 to the east of the A12, Springfield;

Work No. U3 – As shown on sheets 1 and 2 of the utilities works plans, the diversion of a buried medium pressure gas pipeline of approximately 275 metres in length between Winsford Way and the A12 junction 19 northbound off-slip road, with a crossing of the A12 to the south of junction 19, Boreham;

Work No. U3A – As shown on sheets 1 and 2 of the utilities works plans, the diversion of a buried water main of approximately 550 metres in length between the A12 junction 19 northbound off-slip road and the A12 junction 19 southbound on-slip road, with a crossing of the A12 to the south of the existing junction 19;

Work No. U3B – As shown on sheets 1 and 2 of the utilities works plans, the diversion of a buried 11kV electricity cable ducts of approximately 500 metres in length between the A12 junction 19 northbound off-slip road and Boreham House, with a crossing of the A12 to the south of the existing junction 19;

Work No. U3C – As shown on sheets 1 and 2 of the utilities works plans, the diversion of a buried water main of approximately 250 metres in length between the Generals Farm Roundabout (Work No. 1(b)) and the A12 junction 19 southbound on-slip road verge;

Work No. U4 – As shown on sheets 1 and 2 of the utilities works plans, the diversion of buried 11kV electricity cable ducts of approximately 150 metres in length between Drivers Way Roundabout and Generals Lane Roundabout, along the A130 Main Road southbound verge, Boreham;

Work No. U5 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 200 metres in length between the A12 northbound verge and Generals Farm Roundabout crossing the A12, south of Boreham bridge;

Work No. U6 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 125 metres in length within Boreham Bridge westbound verge;

Work No. U7 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 225 metres in length between Generals Lane and B1137, Main Road via Boreham Bridge;

Work No. U8 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length within the A12 junction 19 southbound off-slip road verge;

Work No. U9 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length between B1137, Main Road northbound verge and the Premier Inn Chelmsford (Boreham);

Work No. U10 – As shown on sheet 2 of the utilities works plans, the diversion of buried 11kV electricity cable ducts of approximately 250 metres in length between Generals Lane southbound verge and the Premier Inn Chelmsford (Boreham);

Work No. U10A – As shown on sheet 2 of the utilities works plans, the diversion of a buried water main at junction 19 of the A12 of approximately 50 metres in length between the verges of the A138 link road to the A12 junction 19 northbound on-slip road, to the north of Generals Lane Roundabout (Work No. 1(b));

Work No. U10B – Not used;

Work No. U10C – As shown on sheet 2 of the utilities works plans, the diversion of a buried water main at junction 19 of the A12 of approximately 500 metres in length between the A12 northbound verge and the B1137 Main Road northbound verge, via Paynes Lane;

Work No. U11 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 900 metres in length between B1137, Main Road northbound verge to a point east of Boreham Brook in the A12 northbound verge;

Work No. U12 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 900 metres in length between the A130 southbound verge and Boreham Brook in the A12 southbound verge via Boreham Bridge;

Work No. U12A – As shown on sheet 2 of the utilities works plans, the diversion of a buried water main of approximately 300 metres in length between the proposed Paynes Lane Bridge (Work No. 5) and the northbound verge of the B1137, Main Road at Generals Farm Roundabout (Work No. 1(b));

Work No. U12B – As shown on sheet 2 of the utilities works plans, the diversion of buried communication cable ducts of approximately 250 metres in length between the A12 junction 19 southbound off-slip road and the B1137, Main Road, along Paynes Lane, Boreham;

Work No. U13 – As shown on sheet 2 of the utilities works plans, the diversion of a surface water drain of approximately 350 metres in length in the A12 southbound verge, extending northeast from Boreham Brook;

Work No. U14 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 200 metres in length along the B1137, Main Road southbound verge, between Boreham House and Paynes Lane;

Work No. U14A – Not used;

Work No. U15 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 250 metres in length between the B1137, Main Road southbound verge and B1137, Main Road northbound verge to east of Paynes Lane, Boreham;

Work No. U16 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 50 metres in length between B1137, Main Road southbound verge and B1137, Main Road northbound verge at a point near to Boreham House;

Work No. U17 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 75 metres in length within the B1137, Main Road southbound verge to the west of Boreham House;

Work No. U18 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 450 metres in length between the A12 junction 19 southbound on-slip road and Paynes Lane, within the B1137, Main Road southbound verge;

Work No. U19 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 50 metres in length between B1137, Main Road southbound verge and B1137, Main Road northbound verge, at a point north of Cheese House;

Work No. U20 – As shown on sheet 2 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length between Cheese House and the B1137, Main Road southbound verge, junction 19, Boreham;

Work No. U20A – As shown on sheet 2 of the utilities works plans, the diversion of buried 11kV electricity cable ducts of approximately 150 metres in length between Cheese House and the B1137, Main Road northbound verge;

Work No. U21 – As shown on sheets 2, 3 and 4 of the utilities works plans, the diversion of buried communications cable ducts of approximately 2800 metres in length along the B1137, Main Road between Paynes Lane, Boreham and Crix Bridge, Hatfield Peverel;

Work No. U22 – As shown on sheets 2, 3, 4, 5 and 6 of the utilities works plans, the diversion of buried communications cable ducts of approximately 5850 metres in length along the B1137, Main Road between Paynes Lane Boreham and the A12 junction 20b southbound off-slip road, Hatfield Peverel;

Work No. U22A – As shown on sheets 5, 6, 7, 8, 9 and 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 9000 metres length between the Crix Bridge, Hatfield Peverel and Burghey Brook Cottages, Witham;

Work No. U23 – As shown on sheet 5 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 100 metres in length from the B1137, The Street northbound verge to a point to the north of the A12, to the east of River Ter Bridge, Hatfield Peverel;

Work No. U24 – As shown on sheet 5 of the utilities works plans, the diversion of buried 11kV electricity cable ducts and relocation of pole of approximately 75 metres in length between B1137, The Street northbound verge and the A12 junction 20a northbound off-slip road verge, with a crossing of the A12 to the east of River Ter Bridge, Hatfield Peverel;

Work No. U25 – As shown on sheet 5 of the utilities works plans, the diversion of a foul sewer of approximately 300 metres in length between a point north of the A12 and east of the River Ter Bridge and Hatfield Bury Farm, Hatfield Peverel;

Work No. U26 – As shown on sheet 5 of the utilities works plans, the diversion of a buried water main of approximately 100 metres in length between the A12 northbound verge and the B1137, The Street southbound verge, with a crossing of the A12 to the east of River Ter Bridge, Hatfield Peverel;

Work No. U27 – As shown on sheet 5 of the utilities works plans, the diversion of buried communications cable ducts of approximately 550 metres in length between Sorrell's Cottages and Stonelaw on Bury Lane, Hatfield Peverel via the A12 northbound verge and crossing the A12 into B1137, The Street northbound verge;

Work No. U28 – As shown on sheet 5 of the utilities works plans, the diversion of buried communications cable ducts of approximately 550 metres in length between Sorrell's Cottages and Stonelaw on Bury Lane, Hatfield Peverel, via the A12 northbound verge and crossing the A12 into B1137, The Street northbound verge;

Work No. U29 – As shown on sheet 5 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 100 metres in length across Bury Lane Bridge, within the west verge, Hatfield Peverel;

Work No. U29A – As shown on sheet 5 of the utilities works plans, the diversion of a buried water main of approximately 50 metres in length to the front of Sorrell's Cottages, Bury Lane, Hatfield Peverel;

Work No. U30 – As shown on sheet 5 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length between Crofton, Station Road east verge, across Station Road Overbridge (Work No. 10), and Primrose Cottage, Station Road east verge, Hatfield Peverel;

Work No. U31 – As shown on sheet 5 of the utilities works plans, the diversion of buried low voltage cable ducts of approximately 75 metres in length between High Clere, Station Road west verge, across Station Road Overbridge (Work No. 10), and Kinsby House, Station Road west verge, Hatfield Peverel;

Work No. U32 – As shown on sheet 5 of the utilities works plans, the diversion of a buried water main of approximately 700 metres in length between Bury Lane Bridge and Wellington Bridge, in the A12 northbound verge, Hatfield Peverel;

Work No. U33 – As shown on sheet 5 of the utilities works plans, the diversion of a buried water main of approximately 100 metres in length from the A12 northbound verge to the A12 southbound verge, Hatfield Peverel, with a crossing of the A12 to the east of Station Road Overbridge (Work No. 10);

Work No. U34 – As shown on sheets 5 and 6 of the utilities works plans, the diversion of a buried medium pressure gas pipeline of approximately 175 metres in length between Woodland Close and The Vineyards, in the A12 northbound verge, Hatfield Peverel;

Work No. U35 – As shown on sheets 5 and 6 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1100 metres in length along the B1137, The Street, between River Ter Bridge and the A12 junction 20b southbound off-slip road;

Work No. U36 – As shown on sheet 5 of the utilities works plans, the diversion of a buried water main of approximately 50 metres in length across Bury Lane, Hatfield Peverel;

Work No. U37 – As shown on sheet 6 of the utilities works plans, the diversion of buried communications cable ducts of approximately 225 metres in length between the Duke of Wellington Public House and The Vineyards, Hatfield Peverel, within the B1137 northbound verge, via the new Wellington Road Overbridge (Work No. 18(b));

Work No. U37A – As shown on sheet 6 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 50 metres in length at the access to The Vineyards, Hatfield Peverel;

Work No. U38 – As shown on sheets 5 and 6 of the utilities works plans, the diversion of buried and overhead 11kV electricity cables of approximately 1800 metres in length between the A12 junction 20b southbound off-slip road, northeast of Hatfield Peverel, and the A12 junction 21 southbound on-slip road, together with a spur crossing the A12, to the north of The Vineyards, Hatfield Peverel;

Work No. U38A – As shown on sheets 6 and 7 of the utilities works plans, the installation of a buried 11kV electricity cable ducts of approximately 2800 metres in length from a point north of the Wellington overbridge, Hatfield Peverel to Howbridge Hall Road, Witham;

Work No. U39 – As shown on sheet 6 of the utilities works plans, the diversion of buried water pipe of approximately 350 metres in length between The Vineyards, Hatfield Peverel, and a point west of the new junction 21 of the A12;

Work No. U40 – As shown on sheet 6 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1150 metres in length between the A12 junction 20b southbound off-slip road verge and Kingswood Gateway on the A12 junction 21 northbound off-slip road verge, Witham;

Work No. U41 – As shown on sheet 6 of the utilities works plans, the diversion of buried communications cable ducts of approximately 900 metres in length between a point west of the new junction 21 of the A12, and Kingswood Gateway on the A12 junction 21 northbound off-slip road verge, Witham;

Work No. U41A – As shown on sheet 6 of the utilities works plans, the protection and diversion of a buried water main of approximately 850 metres in length south of the Great Eastern Mainline Railway, Hatfield Peverel;

Work No. U42 – As shown on sheet 6 of the utilities works plans, the diversion of a buried medium pressure gas pipeline of approximately 1200 metres in length between The Vineyards, Hatfield Peverel, and Kingswood Gateway, Witham, to the north of the A12;

Work No. U43 – As shown on sheet 6 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length along a private access track between B1389, Hatfield Road and Mayfield Cottage, Witham;

Work No. U44 – As shown on sheets 6, 7, 8, 9 and 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 6400 metres in length between existing A12 junction 20b southbound off-slip road and Eastways Junction, B1389 Colchester Road, Witham;

Work No. U45 – As shown on sheet 6 of the utilities works plans, the diversion of a foul sewer of approximately 275 metres in length between the A12 northbound verge and the A12 southbound verge, at a point to the east of junction 20b;

Work No. U46 – As shown on sheet 6 of the utilities works plans, the diversion of a surface water sewer of approximately 100 metres in length to the south of the proposed A12 junction 21 southbound on-slip road (Work No. 18(a));

Work No. U47 – As shown on sheet 6 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 100 metres in length between the B1137, The Street southbound verge to the A12 southbound verge;

Work No. U48 – As shown on sheets 6 and 7 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1800 metres in length between the existing A12 junction 20b southbound off-slip road and Dengie Farm, Witham;

Work No. U49 – As shown on sheets 6, 7, 8, 9 and 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 6000 metres in length between the A12 junction 20b southbound off-slip road, via Blue Mill Hill, and to the A12 northbound verge to the south of the existing junction 22, Witham;

Work No. U50 – As shown on sheets 7 and 8 of the utilities works plans, the diversion of 11kV electricity cable ducts of approximately 600 metres in length between Howbridge Hall Road and B1018 Maldon Road, Witham in the A12 southbound verge, with a crossing of the A12 to Ashby Road, Witham;

Work No. U50A – As shown on sheet 8 of the utilities works plans, the diversion of 11kV electricity cable ducts of approximately 1000 metres in length between Howbridge Hall Road and Benton Hall, Witham in the A12 southbound verge, via the B1024 and Blue Mills Hill, Witham;

Work No. U51 – As shown on sheets 7, 8, 9 and 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 4650 metres in length between Dengie Farm and Burghey Brook Cottages, Witham;

Work No. U52 – As shown on sheet 7 of the utilities works plans, the diversion of buried 11kV electricity cable ducts of approximately 475 metres in length between Dengie Farm and Howbridge Hall Road, Witham;

Work No. U53 – As shown on sheet 7 of the utilities works plans, the diversion of buried communications cable ducts of approximately 650 metres in length between the proposed A12 junction 21 northbound on-slip road and Dengie Farm, with a crossing of the A12 to the east of Woodend Bridge, Witham;

Work No. U54 – As shown on sheet 7 of the utilities works plans, the diversion of buried 11kV electricity cable ducts of approximately 600 metres in length between Latneys and Gershwin Boulevard, Witham with a crossing of the A12 to the east of Woodend Bridge;

Work No. U55 – As shown on sheet 7 of the utilities works plans, the diversion of buried communications cable ducts of approximately 250 metres in length between the B1389, Hatfield Road and Latneys, with a crossing of the A12 to the east of Woodend Bridge, Witham;

Work No. U56 – As shown on sheets 6, 7, 8, 9 and 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 5200 metres in length between the B1389, Hatfield Road and Eastways Junction, B1389 Colchester Road, Witham;

Work No. U57 – As shown on sheet 7 of the utilities works plans, the diversion of a buried water main of approximately 150 metres in length crossing the A12 from the northbound verge to the southbound verge to the east of Woodend Bridge, Witham;

Work No. U58 – As shown on sheet 7 of the utilities works plans, the diversion of a buried water main of approximately 100 metres in length between Gershwin Boulevard, Witham, and Dengie Farm, crossing under the A12;

Work No. U59 – As shown on sheet 8 of the utilities works plans, the diversion of a surface water drain of approximately 100 metres in length between the A12 northbound verge and Olivers Drive, Witham;

Work No. U60 – As shown on sheet 8 of the utilities works plans, the diversion of a buried water main of approximately 200 metres in length along B1018 Maldon Road verge, beneath Olivers Bridge, Witham;

Work No. U61 – As shown on sheet 8 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 100 metres in length along B1018 Maldon Road verge, beneath Olivers Bridge, Witham;

Work No. U62 – As shown on sheet 8 of the utilities works plans, the diversion of a foul water main of approximately 150 metres in length along B1018 Maldon Road verge, beneath Olivers Bridge, Witham;

Work No. U62A – As shown on sheet 8 of the utilities works plans, the diversion of a buried water main of approximately 150 metres in length between the A12 and Blue Mill Hill, south of Benton Bridge, Witham;

Work No. U63 – As shown on sheet 8 of the utilities works plans, the diversion of buried low voltage and 11kV electricity cable ducts of approximately 150 metres in length beneath Benton Bridge, Witham;

Work No. U63A – As shown on sheet 8 of the utilities works plans, the diversion or protection of a buried foul sewer pipe of approximately 125 metres in length underneath Benton Bridge, Witham;

Work No. U64 – As shown on sheets 8 and 9 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1450 metres in length between Howbridge Hall Road and Witham Sewage works, Witham, within the A12 southbound verge;

Work No. U65 – As shown on sheet 8 of the utilities works plans, the diversion of buried water mains of approximately 150 metres in length between Blackwater Lane, Witham to the west of the A12 and Whetmead Nature Reserve to the east of the A12;

Work No. U66 – As shown on sheet 8 of the utilities works plans, the diversion of buried 11kV electricity cable ducts and relocation of pole from verge of approximately 150 metres in length between Blackwater Lane, to the west of the A12 and Whetmead Nature Reserve to the east of the A12, Witham;

Work No. U67 – As shown on sheets 8 and 9 of the utilities works plans, the diversion of a buried water main of approximately 400 metres in length between Blackwater Lane and a point south of, Freebournes Road, Witham, within the A12 northbound verge;

Work No. U68 – As shown on sheet 8 of the utilities works plans, the diversion of a surface water drain of approximately 225 metres in length between Pantile Close, Witham and a point north of Benton Bridge, south of the A12;

Work No. U69 – As shown on sheets 7, 8 and 9 of the utilities works plans, the diversion of a buried local high pressure gas pipeline of approximately 3200 metres in length between Dengie Farm, via Blue Mill Hill and to a point east of the A12, north of Barrows Creep Underpass, Witham;

Work No. U70 – As shown on sheet 8 of the utilities works plans, the diversion of a buried water main of approximately 125 metres in length between Blackwater Lane, Witham and Whetmead Nature Reserve, north of Brain Bridge Witham;

Work No. U71 – As shown on sheet 8 of the utilities works plans, the diversion of buried 11kV electricity cable ducts of approximately 175 metres in length between Olivers Bridge and Benton Bridge to the south of the A12, Witham;

Work No. U72 – As shown on sheet 8 of the utilities works plans, the diversion of a buried water main of approximately 200 metres in length between Howbridge Hall Road and B1018 Maldon Road, Witham to the south of the A12;

Work No. U73 – As shown on sheet 8 of the utilities works plans, the diversion or protection of a buried sewer pipe of approximately 75 metres in length within the Whetmead Nature Reserve, east of the A12, Witham;

Work No. U73A – As shown on sheet 9 of the utilities works plans, the diversion or protection of a buried water main of approximately 75 metres in length east of the A12 within Whetmead Nature Reserve, Witham;

Work No. U74 – As shown on sheet 9 of the utilities works plans, the diversion of a storm drain of approximately 100 metres in length between Freebournes Road, north of Moss Road, Witham and the A12 southbound verge, with a crossing of the A12 to the south of the existing junction 22;

Work No. U75 – As shown on sheets 9 and 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 2300 metres in length between Barrows Creep Underpass within the A12 southbound verge to Burghey Brook Cottages, Witham;

Work No. U76 – As shown on sheet 10 of the utilities works plans, the diversion of a buried intermediate pressure gas pipeline of approximately 180 metres in length between Freebournes Road to the west of the A12 and Colemans Fishery, to the east of the A12, Witham;

Work No. U77 – As shown on sheets 9 and 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1300 metres in length between Freebournes Road and Eastways Junction, B1389 Colchester Road, Witham;

Work No. U78 – As shown on sheet 10 of the utilities works plans, the diversion and undergrounding of overhead 11kV electricity cable ducts of approximately 450 metres in length between Rosewood Business Park and a point north of Little Braxted Lane, to the east of the existing junction 22;

Work No. U79 – As shown on sheet 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 700 metres in length between Eastways Junction, B1389 Colchester Road, and Burghey Brook Cottages, Witham;

Work No. U80 – As shown on sheet 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 450 metres in length between Colemans Bridge and Burghey Brook Cottages, Witham;

Work No. U81 – As shown on sheet 10 of the utilities works plans, the diversion of an underground medium pressure gas pipeline of approximately 1000 metres in length between Eastways Junction, B1389 Colchester Road and Whitelands, Rivenhall End;

Work No. U82 – As shown on sheets 10 and 11 of the utilities works plans, the diversion of a buried water main of approximately 250 metres in length between Whitelands and Oak Road, Rivenhall End;

Work No. U83 – As shown on sheet 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 400 metres in length between Eastways Junction, B1389 Colchester Road, and Burghey Brook Cottages, Witham;

Work No. U84 – As shown on sheet 10 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 400 metres in length between Eastways Junction, B1389 Colchester Road, and Burghey Brook Cottages, Witham;

Work No. U84A – As shown on sheet 10 of the utilities works plans, the installation of buried 11kV electricity cable ducts of approximately 800 metres in length between the Eastways Junction, Witham, and a point on the existing A12 northeast of the proposed junction 22 of the A12;

Work No. U85 – As shown on sheet 10 of the utilities works plans, the diversion or protection of buried water main of approximately 25 metres in length crossing the Eastways junction and the B1389, Colchester Road, Witham;

Work No. U85A – As shown on sheet 10 of the utilities works plans, the diversion or protection of buried water main of approximately 100 metres in length crossing the Eastways junction and the B1389, Colchester Road, Witham;

Work No. U85B – As shown on sheet 10 of the utilities works plans, the diversion or protection of buried foul sewer of approximately 50 metres in length crossing the Eastways junction, Witham;

Work No. U86 – As shown on sheet 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 250 metres in length between Eastways Junction, B1389 Colchester Road, and Burghey Brook Cottages, Witham;

Work No. U87 – As shown on sheets 9 and 10 of the utilities works plans, the diversion of a buried water main of approximately 225 metres in length between the A12 and Little Braxted Lane, south of the proposed junction 22 of the A12;

Work No. U88 – As shown on sheet 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 450 metres in length between Little Braxted Lane and northeast of the proposed Little Braxted Lane Overbridge (Work No. 32(a));

Work No. U89 – As shown on sheet 10 of the utilities works plans, the diversion of an underground local high pressure gas pipeline of approximately 970 metres in length between Little Braxted Lane and Whitelands, Rivenhall End;

Work No. U89A – As shown on sheet 10 of the utilities works plans, the diversion of a buried water main of approximately 600 metres in length between Burghey Brook Cottages and a point to the west of Coleman's Reservoir, Witham;

Work No. U90 – As shown on sheet 10 of the utilities works plans, the diversion of an underground local high pressure gas pipeline of approximately 400 metres in length between Little Braxted Lane and Rosewood Business Park, Witham;

Work No. U91 – As shown on sheet 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 900 metres in length between Little Braxted Lane and Eastways Junction, B1389 Colchester Road, Witham;

Work No. U92 – As shown on sheet 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 900 metres in length between Little Braxted Lane and Eastways Junction, B1389 Colchester Road, Witham;

Work No. U93 – As shown on sheet 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1250 metres in length between Little Braxted Lane and Eastways Junction, B1389 Colchester Road, Witham;

Work No. U94 – As shown on sheet 10 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length, east of the realigned Little Braxted Lane (Work No. 32(d)), Witham;

Work No. U95 – As shown on sheet 10 of the utilities works plans, the diversion of an underground water main of approximately 250 metres in length between Freebournes Road and Little Braxted Lane, Witham;

Work No. U96 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 300 metres in length between a point north of Whitelands and Henry Dixon Road, Rivenhall End;

Work No. U97 – As shown on sheet 11 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 200 metres in length between Oak Road, Rivenhall End, and a point to the north of Whitelands;

Work No. U98 – As shown on sheet 11 of the utilities works plans, the diversion of an underground medium pressure gas pipeline of approximately 125 metres in length between Henry Dixon Road, Rivenhall End, and a point to the north of Whitelands;

Work No. U99 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of 100 metres in length between Oak Road, Rivenhall End, and a point to the north of Whitelands;

Work No. U100 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 150 metres in length between Oak Road, Rivenhall End, and a point to the north of Whitelands;

Work No. U101 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 250 metres in length between Henry Dixon Road, Rivenhall End, and a point to the north of Whitelands;

Work No. U102 – As shown on sheet 11 of the utilities works plans, the diversion of a buried foul sewer of approximately 125 metres in length between Oak Road, Rivenhall End, and a point to the north of Whitelands;

Work No. U103 – As shown on sheet 11 of the utilities works plans, the diversion of a buried low pressure gas pipeline of approximately 100 metres in length between The Matchyns and Henry Dixon Road, Rivenhall End;

Work No. U104 – As shown on sheet 11 of the utilities works plans, the diversion of a buried medium pressure gas pipeline of approximately 150 metres in length between The Matchyns and Henry Dixon Road, Rivenhall End;

Work No. U104A – As shown on sheet 11 of the utilities works plans, the diversion or protection of buried foul sewer of approximately 75 metres in length between Oak Road and The Matchyns, Rivenhall End, with a crossing of the existing A12 to the north of The Matchyns;

Work No. U105 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 50 metres in length between Oak Road and The Matchyns, Rivenhall End;

Work No. U106 – As shown on sheet 11 of the utilities works plans, the diversion of a buried foul sewer of approximately 250 metres in length south from a point east of Henry Dixon Road to a point east of Fair Rest, Rivenhall;

Work No. U107 – As shown on sheet 11 of the utilities works plans, the diversion and undergrounding of overhead 11kV electricity cable ducts of approximately 250 metres in length between Rivenhall Bridge and a point east of Fair Rest, Rivenhall;

Work No. U108 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 350 metres in length between Rivenhall Bridge and Essex County Fire and Rescue Service Headquarters, with a crossing of the existing A12 to the north of Rivenhall Bridge;

Work No. U109 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 375 metres in length between Rivenhall Bridge and Essex County Fire and Rescue Service Headquarters, with a crossing of the existing A12 to the north of Rivenhall Bridge;

Work No. U110 – As shown on sheets 11 and 12 of the utilities works plans, the diversion of buried communications cable ducts of approximately 250 metres in length between the proposed Rivenhall End East Roundabout (Work No. 39(a)) and Essex County Fire and Rescue Service Headquarters;

Work No. U111 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 350 metres in length between Rivenhall Bridge and Essex County Fire and Rescue Service Headquarters;

Work No. U111A – As shown on sheets 11 and 12 of the utilities works plans, the diversion of buried communication cable ducts of approximately 300 metres in length between the existing A12 and the Essex County Fire and Rescue Service Headquarters;

Work No. U111B – As shown on sheets 11 and 12 of the utilities works plans, the diversion of buried communication cable ducts of approximately 300 metres in length between the existing A12 and the Essex County Fire and Rescue Service Headquarters;

Work No. U111C – As shown on sheet 11 of the utilities works plans, the diversion of a buried water main of approximately 250 metres in length south of the Essex County Fire and Rescue Service Headquarters, east of the existing A12;

Work No. U112 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 325 metres in length between Rivenhall Bridge and Essex County Fire and Rescue Service Headquarters;

Work No. U113 – As shown on sheet 11 of the utilities works plans, the diversion of a buried medium pressure gas pipeline of approximately 550 metres in length between Rivenhall Bridge and Essex County Fire and Rescue Service Headquarters;

Work No. U114 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 75 metres in length between The Matchyns and Henry Dixon Road, Rivenhall End;

Work No. U115 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 50 metres in length between Oak Road and The Matchyns, Rivenhall End;

Work No. U116 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 75 metres in length between The Matchyns and Henry Dixon Road, Rivenhall End;

Work No. U117 – As shown on sheet 11 of the utilities works plans, the diversion of a buried water main of approximately 250 metres in length between Henry Dixon Road and Fair Rest, Rivenhall End;

Work No. U118 – As shown on sheet 11 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 200 metres in length between Henry Dixon Road and Fair Rest, Rivenhall End;

Work No. U119 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 600 metres in length between Braxted Road and Henry Dixon Road, Rivenhall End via Braxted Road Overbridge (Work No. 37(d));

Work No. U120 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 200 metres in length between Henry Dixon Road, Rivenhall End, and a point to the north of Whitelands;

Work No. U121 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 200 metres in length between Henry Dixon Road, Rivenhall End, and a point to the north of Whitelands;

Work No. U122 – As shown on sheet 11 of the utilities works plans, the diversion of buried communications cable ducts of approximately 250 metres in length between Henry Dixon Road, Rivenhall End, and a point to the north of Whitelands;

Work No. U123 – As shown on sheet 12 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1050 metres in length between Essex County Fire and Rescue Service Headquarters and Cranes Lane, Kelvedon;

Work No. U124 – As shown on sheet 12 of the utilities works plans, the diversion of buried communications cable ducts of approximately 900 metres in length between Hole Farm and a point east of the B1024 junction with Essex Fire and Rescue Access, Kelvedon;

Work No. U124A – As shown on sheets 12, 13, 15 and 21 of the utilities works plans, the diversion of buried communications cable ducts of approximately 4050 metres in length between Hole Farm, Kelvedon, and the proposed Feering East roundabout (Work No. 82(a)), Feering;

Work No. U125 – As shown on sheet 12 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length between Cranes Lane and a point north of Cranes Bridge, Kelvedon;

Work No. U126 – As shown on sheet 12 of the utilities works plans, the diversion of buried communications cable ducts of approximately 50 metres in length between Cranes Lane and a point north of Cranes Bridge, Kelvedon;

Work No. U127 – As shown on sheet 12 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 100 metres in length between a point east of the B1024 junction with Essex Fire and Rescue Access, Kelvedon and a point to the north of Cranes Bridge, Kelvedon;

Work No. U128 – As shown on sheet 12 of the utilities works plans, the diversion of 11kV electricity cable ducts of approximately 50 metres in length between B1024 northbound verge and Stanwick House on the B1024 southbound verge, at a point northeast of Cranes Bridge, Kelvedon;

Work No. U128A – As shown on sheets 12, 13, 15 and 21 of the utilities works plans, the diversion of buried communications cable ducts of approximately 3150 metres in length between a point northeast of the junction of Cranes Lane and the B1024, Kelvedon and the proposed Feering East roundabout (Work No. 82(a)), Feering;

Work No. U129 – As shown on sheet 12 of the utilities works plans, the diversion of buried communications cable ducts of approximately 500 metres in length between Hole Farm and a point northeast of the junction of Cranes Lane and the B1024, Kelvedon;

Work No. U130 – As shown on sheet 12 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 25 metres in length across the access to Essex County Fire and Rescue Service Headquarters;

Work No. U131 – As shown on sheet 12 of the utilities works plans, the diversion and undergrounding of overhead 11kV electricity cable ducts of 250 metres in length between Snivellers Lane and Essex County Fire and Rescue Service Headquarters;

Work No. U132 – As shown on sheets 11 and 12 of the utilities works plans, the diversion of a buried water main of approximately 850 metres in length between Rivenhall Bridge and Hole Farm, Kelvedon;

Work No. U133 – As shown on sheets 12 and 13 of the utilities works plans, the diversion of buried communications cable ducts of approximately 450 metres in length between Ashmans Bridge and Highfields Bridge, Kelvedon along the A12 northbound verge;

Work No. U134 – As shown on sheet 13 of the utilities works plans, the diversion of buried communications cable ducts of approximately 700 metres in length between Highfields Lane, Kelvedon and Maldon Road, Kelvedon, over the proposed Highfields Overbridge Replacement (Work No. 55(b));

Work No. U135 – As shown on sheet 13 of the utilities works plans, the diversion and undergrounding of overhead 11kV electricity cable ducts and relocation of poles of approximately 100 metres in length from Maldon Road, Kelvedon northbound verge to Bridgefoot Farm, Kelvedon;

Work No. U136 – As shown on sheet 13 of the utilities works plans, the diversion of buried and overhead 11kV electricity cable ducts of approximately 400 metres in length between Koorbaes Cottages, off Highfields Lane to the south of the A12, and Bridgefoot Farm, Kelvedon;

Work No. U136A – As shown on sheet 13 of the utilities works plans, the diversion of a buried water main of approximately 350 metres in length north-east of Maldon Road, Kelvedon and crossing under the A12;

Work No. U137 – As shown on sheets 11, 12, 13 and 14 of the utilities works plans, the diversion of buried communications cable ducts of approximately 5400 metres in length between Rivenhall Bridge and a point to the north of Domsey Brook Bridge, Kelvedon;

Work No. U138 – As shown on sheet 13 of the utilities works plans, the diversion of buried communications cable ducts of approximately 400 metres in length between Braxted Road, Kelvedon and Highfields Lane, Kelvedon;

Work No. U139 – As shown on sheet 13 of the utilities works plans, the diversion of buried communications cable ducts of approximately 650 metres in length between Braxted Road, Kelvedon and Highfields Lane, Kelvedon;

Work No. U140 – As shown on sheets 11, 12, 13 and 14 of the utilities works plans, the diversion of buried communications cable ducts of approximately 5200 metres in length between Rivenhall Bridge and a point to the north of Domsey Brook Bridge, Kelvedon;

Work No. U141 – As shown on sheet 14 of the utilities works plans, the diversion of a buried water main of approximately 400 metres in length from the A12 northbound verge to the A12 southbound verge, between the proposed Ewell Overbridge Replacement (Work No. 76) and the proposed Junction 24 Underbridge, (Work No. 74(a)) Kelvedon;

Work No. U141A – As shown on sheets 14 and 21 of the utilities works plans, the diversion of a foul sewer of approximately 125 metres in length north of the A12, between the proposed Junction 24 Northern Roundabout (Work No. 74(a)) and the B1023 Kelvedon Road, Kelvedon, adjacent to Domsey Brook;

Work No. U142 – As shown on sheet 14 of the utilities works plans, the diversion of a foul sewer of approximately 150 metres in length along Domsey Brook to the north of the A12, between the proposed Junction 24 Underbridge (Work No. 74(a)) and B1023 Kelvedon Road, Kelvedon;

Work No. U143 – As shown on sheet 14 of the utilities works plans, the diversion of a buried water main of approximately 200 metres in length between Brick Kiln Farm, B1023 Kelvedon Road, Kelvedon and a point north of Park Bridge;

Work No. U144 – As shown on sheet 14 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 100 metres in length Brick Kiln Farm, B1023 Kelvedon Road, Kelvedon and a point north of Park Bridge;

Work No. U145 – As shown on sheet 14 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length between Brick Kiln Farm, B1023 Kelvedon Road, Kelvedon and a point north of Park Bridge;

Work No. U145A – As shown on sheet 14 of the utilities works plans, the diversion of a buried raw water main of approximately 100 metres in length beneath Park Bridge on B1023 Kelvedon Road, Kelvedon;

Work No. U146 – As shown on sheet 14 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length along the realigned Kelvedon Road;

Work No. U146A – As shown on sheet 14 of the utilities works plans, the diversion and undergrounding of low voltage electricity cable ducts of approximately 250 metres in length east from B1023 Kelvedon Road along Kelvedon Road, Messing;

Work No. U146B – As shown on sheet 14 of the utilities works plans, the diversion of a buried water main of approximately 225 metres in length between The Laurels and Park Farm on the B1023 Kelvedon Road, Kelvedon;

Work No. U146C – As shown on sheets 14 and 20 of the utilities works plans, the diversion of a buried sewer of approximately 525 metres in length between Inworth Hall and Park Farm on the B1023 Kelvedon Road, Kelvedon;

Work No. U147 – As shown on sheet 14 of the utilities works plans, the diversion of buried communications cable ducts of approximately 350 metres in length between The Laurels, B1023 Kelvedon Road, Kelvedon and Rowan Lodge, B1023 Kelvedon Road, Kelvedon;

Work No. U147A – As shown on sheets 14 and 20 of the utilities works plans, the diversion of a buried water main of approximately 1000 metres in length along the B1023 Kelvedon Road, between Happy Gardens and Inworth Hall, including spurs off Kelvedon Road, Inworth;

Work No. U147B – As shown on sheets 14 and 20 of the utilities works plans, the diversion of buried and overhead communication cables and ducts of approximately 1000 metres in length along the B1023 Kelvedon Road, between Happy Gardens and Inworth Hall, including spurs off Kelvedon Road, Inworth;

Work No. U147C – As shown on sheets 14 and 20 of the utilities works plans, the diversion of a buried and overhead low voltage electricity cables and ducts of approximately 1000 metres in length along the B1023 Kelvedon Road, between Happy Gardens and Inworth Hall, including spurs off B1023 Kelvedon Road, Inworth;

Work No. U147D – As shown on sheet 20 of the utilities works plans, the diversion of a buried foul sewer of approximately 600 metres in length along the B1023 Kelvedon Road, between Happy Gardens and Inworth Hall, including spurs off Kelvedon Road;

Work No. U148 – As shown on sheet 14 of the utilities works plans, the diversion of a buried water main of approximately 100 metres in length crossing the proposed New Inworth Link (Work No. 74(b));

Work No. U149 – As shown on sheets 14 and 15 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1400 metres in length between a point north of Park Bridge on the B1023 Kelvedon Road, Kelvedon and B1024 London Road, Feering;

Work No. U150 – As shown on sheets 14 and 15 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1900 metres in length between Brick Kiln Farm B1023 Kelvedon Road, Kelvedon and the A12 junction 24 southbound off-slip road, Feering;

Work No. U151 – As shown on sheet 15 of the utilities works plans, the diversion of buried communications cable ducts of approximately 250 metres in length between the realigned Threshelfords access road and the realigned Prested Hall access road, Feering;

Work No. U152 – As shown on sheet 15 of the utilities works plans, the diversion of buried communications cable ducts of approximately 450 metres in length between B1024 London Road, Feering and the proposed Feering East Roundabout western connection to New Lane (Work No. 82(d));

Work No. U153 – As shown on sheet 15 of the utilities works plans, the diversion of buried communications cable ducts of approximately 300 metres in length between B1024 London Road, Feering and the proposed Feering East Roundabout western connection to New Lane (Work No. 82(d));

Work No. U154 – As shown on sheets 14 and 15 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1900 metres in length between Brick Kiln Farm, B1023 Kelvedon Road, Kelvedon and the proposed Feering East Roundabout (Work No. 82(a));

Work No. U155 – As shown on sheet 15 of the utilities works plans, the diversion of buried communications cable ducts of approximately 450 metres in length between B1024 London Road, Feering and the proposed Feering East Roundabout (Work No. 82(a));

Work No. U156 – As shown on sheet 15 of the utilities works plans, the diversion of a buried water main of approximately 450 metres in length between B1024 London Road, Feering and the proposed Feering East Roundabout western connection to New Lane (Work No. 82(d));

Work No. U157 – As shown on sheet 15 of the utilities works plans, the diversion of a buried medium pressure gas pipeline of approximately 350 metres in length between B1024 London Road, Feering and Prested Hall Cottages on the A12 junction 24 southbound off-slip road;

Work No. U158 – As shown on sheet 15 of the utilities works plans, the diversion of a buried low pressure gas pipeline of approximately 25 metres in length between the proposed Feering East Roundabout western connection to New Lane (Work No. 82(d)) and A12 junction 24 northbound on-slip road verge;

Work No. U159 – As shown on sheet 15 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 175 metres in length between the proposed Feering East Roundabout western connection to New Lane (Work No. 82(d)) to a point north of the A12 junction 24 northbound on-slip road;

Work No. U160 – As shown on sheet 15 of the utilities works plans, the diversion of buried 11kV electricity cable ducts of approximately 150 metres in length between the field to the north of the A12 junction 24 northbound on-slip road and the A12 junction 24 southbound off-slip road;

Work No. U161 – As shown on sheet 15 of the utilities works plans, the diversion of buried communications cable ducts of approximately 150 metres in length along the existing private access road to Prested Hall, Feering;

Work No. U162 – As shown on sheet 15 of the utilities works plans, the diversion of buried communications cable ducts of approximately 250 metres in length along the existing private access road to Prested Hall, Feering;

Work No. U163 – As shown on sheet 15 of the utilities works plans, the diversion of overhead 11kV electricity cable ducts of approximately 500 metres in length along the existing private access road to Prested Hall, Feering;

Work No. U164 – As shown on sheet 15 of the utilities works plans, the diversion of buried communications cable ducts of approximately 150 metres in length around the eastern side of the proposed Feering East Roundabout (Work No. 82(a)) within the A12 southbound verge;

Work No. U165 – As shown on sheet 15 of the utilities works plans, the diversion of buried water mains of approximately 900 metres in length between B1024 London Road, Feering and Prested Hall;

Work No. U166 – As shown on sheet 16 of the utilities works plans, the diversion of a buried medium pressure gas pipeline of approximately 125 metres in length between Prested Hall Farm and Sherwood Cottage;

Work No. U166A – As shown on sheet 16 of the utilities works plans, the diversion and undergrounding of overhead 33kV electricity cable ducts of approximately 450 metres in length south-east of the existing A12, and south of the proposed Easthorpe Road Roundabout (Work No. 88(b));

Work No. U167 – As shown on sheet 16 of the utilities works plans, the diversion of buried communications cable ducts of approximately 175 metres in length around the proposed Easthorpe Road Roundabout (Work No. 88(b)) within the existing A12 northbound verge;

Work No. U167A – As shown on sheet 16 of the utilities works plans, the diversion of a buried water main of approximately 600 metres in length south of Domsey Chase, within the existing A12 northbound verge;

Work No. U167B – As shown on sheet 16 of the utilities works plans, the diversion of a buried water main of approximately 350 metres in length, south of the realigned Easthorpe Road;

Work No. U167C – As shown on sheet 16 of the utilities works plans, the diversion of a buried water main of approximately 150 metres in length between Little Domsey Cottages, Easthorpe and the existing Easthorpe Road;

Work No. U168 – As shown on sheet 16 of the utilities works plans, the diversion of buried communications cable ducts of approximately 125 metres in length between the existing A12 northbound verge and the realigned Domsey Chase from the northern spur of the proposed Easthorpe Road Roundabout (Work No. 88(b));

Work No. U169 – As shown on sheet 16 of the utilities works plans, the diversion of buried communications cable ducts of approximately 350 metres in length from the existing A12 central reservation around the proposed Easthorpe Road Roundabout (Work No. 88(b)) within the existing A12 southbound verge and returning to the existing A12 central reservation;

Work No. U170 – As shown on sheet 16 of the utilities works plans, the diversion of a buried medium pressure gas pipeline of approximately 125 metres in length around the proposed Easthorpe Road Roundabout (Work No. 88(b)) within the de-trunked A12 southbound verge;

Work No. U171 – As shown on sheet 16 of the utilities works plans, the diversion of buried communications cable ducts of approximately 150 metres in length around the proposed Easthorpe Road Roundabout (Work No. 88(b)) within the A12 southbound verge;

Work No. U172 – As shown on sheet 16 of the utilities works plans, the diversion of buried communications cable ducts of approximately 150 metres in length around the proposed Easthorpe Road Roundabout (Work No. 88(b)) within the A12 southbound verge;

Work No. U173 – As shown on sheet 16 of the utilities works plans, the diversion and undergrounding of overhead 11kV electricity cable ducts of approximately 550 metres in length between Easthorpe Road and a point north of the existing A12 and west of Domsey Chase;

Work No. U173A – As shown on sheet 16 of the utilities works plans, the diversion of a buried water main of approximately 350 metres in length south of the realigned Easthorpe Road;

Work No. U173B – As shown on sheet 16 of the utilities works plans, the diversion of a buried water main of approximately 100 metres in length across the eastern end of the proposed realigned Easthorpe Road (Work No. 88(a));

Work No. U174 – As shown on sheet 17 of the utilities works plans, the diversion of buried communications cable ducts of approximately 350 metres in length around the proposed Wishingwell Farm Roundabout (Work No. 94(b)) within the existing A12 northbound verge;

Work No. U174A – As shown on sheet 17 of the utilities works plans, the diversion of a buried water main of approximately 800 metres in length between Easthorpe Green Farm and to the north of the proposed Wishingwell Farm Roundabout (Work No. 94(b)), within the existing A12 southbound verge;

Work No. U175 – As shown on sheet 17 of the utilities works plans, the diversion of buried communications cable ducts of approximately 350 metres in length from the existing A12 central reservation around the proposed Wishingwell Farm Roundabout (Work No. 94(b)) within the existing A12 southbound verge and returning to the existing A12 central reservation;

Work No. U176 – As shown on sheet 17 of the utilities works plans, the diversion of buried communications cable ducts of approximately 225 metres in length around the proposed Wishingwell Farm Roundabout (Work No. 94(b)) within the A12 southbound verge;

Work No. U177 – As shown on sheet 17 of the utilities works plans, the diversion of buried communications cable ducts of approximately 175 metres in length around the proposed Wishingwell Farm Roundabout (Work No. 94(b)) within the existing A12 southbound verge;

Work No. U178 – As shown on sheets 17 and 18 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1100 metres in length between the existing A12 southbound verge and Wishingwell Farm, via the proposed Wishingwell Overbridge (Work No. 94(c));

Work No. U179 – As shown on sheet 17 of the utilities works plans, the diversion of buried communications cable ducts of approximately 400 metres in length between Easthorpe Green Farm and the proposed Wishingwell Overbridge (Work No. 94(c));

Work No. U180 – As shown on sheet 18 of the utilities works plans, the diversion and undergrounding overhead 11kV electricity cable ducts and relocation of pole of approximately 175 metres in length, south of the proposed Potts Green Bridge, Marks Tey;

Work No. U180A – As shown on sheet 18 of the utilities works plans, the diversion of a buried water main of approximately 150 metres in length to the south of the existing access track to Wishingwell Farm;

Work No. U181 – As shown on sheet 18 of the utilities works plans, the diversion of buried communications cable ducts of approximately 25 metres in length to the west of the proposed London Road Roundabout, de-trunked A12 western connection (Work No. 102(c)), southbound verge, Marks Tey;

Work No. U182 – As shown on sheet 18 of the utilities works plans, the diversion of buried communications cable ducts of approximately 700 metres in length between the existing A12 central reservation and the northbound verge of London Road, Marks Tey;

Work No. U183 – As shown on sheet 18 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length between Old London Road and the proposed London Road Roundabout, de-trunked A12 western connection (Work No. 102(c)), southbound verge, Marks Tey;

Work No. U184 – As shown on sheet 18 of the utilities works plans, the diversion of buried communications cable ducts of approximately 350 metres in length between Old London Road verge and the proposed A12 (Work No. 68(b)) southbound verge, Marks Tey;

Work No. U184A – As shown on sheet 18 of the utilities works plans, the diversion or protection of a buried water main of approximately 50 metres in length along Old London Road at the realigned Old London Road access, Marks Tey (Work No. 102(e));

Work No. U185 – As shown on sheet 18 of the utilities works plans, the diversion of buried communications cable ducts of approximately 725 metres in length between Old London Road verge and A120 Coggeshall Road verge, via the New London Road (Work No. 102(a)), Marks Tey;

Work No. U186 – As shown on sheet 18 of the utilities works plans, the diversion of buried communications cable ducts of approximately 700 metres in length between Old London Road and A120 Coggeshall Road, via the New London Road (Work No. 102(a)), Marks Tey;

Work No. U186A – As shown on sheets 18 and 19 of the utilities works plans, the diversion or protection of a buried foul sewer of approximately 150 metres in length along the A120 Coggeshall Road, Marks Tey;

Work No. U187 – As shown on sheets 18 and 19 of the utilities works plans, the diversion of buried low voltage electricity cable ducts of approximately 700 metres in length between A120 Coggeshall Road northern verge and London Road westbound verge, via Old London Road, Marks Tey;

Work No. U188 – As shown on sheets 18 and 19 of the utilities works plans, the diversion of buried communications cable ducts of approximately 150 metres in length between A120 Coggeshall Road and Station Road, Marks Tey;

Work No. U189 – As shown on sheets 18 and 19 of the utilities works plans, the diversion of buried communications cable ducts of approximately 150 metres in length between A120 Coggeshall Road and Station Road, Marks Tey;

Work No. U190 – As shown on sheets 18 and 19 of the utilities works plans, the diversion of buried communications cable ducts of approximately 150 metres in length between A120 Coggeshall Road and Station Road, Marks Tey;

Work No. U191 – As shown on sheet 18 of the utilities works plans, the diversion of a buried sewer of approximately 550 metres in length between Old London Road and London Road, Marks Tey;

Work No. U192 – As shown on sheet 18 of the utilities works plans, the diversion of buried water main of approximately 375 metres in length between London Road and Old London Road, Marks Tey;

Work No. U193 – As shown on sheet 18 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length between Hall Chase and the proposed Hall Chase Roundabout (Work No. 105(a)), Marks Tey;

Work No. U193A – As shown on sheet 18 of the utilities works plans, the diversion or protection of a buried foul sewer of approximately 200 metres in length between Hall Chase and Old London Road, Marks Tey;

Work No. U194 – As shown on sheet 18 of the utilities works plans, the diversion of buried communications cable ducts of approximately 200 metres in length between Hall Chase and the proposed Junction 25 southbound on-slip road (Work No. 68), Marks Tey;

Work No. U195 – As shown on sheet 18 of the utilities works plans, the diversion of buried communications cable ducts of approximately 450 metres in length between the proposed Junction 25 southbound on-slip road (Work No. 68) verge and London Road, Marks Tey;

Work No. U196 – As shown on sheet 18 of the utilities works plans, the diversion of buried 11kV electricity cable ducts of approximately 650 metres in length between Old London Road and London Road, Marks Tey;

Work No. U197 – As shown on sheet 18 of the utilities works plans, the diversion and undergrounding of overhead 11kV electricity cable ducts of approximately 125 metres in length between the proposed Potts Green Bridge (Work No. 100) and the proposed London Road Roundabout (Work No. 102(b)), at a point to the south of the A12;

Work No. U198 – As shown on sheet 19 of the utilities works plans, the diversion of buried 11kV electricity cable ducts of approximately 200 metres in length between Station Road, Marks Tey southbound verge to London Road, Marks Tey northbound verge;

Work No. U199 – As shown on sheet 19 of the utilities works plans, the diversion of a buried water main of approximately 150 metres in length between the A12 and London Road, Marks Tey;

Work No. U200 – As shown on sheet 19 of the utilities works plans, the diversion of a buried water main of approximately 100 metres in length between the A12 northbound verge and the A12 southbound verge, Marks Tey;

Work No. U200A – As shown on sheet 19 of the utilities works plans, the diversion of buried communications cable ducts of approximately 100 metres in length south of Marks Tey Station;

Work No. U201 – As shown on sheet 19 of the utilities works plans, the diversion of buried communications cable ducts of approximately 1150 metres in length between the Prince of Wales Roundabout and the A12 southbound verge, east of the culverted Roman River, Marks Tey;

Work No. U202 – As shown on sheets 18 and 19 of the utilities works plans, the diversion of buried communications cable ducts of approximately 2700 metres in length between the existing A12 southbound west of the proposed London Road Roundabout, de-trunked A12 western connection (Work No. 102(c)) and the A12 southbound verge east of the culverted Roman River, via London Road and B1408 London Road, Marks Tey;

Work No. U203 – As shown on sheet 19 of the utilities works plans, the diversion of buried communications cable ducts of approximately 50 metres in length along the B1408 London Road, Marks Tey;

Work No. U204 – As shown on sheet 19 of the utilities works plans, the diversion of buried 11kV electricity cable ducts of approximately 50 metres in length between B1408 London Rd, Marks Tey westbound verge and B1408 London Rd, Marks Tey eastbound verge;

Work No. U205 – As shown on sheet 19 of the utilities works plans, the diversion of a buried low voltage electricity cable ducts of approximately 25 metres in length between B1408 London Rd, Marks Tey westbound verge and B1408 London Rd, Marks Tey eastbound verge;

Work No. U206 – As shown on sheet 19 of the utilities works plans, the diversion of buried communications cable ducts of approximately 175 metres in length between B1408 London Rd, Marks Tey westbound verge and B1408 London Road, Marks Tey eastbound verge;

Work No. U207 – As shown on sheets 18 and 19 of the utilities works plans, the diversion of buried communications cable ducts of approximately 2500 metres in length between the existing A12 west of the proposed London Road Roundabout, (Work No. 102(c)) and the A12, east of the culverted Roman River, via London Road, Marks Tey and B1408 London Road, Marks Tey; and

Work No. U208 – As shown on sheet 19 of the utilities works plans, the diversion of a buried surface water pipe of approximately 25 metres in length south of the A12 and the Roman River Culvert, Copford.

Other associated development

For the purposes of or in connection with the construction of any of the works and other development mentioned above, ancillary or related development within the Order limits which does not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement, consisting of —

(qqqqqq) alteration to the layout of any street permanently or temporarily, including but not limited to increasing or reducing the width of the carriageway of the street by reducing or increasing the width of any kerb, footpath, footway, cycle track or verge within the street; and altering the level of any such kerb, footpath, footway, cycle track or verge;

- (rrrrrr) works required for the strengthening, improvement, maintenance or reconstruction of any street;
- (ssssss) parking laybys and emergency laybys;
- (tttttt) refurbishment works to any existing bridge;
- (uuuuuu) the strengthening, alteration or demolition of any building or highway bridge or structure;
- (vvvvvv) ramps, means of access, non-motorised links, footpaths, footways, cycle tracks and crossing facilities;
- (wwwwww) embankments, viaducts, aprons, abutments, shafts, foundations, retaining walls, barriers, pumping stations, parapets, drainage, attenuation tanks, outfalls, ditches, wing walls, highway lighting, gantries, fencing and culverts;
- (xxxxxx) street works, including breaking up or opening up a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street;
- (yyyyyy) works to place, alter, maintain, decommission or remove street furniture, traffic signals and apparatus in a street, or apparatus in other land, including mains, sewers, drains, tanks, pipes, cables, connections, ducts, conduits and lights;
- (zzzzzz) works to alter the course of or otherwise interfere with a watercourse;
- (aaaaaaa) landscaping, noise and visual bunds and barriers, works associated with the provision of ecological mitigation (including artificial badger setts) and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (bbbbbbb) works for the benefit or protection of land and apparatus affected by the authorised development;
- (ccccccc) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures and the creation of alternative footpaths); earthworks (including soil stripping and storage, site levelling); remediation of contamination;
- (ddddddd) the felling of trees;
- (eeeeeee) the establishment of construction compounds and working sites, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, construction lighting, haulage roads, protective works to apparatus, and other buildings, machinery, apparatus, works and conveniences;
- (fffffff) the provision of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures, temporary roads, temporary widening of carriageways and such other works as are associated with the construction of the authorised development;
- (ggggggg) temporary crossings of footpaths, bridleways, footways, cycle tracks, carriageways and watercourses with associated plant crossings or bridging structures (at grade or grade separated);
- (hhhhhhh) pumping for the purposes of dewatering excavations (including borrow pits) and the management of surface water flows and temporary storage, settlement and treatment of surface water flows;
- (iiiiiii) removal of surfaces for closed or redundant carriageways, accesses or streets; and
- (jjjjjjj) such other works, working sites, storage areas and works of demolition, as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the authorised development.

SCHEDULE 2 REQUIREMENTS

Article 5

PART 1 REQUIREMENTS

Interpretation

1. In this Schedule—

“commence” in relation to any part of the authorised development referred to in the provisions of this schedule means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) in respect of that part of the authorised development other than operations consisting of pre-commencement works, and “commencement” is to be construed accordingly;

“contaminated land” has the same meaning as that given in section 78A(a) of the Environmental Protection Act 1990;

“County Archaeologist” means the individual appointed as such by the relevant planning authority;

“DMRB” means the Design Manual for Roads and Bridges, which accommodates all current standards, advice and other documents relating to the design, assessment and operation of trunk roads and motorways, or any equivalent replacement to the DMRB published;

“Ecological Clerk of Works” means the individual appointed as such by the undertaker;

“European protected species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017(b);

“First Iteration EMP” means the first iteration of the environmental management plan produced in accordance with the DMRB during the preliminary design stage and certified as the EMP (First Iteration) by the Secretary of State for the purposes of this Order under article 60 (certification of documents, etc) which includes an outline plan for the following:

- (a) archaeological management plan
- (b) construction compound management plan;
- (c) contaminated land management plan;
- (d) dust management plan;
- (e) emergency procedures and record of any environmental incidents;
- (f) energy and resource use management plan;
- (g) haul road management plan;
- (h) invasive species management plan;
- (i) landscape and ecology management plan;
- (j) materials management plan;
- (k) noise and vibration management plan;
- (l) site waste management plan;
- (m) soil handling management plan; and
- (n) water management plan;

(a) 1990 (c. 43). Section 78A was inserted by section 57 of the Environment Act 1995 (c. 25) and as amended by section 86(2) of the Water Act 2003 (c. 37).

(b) S.I. 2017/1012.

“outline construction traffic management plan” means the outline construction traffic management plan certified as the outline construction traffic management plan by the Secretary of State for the purposes of this Order under article 60.

“pre-commencement plan” means the document of that description listed in Schedule 12 (documents to be certified) and certified by the Secretary of State as the pre-commencement plan for the purposes of this Order;

“pre-commencement works” means;

- (o) archaeological investigations and mitigation works;
- (p) ecological surveys and mitigation works;
- (q) investigations for the purpose of assessing ground conditions;
- (r) remedial work in respect of any contamination or other adverse ground conditions;
- (s) erection of any temporary means of enclosure;
- (t) receipt and erection of construction plant and equipment;
- (u) treatment and removal of any invasive species;
- (v) construction compound establishment works;
- (w) site clearance works;
- (x) temporary haul roads, temporary hard standing and temporary access works;
- (y) installation of temporary drainage;
- (z) engineering surveys; and
- (aa) temporary display of site notices or advertisements.

“protected species” means species which are subject to protection under the laws of England or which are European protected species;

“Second Iteration EMP” means the second iteration of the environmental management plan produced in accordance with the DMRB containing detailed plans relating to the construction phase of the authorised development substantially in accordance with the First Iteration EMP;

“Third Iteration EMP” means the third iteration of the environmental management plan produced in accordance with the DMRB containing detailed plans relating to the operational and maintenance phase of the authorised development substantially in accordance with the First Iteration EMP; and

“Traffic Signs Manual” means the Traffic Signs Manual published by the Department for Transport, which contains guidance to traffic authorities on the use of traffic signs and road markings on the highway network, or any equivalent replacement to be published.

Time limits

2. The authorised development must not begin later than the expiration of 5 years beginning with the date on which this Order comes into force.

Second Iteration EMP

3.—(1) No part of the authorised development is to commence until the Second Iteration EMP for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to its functions.

(2) The authorised development must be constructed in accordance with the Second Iteration EMP.

Third Iteration EMP

4.—(1) Following completion of construction of the authorised development the Third Iteration EMP must be submitted to and approved in writing by the Secretary of State, following

consultation with the relevant planning authority and the Environment Agency on matters related to its functions.

(2) The authorised development must be operated and maintained in accordance with the Third Iteration EMP.

Landscaping

5.—(1) No part of the authorised development is to commence until a landscaping scheme for that part has been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its functions.

(2) The landscaping scheme for each part must reflect the applicable mitigation measures set out in the First Iteration EMP and the landscaping principles set out in the environmental masterplan.

(3) The authorised development must be landscaped in accordance with the approved landscaping scheme for that part.

(4) A landscaping scheme prepared under sub-paragraph (1) must include details of landscaping works, including—

- (a) location, number, species, mix, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) existing trees to be retained, with measures for their protection during the construction period; and
- (e) implementation timetables for all landscaping works.

(5) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(6) Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the Secretary of State, following consultation with the relevant planning authority, gives consent to a variation.

Contaminated Land and groundwater

6.—(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the Secretary of State, the Environment Agency and relevant planning authority, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency on matters related to their functions.

(2) Where the risk assessment prepared in accordance with sub-paragraph (1) determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose and to prevent any impacts on controlled waters must be submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority and the Environment Agency on matters related to their functions.

(3) Remediation must be carried out in accordance with the approved scheme.

Archaeology

7.—(1) No part of the authorised development is to commence until for that part a written scheme of investigation for the investigation and mitigation of areas of archaeological interest, reflecting the mitigation measures included in chapter 7 of the environmental statement and the archaeological mitigation strategy, has been prepared in consultation with the relevant planning

authority, agreed with the County Archaeologist and submitted to and approved in writing by the Secretary of State.

(2) The authorised development must be carried out in accordance with the archaeological mitigation strategy and written scheme of investigation referred to in paragraph (1) unless otherwise agreed in writing by the Secretary of State.

(3) A programme of archaeological reporting, post excavation and publication required as part of the archaeological mitigation strategy and written scheme of investigation referred to in subparagraph (1) must be agreed with the County Archaeologist and implemented within a timescale agreed with the County Archaeologist and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.

(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be subject to appropriate mitigation as set out in the archaeological mitigation strategy and agreed with the County Archaeologist.

(5) No construction operations are to take place within 10 metres of the remains referred to in subparagraph (4) for a period of 14 days from the date they are identified unless otherwise agreed in writing by the Secretary of State.

Protected species

8.—(1) In the event that any protected species which were not previously identified in the environmental statement or nesting birds are found at any time when carrying out the authorised development the undertaker must:

- (a) cease the relevant parts of the relevant works and report it immediately to the Ecological Clerk of Works; and
- (b) prepare a written scheme for the protection and mitigation measures of such protected species or nesting birds when carrying out the authorised development.

(2) The undertaker must implement the written scheme prepared under paragraph (b) immediately and construction in the area specified in the written scheme must not recommence until any necessary licences are obtained to enable mitigation measures to be implemented.

Traffic management

9.—(1) No part of the authorised development is to commence until for that part a traffic management plan for the construction of the authorised development, substantially in accordance with the outline construction traffic management plan, has been submitted to and approved in writing by the Secretary of State following consultation with the relevant local highway authority.

(2) The authorised development must be constructed in accordance with the approved traffic management plan.

Detailed design

10.—(1) Subject to the provisions of this Order, the detailed design for the authorised development must accord with:

- (a) the preliminary scheme design shown on the works plans and the engineering drawings and sections;
- (b) the principles set out in the environmental masterplan; and
- (c) the design principles,

unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and relevant local highway authority on matters related to their functions, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(2) Where amended details are approved by the Secretary of State under paragraph (1), those details are deemed to be substituted for the corresponding plans sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.

(3) No part of the authorised development is to commence until, for that part, a report has been submitted to, and, following consultation with the relevant local planning authority, approved by the Secretary of State, demonstrating that—

- (a) the undertaker has engaged with relevant stakeholders on refinements to detailed design for that part of the authorised development;
- (b) the undertaker has had regard to the relevant stakeholders' comments; and
- (c) any refinements to the detailed design for that part of the authorised development arising as a result of that engagement should accord with the scheme design approach and design principles.

Surface and foul water drainage

11.—(1) No part of the authorised development is to commence until for that part written details of the surface and foul water drainage system, reflecting the mitigation measures in chapter 14 of the environmental statement and including means of pollution control, have been submitted to and approved in writing by the Secretary of State following consultation with the relevant local authority on matters relating to its function and the Environment Agency on matters relating to its function.

(2) The surface and foul water drainage system must be constructed in accordance with the approved details referred to in paragraph (1) unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local authority on matters relating to its function and the Environment Agency on matters relating to its function, provided that the Secretary of State is satisfied that any amendments to the approved details would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

Flood risk assessment

12.—(1) Subject to paragraph (2), the authorised development must be carried out in accordance with the flood risk assessment, including the mitigation measures detailed in it, so that no part of the authorised development is predicted to result in any exceedance of the flood levels to properties and land shown in the flood risk assessment.

(2) Paragraph (1) does not apply in any circumstance where the undertaker proposes to carry out a part of the authorised development otherwise than in accordance with the flood risk assessment but either demonstrates to the Environment Agency's satisfaction that the part of the authorised development concerned would not result in a material exceedance of the flood levels shown in the flood risk assessment or that all affected landowners accept the predicted exceedance of the flood levels shown in the flood risk assessment.

Noise mitigation

13.—(1) No part of the authorised development is to commence until written details of the proposed noise mitigation for the use and operation of that part of the authorised development, including:

- (a) noise barriers, and
- (b) noise bunds

has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

(2) The locations for the mitigation measures referred to in paragraph (1) must reflect the locations and extents shown on the environmental masterplan.

(3) The written details referred to in paragraph (1) must:

- (a) reflect the mitigation measures for operation included in Chapter 12, Noise and Vibration, of the environmental statement; or
 - (b) where it materially differs from these measures, must demonstrate that the mitigation proposed would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.
- (4) The noise mitigation measures must be provided in accordance with the approved details.
- (5) The noise mitigation measures referred to in paragraphs (1)(a) and (1)(b) must be retained and maintained following their being provided.

Boreham operation phase traffic mitigation measures

14.—(1) No part of the authorised development is to open to traffic until a scheme of operation phase traffic mitigation for the B1137 in Boreham has been submitted to and approved by the Secretary of State, following consultation with the relevant local highway authority, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(2) The operation phase traffic mitigation scheme for Boreham must include provision for the following operational phase traffic mitigation –

- (a) a new controlled pedestrian crossing on the B1137 in the vicinity of Boreham Co-op (grid reference 575330, 210021);
- (b) road safety posters in the vicinity of Orchard Cottages (grid reference 576394, 210658), Boreham Recreation Ground (grid reference 575848, 2103190) and outside of the Little Hedgehogs Day nursery (grid reference 575444, 210081);
- (c) installation of average speed cameras on the B1137 (excluding ongoing operation, maintenance/calibration and enforcement) within Boreham as defined by the extent of 30mph speed limit shown between reference A.010 and A.011 on the traffic regulation measures speed limit plans;
- (d) installation of average speed cameras (but not including provision for their ongoing operation, maintenance /calibration and enforcement) on the B1137 between Boreham and Hatfield Peverel defined by the extent of 40mph speed limit shown between reference A.011 and A.012 on the traffic regulation measures speed limit plans; and
- (e) minor road narrowing (similar to the existing provision at the southern entry to Boreham village) at three new locations:
 - (f) i. the northern entry to Boreham village;
 - (g) ii. between the northern entry to Boreham village and Waltham Road; and
 - (h) iii in the vicinity of the pedestrian entrance to the recreation ground.

(3) The scheme of operation phase traffic mitigation for the B1137 in Boreham must be provided in accordance with the approved details; and

(4) No part of the authorised development is to open for public use until the approved scheme has been implemented and delivered by the Undertaker.

Messing operation phase traffic mitigation measures

15.—(1) No part of the authorised development is to open to traffic until a scheme of operation phase traffic mitigation for Messing has been submitted to and approved by the Secretary of State, following consultation with the relevant local highway authority, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(2) The operation phase traffic mitigation scheme must include provision for the following operational phase traffic mitigation –

- (a) gateway features for signage in accordance with Traffic Signs Manual Chapter 3: Figure 8-21, and speed limit roundels in accordance with the 2016 Regulations and Directions diagram 1065 at Lodge Rd (grid reference 589938, 219356), Kelvedon Rd (grid reference 589511, 218861) and Harborough Hall Road (grid reference 590233, 218566) marking the extents of the existing 30mph speed limit;
- (b) “Unsuitable for heavy goods vehicles” signage in accordance with the 2016 Regulations and Directions diagram 820 at the junction of the B1023 and Yewtree Farm Road (grid reference 587881, 218631), the junction of Harborough Hall Road and B1022 (grid reference 590573, 218228), the junction of the B1023 and Oak Road (grid reference 588820, 217131), and the junction of the B1022 and Oak Road (grid reference 589505, 217275);
- (c) an average speed camera system covering the B1023 between Inworth Road roundabout and the existing 30mph terminal on the northern approach to Tiptree, and a fixed speed camera covering the southbound carriageway north of the Inworth Road roundabout;
- (d) widening of pinch points between Perrywood Garden Centre and the B1022 to a minimum carriageway width of 6.1m in line with the approach to other pinch point widening proposals;
- (e) measures to improve provision for walking, cycling and horse riding users, as identified in the assessment under subparagraph (2);
- (f) narrowing of the entries to Oak Road (both the eastern and western ends), through tightening of entry radii and appropriate landscaping;
- (g) priority narrowing measures on Oak Road; and
- (h) improved signage at either end of Oak Road to guide through traffic to the B1022/B1023 junction.

(3) The scheme of operation phase traffic mitigation for Messing must be provided in accordance with the approved details.

(4) No part of the authorised development is to open for public use until the approved scheme has been implemented by the undertaker.

Operation phase local traffic monitoring

16.—(1) No part of the authorised development is to commence until a survey to assess baseline traffic levels has been undertaken at the following locations—

- (a) B1137 Main Road, Boreham;
- (b) The Street/Maldon Road (Duke of Wellington) junction, Hatfield Peverel;
- (c) Little Braxted Lane, Little Braxted;
- (d) Braxted Road/Braxted Park Road;
- (e) B1023 Kelvedon Road, Inworth;
- (f) Kelvedon Road, Messing;
- (g) B1023 Church Road, Tiptree; and
- (h) any other locations that are agreed between the undertaker and the local highway authority.

(2) No part of the authorised development is to open to traffic until details of an operation phase local traffic monitoring scheme has been submitted to and approved by the Secretary of State, following consultation with the relevant local highway authority, for the locations listed in subparagraph (1).

(3) The operation phase local traffic monitoring scheme to be provided under subparagraph (2) must include—

- (a) a survey to assess baseline traffic levels at the locations listed in subparagraph (1), or confirmation that such survey has already been undertaken;

- (b) proposals for an operation traffic survey at the locations listed in sub-paragraph (1) to assess the changes in traffic from the baseline carried out —
 - (i) within the first year; and
 - (ii) prior to the expiry of the third year.

following the date on which the authorised development is fully completed and open for traffic;

- (c) details of the methodology to be used to collect the required data;
- (d) details of the periods over which operation traffic is to be monitored; and
- (e) proposals for the submission of the survey data collected and an interpretative report to be provided to the relevant local highway authority.

(4) The scheme approved under sub-paragraph (2) must be implemented by the undertaker unless otherwise agreed in writing with the Secretary of State following consultation with the relevant local highway authority.

Pre-commencement works

17. Any pre-commencement works must be carried out in accordance with the pre-commencement plan.

Junction 21

18.—(1) Requirement 10 (detailed design) is to be read subject to the provisions of this requirement.

(2) The detailed design for junction 21 must contain the revised design detail specified in sub-paragraph (3) of this requirement and submitted to the Secretary of State for approval following consultation with the relevant local highway authority.

(3) Subject to sub-paragraph (5) the detailed design for junction 21 must include a two-lane exit from both the junction 21 northern roundabout to the A12 northbound slip road and from the junction 21 southern roundabout to the A12 southern slip road.

(4) Junction 21 must be constructed in accordance with the approved details.

(5) No application for approval of the scheme under sub-paragraph (2) may be made in respect of proposals which would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

Detrunking

19.—(1) The consent of the Secretary of State pursuant to article 15(7) must not be sought until written details of the proposals for the roads to be de-trunked as identified in Part 14 of Schedule 3 has been submitted and approved in writing by the Secretary of State following consultation with the relevant local highway authority and relevant planning authority, such scheme to include:

- (a) drawings and plans showing the proposals;
- (b) details of how the proposals maintain a safe and reliable highway network;
- (c) details of the provision made for non-car transport modes;
- (d) details of how existing accesses will retain access to the de-trunked road;
- (e) details of how existing utilities will be safeguarded;
- (f) details of landscaping and planting;
- (g) details of drainage provision;
- (h) a timetable for implementation of the proposals; and
- (i) the agreement of the local highway authority that any highway assets to be transferred to it are in a condition that meets its reasonable satisfaction.

(2) No application for approval of the scheme under sub-paragraph (1) may be made in respect of proposals which would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker and in accordance with the approved timetable for implementation, unless otherwise agreed in writing with the Secretary of State following consultation with the relevant local highway authority.

Walking, Cycling and Horse-riding bridges

20.—(1) Requirement 10 (detailed design) is to be read subject to the provisions of this requirement.

(2) The detailed design for the works must accord with the Walking, Cycling, Horse-riding bridge specifications in Appendix B of the design principles.

(3) The authorised development must be constructed in accordance with the Walking, Cycling, Horse-riding bridge specifications in Appendix B of the design principles.

Approvals and amendments to approved details

21. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved under this Schedule, the approved details are taken to include any amendments that may subsequently be approved or agreed in writing by the Secretary of State.

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.

Details of consultation

23.—(1) With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule following consultation with another party, the details submitted must be accompanied by:

- (a) a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker's response to that consultation; and
- (b) copies of all consultation responses received.

(2) At the time of submission to the Secretary of State for approval, the undertaker must provide a copy of the summary report referred to under sub-paragraph (1) to the relevant consultees referred to in the requirement in relation to which approval is being sought from the Secretary of State.

(3) The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.

(4) Where the consultation responses are not reflected in the details submitted to the Secretary of State for approval, the undertaker must state in the summary report referred to under subparagraph (1), the reasons why the consultation responses have not been reflected in the submitted details. At the same time as sending that report to the Secretary of State for approval the undertaker must send a copy of that report by electronic transmission to any consultee who made representations on that matter.

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

24.—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order, the Secretary of State must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the Secretary of State;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 22 (further information); or
- (c) such longer period as may be agreed between the parties.

(2) Subject to paragraph (3), in the event that the Secretary of State does not determine an application within the period set out in paragraph (1), the Secretary of State is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

- (a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;
- (b) the Secretary of State does not determine such application within the period set out in subparagraph (1); and
- (c) the application is accompanied by a report from a body required to be consulted under that requirement that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement ,

the application is taken to have been refused by the Secretary of State at the end of that period.

Further information

25.—(1) In relation to any part of an application made under this Schedule, the Secretary of State has the right to request such further information from the undertaker as is necessary to enable the Secretary of State to consider the application.

(2) In the event that the Secretary of State considers such further information to be necessary, the Secretary of State must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the Secretary of State does not give such notification within this 21 business day period the Secretary of State is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 21 (applications made under requirements) and in this paragraph.

(4) In this paragraph, “business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(a).

Register of requirements

26.—(1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State.

(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.

(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.

Anticipatory steps towards compliance with any requirement

27. If before the coming into force of this Order the undertaker or any other person has taken any steps that were intended to be steps towards compliance with any provision of Part 1 of this Schedule, those steps may be taken into account for the purpose of determining compliance with that provision if they would have been valid steps for that purpose had they been taken after this Order came into force.

SCHEDULE 3

Articles 15 and 22

CLASSIFICATIONS OF ROADS, ETC.

PART 1

TRUNK ROADS

<i>(1)</i> Area	<i>(2)</i> Length of road
Classification of roads plans – Sheet No. 1	
Springfield CP, Boreham CP	The widened A12 dual carriageway (southbound) between point 1/1 and 1/8, a distance of 875 metres.
Springfield CP, Boreham CP	The widened A12 dual carriageway (northbound) between point 1/2 and 1/9, a distance of 875 metres.
Springfield CP, Boreham CP	The junction 19 existing northbound off-slip road between points 1/4 and 1/7, a distance of 514 metres.
Springfield CP, Boreham CP	The junction 19 southbound on-slip road between points 1/3 and 2/21 (sheet 2), a distance of 1,113 metres.
Classification of roads plans – Sheet No. 2	
Boreham CP	The junction 19 southbound off-slip road between points 2/17 and 2/28, a distance of

(a) 1971 (c. 80) to which there are amendments not relevant to this Order.

	666 metres.
Boreham CP	The junction 19 northbound on-slip road between points 2/4 and 2/33, a distance of 119 metres.
Boreham CP	The junction 19 northbound on-slip link from the Beaulieu Park radial distributor road left turn between points 2/6 and 2/27, a distance of 557 metres.
Boreham CP	The junction 19 northbound on-slip link from A138 between points 2/32 and 2/29, a distance of 1,225 metres.
Boreham CP	The widened A12 dual carriageway (southbound) between point 2/24 and 2/31, a distance of 568 metres.
Boreham CP	The widened A12 dual carriageway (northbound) between point 2/25 and 2/30, a distance of 435 metres.
Classification of roads plans – Sheet No. 4	
Hatfield Peverel CP, Witham CP, Rivenhall CP, Kelvedon CP, Great Braxted CP, Messingcum-Inworth CP, Feering CP, Copford CP, Marks Tey CP	The A12 dual carriageway (northbound) between point 4/1 and 19/12 (sheet 19), a distance of 20,787 metres.
Hatfield Peverel CP, Witham CP, Rivenhall CP, Kelvedon CP, Great Braxted CP, Messingcum-Inworth CP, Feering CP, Copford CP, Marks Tey CP	The A12 dual carriageway (southbound) between point 4/2 and 19/13 (sheet 19), a distance of 21,332 metres.
Classification of roads plans – Sheet No. 5	
Hatfield Peverel CP	The junction 21 northbound off-slip road between points 5/6 and 6/2 (sheet 6), a distance of 823 metres.
Classification of roads plans – Sheet No. 6	
Hatfield Peverel CP	The junction 21 northbound on-slip road between points 6/5 and 6/16, a distance of 560 metres.
Hatfield Peverel CP	The junction 21 southbound off-slip road between points 6/11 and 6/17, a distance of 511 metres.
Hatfield Peverel CP	The junction 21 southbound on-slip road between points 6/1 and 6/13, a distance of 617 metres.
Classification of roads plans – Sheet No. 9	
Witham CP	The junction 22 northbound off-slip road between points 9/1 and 10/14 (sheet 10), a distance of 956 metres.
Rivenhall CP	The junction 22 southbound on-slip road between points 9/2 and 10/20 (sheet 10), a distance of 706 metres.
Classification of roads plans – Sheet No. 10	
Rivenhall CP	The junction 22 northbound on-slip road between points 10/11 and 11/1 (sheet 11), a distance of 871 metres.
Rivenhall CP	The junction 22 southbound off-slip road between points 10/18 and 11/2 (sheet 11), a distance of 696 metres.

Classification of roads plans – Sheet No. 13	
Kelvedon CP, Messing-cum-Inworth CP	The junction 24 northbound off-slip road between points 13/5 and 14/1 (sheet 14), a distance of 701 metres.
Kelvedon CP, Messing-cum-Inworth CP	The junction 24 southbound on-slip road between points 13/6 and 14/11 (sheet 14) a distance of 768 metres.
Classification of roads plans – Sheet No. 14	
Messing-cum-Inworth CP	The junction 24 northbound on-slip road between points 14/2 and 14/12, a distance of 565 metres.
Messing-cum-Inworth CP	The junction 24 southbound off-slip road between points 14/8 and 14/13, a distance of 555 metres.
Messing-cum-Inworth CP	The new Inworth link between points 14/9 and 14/14, a distance of 412 metres.
Messing-cum-Inworth CP	The junction 24 northern roundabout, with reference 14/3, a distance of 226 metres.
Kelvedon CP, Messing-cum-Inworth CP	The junction 24 southern roundabout, with reference 14/10, a distance of 226 metres.
Messing-cum-Inworth CP	The new junction 24 overbridge road (westbound) between points 14/4 and 14/6, a distance of 166 metres.
Messing-cum-Inworth CP	The new junction 24 overbridge road (eastbound) between points 14/5 and 14/7, a distance of 166 metres.
Classification of roads plans – Sheet No. 18	
Marks Tey CP	The junction 25 northbound off-slip road between points 18/2 and 18/10, a distance of 525 metres.
Marks Tey CP	The junction 25 southbound on-slip road between points 18/3 and 18/19, a distance of 588 metres.
Marks Tey CP	The new London Road between points 18/9 and 18/15, a distance of 404 metres.
Marks Tey CP	The realigned A120 Coggeshall Road between points 18/22 and 18/23, a distance of 110 metres.
Marks Tey CP	The new London Road roundabout, with reference 18/8, a distance of 156 metres.
Marks Tey CP	The realigned Old Rectory Junction, with reference 18/21, a distance of 166 metres.
Classification of roads plans – Sheet No. 19	
Marks Tey CP	The realigned A120 Coggeshall Road (northbound) between points 19/15 and 19/5, a distance of 412 metres.
Marks Tey CP	The realigned A120 Coggeshall Road (southbound) between points 19/16 and 19/4, a distance of 406 metres.
Marks Tey CP	The realigned Prince of Wales roundabout, with reference 19/9, a distance of 190 metres.
Marks Tey CP, Copford CP	The junction 25 northbound on-slip road between points 19/3 and 19/11, a distance of 715 metres.

Marks Tey CP, Copford CP	The junction 25 southbound off-slip road between points 19/7 and 19/14, a distance of 1,106 metres.
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PART 2
CLASSIFIED A ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Classification of roads plans – Sheet No. 1	
Boreham CP	The existing Drivers Way roundabout, with reference 1/5, a distance of 207 metres.
Boreham CP	The realigned A130 (southbound) road between points 1/6 and 2/9 (sheet 2), a distance of 306 metres.
Classification of roads plans – Sheet No. 2	
Boreham CP	The realigned A130 (northbound) road between points 2/36 and 2/10, a distance of 293 metres.
Boreham CP	The left turn lane from Boreham bridge to A130 between points 2/14 and 2/13, a distance of 100 metres.
Boreham CP	The realigned A138 Road Link (northbound) between points 2/2 and 2/3, a distance of 124 metres.
Boreham CP	The realigned A138 Road Link (southbound) between points 2/1 and 2/11, a distance of 124 metres.
Boreham CP	The realigned Generals Lane roundabout, with reference 2/12, a distance of 184 metres.
Boreham CP	The realigned Beaulieu Park radial distributor road between points 2/5 and 2/26, a distance of 147 metres.
Boreham CP	The realigned junction 19 Boreham Road Bridge (westbound) between points 2/8 and 2/15, a distance of 173 metres.
Boreham CP	The realigned junction 19 Boreham Road Bridge (eastbound) between points 2/7 and 2/16, a distance of 178 metres.
Boreham CP	The realigned Generals Farm roundabout, with reference 2/19, a distance of 184 metres.
Boreham CP	The existing Generals Farm Junction Link between points 2/22 and 2/23, a distance of 43 metres.

PART 3
CLASSIFIED B ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
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Classification of roads plans – Sheet No. 2	
Boreham CP	The realigned B1137 Main Road between points 2/18 and 2/20, a distance of 235 metres.
Classification of roads plans – Sheet No. 4	
Hatfield Peverel CP	The realigned B1137 Main Road between points 4/3 and 5/1 (sheet 5), a distance of 365 metres.
Classification of roads plans – Sheet No. 5	
Hatfield Peverel CP	The realigned Hatfield Peverel link road between points 5/7 and 6/3 (sheet 6), a distance of 894 metres.
Classification of roads plans – Sheet No. 6	
Hatfield Peverel, Witham CP	The realigned Witham Link Road between points 6/4 and 6/15, a distance of 496 metres.
Hatfield Peverel CP	The new junction 21 northern roundabout, with reference 6/8, a distance of 218 metres.
Hatfield Peverel CP	The new junction 21 southern roundabout, with reference 6/14, a distance of 218 metres.
Hatfield Peverel CP	The Hatfield Road overbridge (westbound) between points 6/7 and 6/9, a distance of 90 metres.
Hatfield Peverel CP	The Hatfield Road overbridge (eastbound) between points 6/6 and 6/10, a distance of 91 metres.
Classification of roads plans – Sheet No. 10	
Witham CP, Rivenhall CP	The realigned Colchester Road (northbound) between points 10/2 and 10/7, a distance of 612 metres.
Witham CP, Rivenhall CP	The realigned Colchester Road (southbound) between points 10/1 and 10/8, a distance of 605 metres.
Rivenhall CP	The new junction 22 northern roundabout, with reference 10/15, a distance of 224 metres.
Rivenhall CP	The new junction 22 southern roundabout, with reference 10/21, a distance of 219 metres.
Rivenhall CP	The Little Braxted Lane overbridge (westbound) between points 10/13 and 10/16, a distance of 104 metres.
Rivenhall CP	The Little Braxted Lane overbridge (eastbound) between points 10/12 and 10/17, a distance of 106 metres.
Rivenhall CP	Existing A12 (northbound) between points 10/9 and 11/3 (sheet 11), a distance of 692 metres.
Rivenhall CP	Existing A12 (southbound) between points 10/10 and 11/8 (sheet 11), a distance of 685 metres.
Classification of roads plans – Sheet No. 11	
Rivenhall CP	The Rivenhall End West roundabout, with reference 11/4, a distance of 138 metres.
Rivenhall CP	Existing A12 (northbound) between points 11/5 and 11/18, a distance of 647 metres.
Rivenhall CP	Existing A12 (southbound) between points 11/6 and 11/21, a distance of 650 metres.

Rivenhall CP	The Rivenhall End East roundabout, with reference 11/19, a distance of 157 metres.
Rivenhall CP, Kelvedon CP	The B1024 Road between points 11/20 and 12/5 (sheet 12), a distance of 1,438 metres.
Classification of roads plans – Sheet No. 14	
Messing-cum-Inworth CP	The new Inworth roundabout, with reference 14/15, a distance of 117 metres.
Messing-cum-Inworth CP	The widened B1023 Kelvedon Road between points 14/19 and 20/1, sheet 20), a distance of 1,080 metres.
Messing-cum-Inworth CP	The realigned north B1023 Kelvedon Road between points 14/17 and 14/16, a distance of 81 metres.
Classification of roads plans – Sheet No. 15	
Feering CP	The realigned London Road between points 15/5 and 15/6, a distance of 353 metres.
Feering CP	The Feering East roundabout, with reference 15/7, a distance of 162 metres.
Feering CP	Existing A12 (northbound) between points 15/1 and 16/1 (sheet 16), a distance of 1,784 metres.
Feering CP	Existing A12 (southbound) between points 15/2 and 16/6 (sheet 16), a distance of 1,780 metres.
Classification of roads plans – Sheet No. 16	
Feering CP, Copford CP	The Easthorpe Road roundabout, with reference 16/4, a distance of 126 metres.
Copford CP, Marks Tey CP	Existing A12 (northbound) between points 16/2 and 17/1 (sheet 17), a distance of 1,444 metres.
Copford CP, Marks Tey CP	Existing A12 (southbound) between points 16/3 and 17/2 (sheet 17), a distance of 1,443 metres.
Classification of roads plans – Sheet No. 17	
Copford CP, Marks Tey CP	The Wishingwell Farm roundabout, point 17/3, a distance of 126 metres.
Copford CP, Marks Tey CP	Existing A12 (northbound) between points 17/4 and 18/4 (sheet 18), a distance of 1,234 metres.
Copford CP, Marks Tey CP	Existing A12 (southbound) between points 17/5 and 18/5 (sheet 18), a distance of 1,229 metres.
Classification of roads plans – Sheet No. 18	
Marks Tey CP	The realigned Hall Chase roundabout, with reference 18/20, a distance of 62 metres.
Marks Tey CP	The realigned Hall Chase Link between points 18/18 and 19/8 (sheet 19), a distance of 512 metres.

PART 4
CLASSIFIED C ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Classification of roads plans – Sheet No. 5	
Hatfield Peverel CP	The realigned Bury Lane between points 5/2 and 5/3, a distance of 87 metres.
Hatfield Peverel CP	The realigned Station Road between points 5/4 and 5/5, a distance of 106 metres.
Classification of roads plans – Sheet No. 10	
Rivenhall CP	The realigned Little Braxted Lane between points 10/22 and 10/19, a distance of 546 metres.
Classification of roads plans – Sheet No. 11	
Rivenhall CP	The realigned Henry Dixon Road between points 11/9 and 11/10, a distance of 252 metres.
Rivenhall CP	The realigned Braxted Road between points 11/7 and 11/15, a distance of 519 metres.
Classification of roads plans – Sheet No. 13	
Great Braxted CP, Kelvedon CP	The realigned Braxted Road and realigned Highfields Lane between points 13/1 and 13/2, a distance of 597 metres.
Great Braxted CP, Kelvedon CP	The realigned Maldon Road between points 13/3 and 13/4, a distance of 318 metres.
Classification of roads plans – Sheet No. 14	
Messing-cum-Inworth CP	The realigned Kelvedon Road between points 14/18 and 14/20, a distance of 89 metres.
Classification of roads plans – Sheet No. 19	
Marks Tey CP	The realigned Station Road between points 19/1 and 19/2, a distance of 56 metres.

PART 5
UNCLASSIFIED ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Classification of roads plans – Sheet No. 6	
Hatfield Peverel CP	The cul-de-sac extension of B1137 between points 6/19 and 6/20, a distance of 137 metres.
Hatfield Peverel CP, Witham CP	The realigned kennel access between points 6/12 and 6/18, a distance of 597 metres.
Classification of roads plans – Sheet No. 7	
Witham CP	The realigned Howbridge Hall Road between points 7/1 and 7/2, a distance of 26 metres.
Witham CP	The realigned Howbridge Hall Road link between points 7/3 and 7/4, a distance of 13 metres.
Classification of roads plans – Sheet No. 10	
Witham CP	The realigned Coleman's Bridge Trade Park access road between points 10/5 and 10/6, a distance of 23 metres.
Witham CP	The realigned Eastways junction between

	points 10/3 and 10/4, a distance of 35 metres.
Classification of roads plans – Sheet No. 11	
Rivenhall CP	The realigned Oak Road between points 11/11 and 11/12, a distance of 24 metres.
Rivenhall CP	The realigned access road between points 11/16 and 11/17, a distance of 267 metres.
Rivenhall CP	The realigned Rivenhall access between points 11/13 and 11/14, a distance of 155 metres.
Classification of roads plans – Sheet No. 12	
Kelvedon CP	The realigned Sniveller’s Lane between points 12/6 and 12/7, a distance of 50 metres.
Kelvedon CP	The realigned Essex Fire & Rescue access road between points 12/1 and 12/2, a distance of 704 metres.
Kelvedon CP	The realigned Essex Fire & Rescue access road between points 12/3 and 12/4, a distance of 50 metres.
Classification of roads plans – Sheet No. 15	
Feering CP	The realigned Prested Hall access road between points 15/3 and 15/4, a distance of 771 metres.
Feering CP	The realigned New Lane between points 15/8 and 15/9, a distance of 28 metres.
Classification of roads plans – Sheet No. 16	
Feering CP, Copford CP	The realigned Easthorpe Road between points 16/5 and 16/7, a distance of 537 metres.
Classification of roads plans – Sheet No. 17	
Marks Tey CP, Copford CP	The realigned Easthorpe Green access road between points 17/7 and 18/1 (sheet 18), a distance of 800 metres.
Marks Tey CP, Copford CP	The new Wishingwell Bridge Road between points 17/6 and 17/8, a distance of 256 metres.
Classification of roads plans – Sheet No. 18	
Marks Tey CP	The realigned Old London Road between points 18/11 and 18/14, a distance of 1139 metres.
Marks Tey CP	The realigned Old London Road access between points 18/6 and 18/7, a distance of 26 metres.
Marks Tey CP	The cul-de-sac extension of Old London Road between points 18/16 and 18/17, a distance of 12 metres.

PART 6

SPEED LIMITS

Note: where speed limits are indicated on the plans relating to this Part (the traffic regulation measures speed limits plan) but are not referenced in this Schedule, they indicate that national speed limits apply in accordance with either:

- (a) the national speed limit set out in—

- (i) section 86 (speed limits for particular classes of vehicles)(a) of and Schedule 6 (speed limits for particular classes of vehicles)(b) to the 1984 Act; and
- (ii) the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) Order 1977 as varied by the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) (Variation) Order 1978 and continued indefinitely by Regulation 2 of the 70 Miles Per Hour, 60 Miles Per Hour and 50 Miles Per Hour (Temporary Speed Limit) (Continuation) Order 1978(c); or
- (b) sections 81 and 82 of the Road Traffic Regulation Act 1984 (which defines speed limits on ‘restricted roads’ by reference to street lighting), and are not subject to this order. For details of the scheme lighting design, refer to the general arrangement plans.

<i>(1)</i> <i>Parish(es)</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Speed limit</i>
Traffic regulation measures speed limits plans – Sheet No. 2E		
Boreham CP	B1137 Main Road (both sides) starting at point A.009, 6 metres east of the centre point of the circulatory of Generals Farm roundabout, to point A.111, at Paynes Lane, a distance of 277 metres.	Removal of restricted road status 40 miles per hour
Boreham CP	B1137 Main Road (both sides) starting at point A.111, opposite Paynes Lane, to point A.010, 19 metres southwest of the same point), a distance of 554 metres.	40 miles per hour
Boreham CP	A12 Junction 19 (northeastbound) on-slip road from point A.064 to point A.065, a distance of 100 metres.	Removal of restricted road status
Traffic regulation measures speed limits plans – Sheet No. 4		
Boreham CP, Hatfield Peverel CP	B1137 Main Road/The Street (both sides) starting at point A.011, 131 metres northwest of the common boundary of property Nos. 15 and 16 Main Road to point A.012 (sheet 5), 72 metres south west of the common boundary of property Nos. 14 and 12 The Street, a distance of 2,307 metres.	40 miles per hour
Traffic regulation measures speed limits plans – Sheet No. 6		
Hatfield Peverel CP	The New Hatfield Peverel link road (both sides) starting at point A.013, 156 metres north east of the centre point of the	30 miles per hour

- (a) There are amendments to section 86 which are not relevant to this Order.
- (b) There are amendments to Schedule 6 which are not relevant to this Order.
- (c) S.I. 1978/1548. The 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) Order 1977 and the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) (Variation) Order 1978 were not statutory instruments.

	junction between The Street and Maldon Road to point A.020, 343 metres northwest of the same point, a distance of 187 metres.	
Hatfield Peverel CP	The New Hatfield Peverel link road (both sides) starting at point A.020, 343 metres northeast of the centre point of the junction between The Street and Maldon Road to point A.014, 95 metres northwest of the centre point of the circulatory of the Junction 21 northern roundabout, a distance of 469 metres.	40 miles per hour
Hatfield Peverel CP	The New Hatfield Peverel link road (both sides) starting at point A.014, 95 metres northwest of the centre point of the circulatory of the Junction 21 northern roundabout to point A.152, 12 metres northwest of the same point, a distance of 83 metres.	Removal of restricted road status 40 miles per hour
Hatfield Peverel CP	The New Hatfield Peverel link road (both sides) starting at Point A.153, 6 metres northwest of the centre point of the circulatory of the Junction 21 northern roundabout to point A.152, 12 metres northwest of the same point, a distance of 6 metres.	Removal of restricted road status
Hatfield Peverel CP	Realigned Kennel access (both sides) starting at point A.016, 6 metres southeast of the centre point of the circulatory of the Junction 21 southern roundabout to point A.015, 62 metres southeast of the same point, a distance of 56 metres.	Removal of restricted road status
Hatfield Peverel CP	Realigned Witham link road (both sides) starting at point A.017, 19 metres northwest of the centre point of the circulatory of the Junction 21 northern roundabout to point A.112, 71 metres north west of the same point, a distance of 52 metres.	Removal of restricted road status 40 miles per hour
Hatfield Peverel CP	Realigned Witham link road (both sides) starting at point A.008, 6 metres northwest of	Removal of restricted road status.

	the centre point of the circulatory of the Junction 21 northern roundabout to point A.017, 19 metres northwest of the same point, a distance of 13 metres.	
Hatfield Peverel CP	The A12 Junction 21 southeastbound off-slip road from point A.001, at its merge with the Junction 21 southern roundabout to a point A.106, 28 metres northeast of the same point, a distance of 28 metres.	Removal of restricted road status National Speed Limit
Hatfield Peverel CP	The A12 Junction 21 northeastbound off-slip road from point A.086, at its merge with the Junction 21 northern roundabout to point A.083, 157 metres southwest of the same point, a distance of 157 metres.	Removal of restricted road status National Speed Limit
Hatfield Peverel CP	The A12 Junction 21 northeastbound on-slip road from point A.151 at its diverge with the Junction 21 northern roundabout to a point A.088, 18 metres southeast of the same point, a distance of 18 metres.	Removal of restricted road status National Speed Limit
Hatfield Peverel CP	The A12 Junction 21 southwestbound on-slip road from point A.107 at the merge to the A12 mainline to point A.128, 75 metres west from its diverge from the Junction 21 southern roundabout, a distance of 547 metres.	National Speed Limit
Hatfield Peverel CP	A12 Little Braxted Lane Overbridge (northwestbound side), from point A.005, 6 metres southeast of the centre point of the Junction 21 northern roundabout to point A.004, 6 metres northwest of the centre point of the Junction 21 southern roundabout, a distance of 95 metres.	Removal of restricted road status National Speed Limit
Hatfield Peverel CP	A12 Hatfield Road Overbridge (southeastbound side), from point A.038, 6 metres northwest of the centre point of the Junction 21 southern roundabout to point A.039, 6 metres southeast of	Removal of restricted road status National Speed Limit

	the centre point of the Junction 21 northern roundabout, a distance of 95 metres.	
Rivenhall CP	The whole of the A12 Junction 21 southern roundabout, from point A.004 round to point A.004, a distance of 237 metres.	Removal of restricted road status National Speed Limit
Rivenhall CP	The whole of the A12 Junction 21 northern roundabout, from point A.005 round to point A.005, a distance of 269 metres.	Removal of restricted road status National Speed Limit
Hatfield Peverel CP, Witham CP	Realigned Witham link road (both sides) starting at point A.112, 71 metres northwest of the centre point of the circulatory of the Junction 21 northern roundabout to point A.018, 501 metres north west of the same point, a distance of 431 metres.	40 miles per hour
Hatfield Peverel CP	The A12 Junction 21 southwestbound on-slip road from point A.128, 75 metres west from its diverge from the Junction 21 southern roundabout to point A.108, 6 metres west of the same point, a distance of 69 metres.	Removal of restricted road status National Speed Limit
Traffic regulation measures speed limits plans – Sheet No. 10		
Rivenhall CP	The realigned Little Braxted Lane (both sides) starting at point A.019, 5 metres south of the centre point of the circulatory of the Junction 22 southern roundabout, to point A.113, 201 metres southwest of the same point, a distance of 196 metres.	Removal of restricted road status 40 miles per hour
Rivenhall CP	The whole of the A12 Junction 22 southern roundabout, from point A.021 round to point A.021, a distance of 244 metres.	Removal of restricted road status 40 miles per hour
Rivenhall CP	The whole of the A12 Junction 22 northern roundabout, from point A.022 round to point A.022, a distance of 244 metres.	Removal of restricted road status 40 miles per hour
Rivenhall CP	A12 Little Braxted Lane Overbridge (southeastbound side), from point A.021, 6 metres north west of the centre point of the junction 22	Removal of restricted road status 40 miles per hour

	southern roundabout to point A.022, 6 metres south east of the centre point of the junction 22 northern roundabout, a distance of 111 metres.	
Rivenhall CP	A12 Junction 22 southwestbound on-slip road from point A.023 at its diverge from the Junction 22 southern roundabout to point A.024, 17 metres northwest of the same point, a distance of 17 metres.	Removal of restricted road status 40 miles per hour
Rivenhall CP	A12 Junction 22 southwestbound off slip road from point A.025 at its merge with the Junction 22 southern roundabout, to point A.026, 35 metres northeast of the same point, a distance of 35 metres.	Removal of restricted road status 40 miles per hour
Rivenhall CP	A12 Junction 22 northeastbound on slip road from point A.027 at its diverge from the Junction 22 northern roundabout to point A.028, 20 metres east of the same point, a distance of 20 metres.	Removal of restricted road status 40 miles per hour
Rivenhall CP	A12 Junction 22 northeastbound off slip road from point A.030 at its merge with the Junction 22 northern roundabout to point A.029, 13 metres southwest of the same point, a distance of 13 metres	Removal of restricted road status 40 miles per hour
Rivenhall CP	Colchester Road (northeastbound side) from point A.032, 6 metres northwest of the centre point of the Junction 22 northern roundabout to point A.031, 477 metres southwest of the same point, a distance of 471 metres.	Removal of restricted road status 40 miles per hour
Rivenhall CP, Witham CP	Existing A12 (northeastbound side) starting at point A.033, 7.5 metres northeast of the centre point of the circulatory of the Junction 22 northern roundabout to point A.034 (sheet 11), 5 metres west of the centre point of the circulatory of the Rivenhall End west roundabout, a distance of 699 metres.	Removal of restricted road status 40 miles per hour

Rivenhall CP	A12 Little Braxted Lane Overbridge (northwestbound side), from point A.129, 6 metres south east of the centre point of the junction 22 northern roundabout to point A.130, 6 metres north west of the centre point of the junction 22 southern roundabout, a distance of 111 metres	Removal of restricted road status 40 miles per hour
Rivenhall CP	Colchester Road (southwestbound side) from point A.131, 6 metres west of the centre point of the junction 22 northern roundabout to point A.132, 471 metres southwest of the same point, a distance of 465 metres.	Removal of restricted road status 40 miles per hour
Rivenhall CP, Witham CP	Existing A12 (southwestbound both sides) starting at point A.133, 7.5 metres northeast of the centre point of the Junction 22 northern roundabout to point A.134 (sheet 11), 5 metres west of the centre point of the Rivenhall End west roundabout, a distance of 692 metres.	Removal of restricted road status 40 miles per hour
Traffic regulation measures speed limits plans – Sheet No. 11		
Rivenhall CP	The whole of the Rivenhall End west roundabout, from point A.034 round to point A.034, a distance of 149 metres.	Removal of restricted road status 40 miles per hour
Rivenhall CP	Existing A12 (northeastbound sides) starting at point A.040, 6 metres east of the centre point of the Rivenhall End west roundabout to point A.041, 6 metres west of the centre point of the Rivenhall End east roundabout, a distance of 650 metres.	Removal of restricted road status 40 miles per hour
Rivenhall CP	The whole of the Rivenhall End east roundabout, from point A.041 round to point A.041, a distance of 168 metres.	Removal of restricted road status 40 miles per hour
Rivenhall CP	Existing A12 (both sides) starting at point A.042, 6 metres east of the centre point of the Rivenhall End east roundabout to point A.035, 101 metres northeast of the same point, a distance of 95	Removal of restricted road status 40 miles per hour

	metres.	
Rivenhall CP, Kelvedon CP	Existing A12 (both sides) starting at point A.035, 101 metres northeast of the centre point of the Rivenhall End east roundabout to point A.043 (sheet 12), 38 metres southwest of the centre point of the southern arm of the realigned Cranes Lane (Essex Fire and Rescue Access), a distance of 1,195 metres.	40 miles per hour
Rivenhall CP	Realigned Rivenhall Access (both sides) from point A.109 at its junction with the existing A12 to point A.110, 11 metres south of the same point, a distance of 11 metres .	Removal of restricted road status 40 miles per hour
Rivenhall CP	Existing A12 (southwestbound side) starting at point A.135, 6 metres east of the centre point of the Rivenhall End west roundabout to point A.136, 6 metres west of the centre point of the Rivenhall End east roundabout, a distance of 655 metres.	Removal of restricted road status 40 miles per hour
Traffic regulation measures speed limits plans – Sheet No. 14		
Messing-cum-Inworth CP	A12 Junction 24 northeastbound off slip road from point A.047 at its merge with the Junction 24 northern roundabout to point A.046, 25 metres southwest of the same point, total distance of 25 metres	Removal of restricted road status 40 miles per hour
Messing-cum-Inworth CP	A12 Junction 24 northeastbound on slip road from point A.048 at its diverge with the Junction 24 northern roundabout to point A.049, 16 metres east of the same point, a distance of 16 metres.	Removal of restricted road status 40 miles per hour
Messing-cum-Inworth CP	The whole of the A12 Junction 24 northern roundabout, from point A.050 round to point A.050, a distance of 278 metres.	Removal of restricted road status 40 miles per hour
Messing-cum-Inworth CP	A12 Junction 24 underbridge (northwestbound side), from point A.050, 6 metres south east of the centre point of the junction 24 northern roundabout to point A.051, 6	Removal of restricted road status 40 miles per hour

	metres north west of the centre point of the junction 24 southern roundabout, a distance of 165 metres.	
Wickham Bishops CP, Messing-cum-Inworth CP	The whole of the A12 Junction 24 southern roundabout, from point A.051 round to point A.051, a distance of 278 metres.	Removal of restricted road status 40 miles per hour
Messing-cum-Inworth CP	A12 Junction 24 southwestbound on-slip road from point A.052, 6 metres northwest the centre point of the Junction 24 southern roundabout to point A.053, 27 metres west of the same point, a distance of 21 metres.	Removal of restricted road status 40 miles per hour
Messing-cum-Inworth CP	A12 Junction 24 southwestbound off-slip road from point A.054, 6 metres northeast of the centre point of the Junction 24 southern roundabout to point A.055, 35 metres northeast of the same point, a distance of 29 metres.	Removal of restricted road status 40 miles per hour
Messing-cum-Inworth CP	New Inworth Link (both sides) from point A.056, 6 metres southeast of the centre point of the Junction 24 southern roundabout to point A.057, 8 metres west of the Inworth roundabout, a distance of 408 metres.	Removal of restricted road status 40 miles per hour
Messing-cum-Inworth CP	B1023 Kelvedon Road (both sides) from point A.058, 134 metres southwest of the centre point of the Inworth roundabout, to point A.059, 249 metres southeast of the same point, a distance of 115 metres.	30 miles per hour
Messing-cum-Inworth CP	A12 Junction 24 underbridge (southeastbound side), from point A.137, 6 metres north west of the centre point of the junction 24 southern roundabout to point A.138, 6 metres south east of the centre point of the junction 24 northern roundabout, , a distance of 165 metres.	Removal of restricted road status
Traffic regulation measures speed limits plans – Sheet No. 15		
Feering CP	Realigned London Road (both sides) from point A.062, 190 metres northwest of the centre point of the Feering east	30 miles per hour

	roundabout to point A.063, 386 metres northwest of the same point, a distance of 196 metres.	
Feering CP	Existing A12 (northeastbound side) from point A.068, 30 metres east of the centre point of the Feering east roundabout to point A.060, 105 metres east of the same point, a distance of 75 metres.	Removal of restricted road status 40 miles per hour
Feering CP	Existing A12 (northeastbound side) from point A.060, 105 metres east of the centre point of the Feering east roundabout to point A.061 (sheet 16) 103 metres west of the centre point of the Easthorpe Road roundabout, a distance of 1581 metres.	40 miles per hour
Feering CP	Existing A12 (southwestbound side) from point A.139, 30 metres east of the centre point of the Feering east roundabout to point A.140, 105 metres east of the same point, a distance of 75 metres.	Removal of restricted road status 40 miles per hour
Feering CP	Existing A12 (southwestbound side) from point A.140, 105 metres east of the centre point of the Feering east roundabout to point A.142 (sheet 16), 103 metres west of the centre point of the Easthorpe Road roundabout, a distance of 1581 metres.	40 miles per hour
Traffic regulation measures speed limits plans – Sheet No. 16		
Feering CP, Copford CP	Existing A12 (northeastbound side) from point A.061, 103 metres west of the centre point of the Feering east roundabout to point A.070, 5 metres west of the same point, a distance of 98 metres.	Removal of restricted road status 40 miles per hour
Feering CP, Copford CP	The whole of the Easthorpe Road roundabout from point A.070 round to point A.070, a distance of 164 metres.	Removal of restricted road status 40 miles per hour
Feering CP	Realigned Domsey Chase (both sides) from point A.071, 5 metres north of the centre point of the Easthorpe Road roundabout to point A.072, 23 metres north of the same	Removal of restricted road status 40 miles per hour

	point, a distance of 18 metres.	
Feering CP	Realigned Easthorpe Road (both sides) from point A.073, 5 metres south of the centre point of the Easthorpe Road roundabout to point A.074, 18 metres south of the same point, a distance of 13 metres.	Removal of restricted road status 40 miles per hour
Feering CP	Realigned Easthorpe Road (both sides) from point A.074, 18 metres south of the centre point of the Easthorpe Road roundabout to point A.075, 143 metres south of the same point, a distance of 125 metres.	Removal of restricted road status National Speed Limit
Copford CP	De-trunked A12 (northeastbound side) from point A.076, 5 metres east of the centre point of the Easthorpe Road roundabout to point A.069, 25 metres east of the same point, a distance of 20 metres.	Removal of restricted road status 50 miles per hour
Copford CP	De-trunked A12 (northeastbound side) from point A.069, 25 metres east of the centre point of the Easthorpe Road roundabout to point A.066, 139 metres east of the same point, a distance of 114 metres.	Removal of restricted road status 50 miles per hour
Copford CP	Existing A12 (southwestbound side) from point A.144, 5 metres east of the centre point of the Easthorpe Road roundabout to point A.141, 25 metres east of the same point, a distance of 20 metres.	Removal of restricted road status 40 miles per hour
Copford CP	Existing A12 (southwestbound side) from point A.141, 25 metres east of the centre point of the Easthorpe Road roundabout to point A.145, 139 metres east of the same point, a distance of 114 metres.	Removal of restricted road status 50 miles per hour
Marks Tey CP, Copford CP	Existing A12 (northeastbound side) from point A.066, 139 metres east of the centre point of the Easthorpe Road roundabout to point A.067 (sheet 17), 107 metres west of the centre point of the Wishingwell Farm	50 miles per hour

	roundabout, a distance of 1,205 metres.	
Marks Tey CP, Copford CP	Existing A12 (southwestbound side) from point A.145, 139 metres east of the centre point of the Easthorpe Road roundabout to point A.146 (sheet 17), 107 metres west of the centre point of the Wishingwell Farm roundabout, a distance of 1,205 metres.	50 miles per hour
Feering CP, Copford CP	Existing A12 (southwestbound side) from point A.142, 103 metres west of the centre point of the Feering east roundabout to point A.143, 5 metres west of the same point, a distance of 98 metres.	Removal of restricted road status 40 miles per hour
Traffic regulation measures speed limits plans – Sheet No. 17		
Marks Tey CP, Copford CP	Existing A12 (northeastbound side) from point A.067, 107 metres west of the centre point of the Wishingwell Farm roundabout to point A.077, 5 metres west of the same point, a distance of 102 metres.	Removal of restricted road status 50 miles per hour
Marks Tey CP, Copford CP	The whole of the Wishingwell Farm roundabout from point A.077 round to point A.077, a distance of 158 metres.	Removal of restricted road status 50 miles per hour
Marks Tey CP, Copford CP	Existing A12 (southwestbound side) from point A.146, 107 metres west of the centre point of the Wishingwell Farm roundabout to point A.147, 5 metres west of the same point, a distance of 102 metres.	Removal of restricted road status 50 miles per hour
Copford CP	New Wishingwell Bridge Road (both sides) from point A/078, 5 metres southeast of the centre point of the Wishing Well Farm roundabout to point A.079, 16 metres southeast of the same point, a distance of 10 metres.	Removal of restricted road status 50 miles per hour
Copford CP	New Wishingwell Bridge Road (both sides) from point A.079, 16 metres south of the centre point of the Wishingwell Farm roundabout to point A.080, 83 metres south of the same point, a distance of 67 metres.	Removal of restricted road status

Marks Tey CP	Existing A12 (northeastbound side) from point A081, 5 metres northeast of the centre point of the Wishingwell Farm roundabout to point A.114, 111 metres northeast of the same point, a distance of 1,006 metres.	Removal of restricted road status 50 miles per hour
Marks Tey CP	Existing A12 (northeastbound side) from point A.114, 111 metres northeast of the centre point of the Wishingwell Farm roundabout to point A.082 (sheet 18), 153 metres north west of the centre point of the London Road roundabout, a distance of 978 metres.	50 miles per hour
Marks Tey CP	Existing A12 (southwestbound side) from point A.148, 5 metres east of the centre point of the Wishingwell Farm roundabout to point A.149, 111 metres northeast of the same point, a distance of 1,06 metres.	Removal of restricted road status 50 miles per hour
Marks Tey CP	Existing A12 (southwestbound side) from point A.149, 111 metres northeast of the centre point of the Wishingwell Farm roundabout to point A.150 (sheet 18), 153 metres north west of the centre point of the London Road roundabout, a distance of 978 metres.	50 miles per hour
Traffic regulation measures speed limits plans – Sheet No. 18		
Traffic regulation measures speed limits plans – Sheet No. 19		
Marks Tey CP, Copford CP	The A12 Junction 25 northeastbound on-slip road from point A.095 at the merge of the A12 mainline to point A.120, 60 metres northeast from the diverge from the A120, a distance of 656 metres.	National Speed Limit
Marks Tey CP	The A12 Junction 25 northeastbound on-slip road from point A.096, the diverge from the A120 to point A.120, 60 metres northeast of the same point, a distance of 60 metres.	Removal of restricted road status National Speed Limit
Copford CP, Marks Tey CP	The A12 Junction 25 southwestbound off-slip road from point A.097 (inset B) , the diverge from the A12	National Speed Limit

	mainline to point A.121, 104 metres east from its merge with the Prince of Wales roundabout, total distance of 999 metres.	
Marks Tey CP	The A12 Junction 25 southwestbound off-slip road from point A.098, its merge with the Prince of Wales roundabout to point A.121, 104 metres east of the same point, a distance of 104 metres.	Removal of restricted road status National Speed Limit

PART 7
VARIABLE SPEED LIMITS

Note: see the note to Part 6.

<i>(1)</i> <i>Parish(es)</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Speed limit</i>
Traffic regulation measures speed limits plans – Sheet No. 6		
Witham CP, Hatfield Peverel CP, Rivenhall CP, Kelvedon CP, Wickham Bishops CP, Great Braxted CP, Messing-cum-Inworth CP, Feering CP, Copford CP, Marks Tey CP	A12 dual carriageway (northeastbound) starting at point A.002, 113 metres southwest of the centre line of Hatfield Road Overbridge to point A.003 (sheet 18), 446 metres southwest of the centre point of Marks Tey Bridge, a distance of 17282 metres.	Variable speed limit
Marks Tey CP, Copford CP, Feering CP, Messing-cum-Inworth CP, Kelvedon CP, Wickham Bishops CP, Great Braxted CP, Rivenhall CP, Witham CP, Hatfield Peverel CP	A12 dual carriageway (southwestbound) starting at point A.007, 81 metres south of Hatfield Road Overbridge to point A.006 (sheet 19), 336 metres northeast of the centre point of the Marks Tey Bridge a distance of 18,503 metres.	Variable speed limit
Hatfield Peverel CP	The A12 Junction 21 northeastbound on-slip road from Point A.087, the merge with the A12 mainline to point A.084, 70 metres east of its diverge with the Junction 21 northern roundabout, a distance of 492 metres.	Variable speed limit
Hatfield Peverel CP	The A12 Junction 21 northeastbound on-slip road from point A.088, 18 metres southeast from its diverge with the Junction 21 northern roundabout to point A.084, 70 metres southeast of the same	Removal of restricted road status Variable speed limit

	point, a distance of 52 metres.	
Hatfield Peveler CP	The A12 Junction 21 southwestbound off-slip road from point A.127, 65 metres northeast from its merge with the Junction 21 southern roundabout to point A.106, 28 metres northeast of the same point, a distance of 37 metres.	Removal of restricted road status Variable speed limit
Hatfield Peveler CP	The A12 Junction 21 southwestbound off-slip road from point A.105 at the diverge from the A12 mainline to point A.127, 65 metres northeast from its merge with the Junction 21 southern roundabout, a distance of 449 metres.	Variable speed limit
Traffic regulation measures speed limits plans – Sheet No. 7		
Traffic regulation measures speed limits plans – Sheet No. 9		
Rivenhall CP, Witham CP	The A12 Junction 22 northeastbound off-slip road from point A.089 at the diverge from the A12 mainline to point A.115 (sheet 10, 105 metres southwest from its merge with the Junction 22 northern roundabout, a distance of 854 metres.	Variable speed limit
Traffic regulation measures speed limits plans – Sheet No. 10		
Rivenhall CP	The A12 Junction 22 southwestbound on-slip road from point A.024, 129 metres west from its diverge from the Junction 22 southern roundabout to point A.126, 17 metres west of the same point, a distance of 102 metres.	Removal of restricted road status Variable speed limit
Rivenhall CP	The A12 Junction 22 northeastbound off-slip road from point A.028, 20 metres east from its merge with the Junction 22 northern roundabout to point A.116, 104 metres southeast of the same point, a distance of 94 metres.	Removal of restricted road status Variable speed limit
Rivenhall CP	The A12 Junction 22 northeastbound off-slip road from point A.115, 105 metres southwest from its merge with the Junction 22 northern roundabout to point A.029, 13 metres southwest of the same point, a distance of 92 metres.	Removal of restricted road status Variable speed limit
Rivenhall CP	The A12 Junction 22 northeastbound on-slip road from point A.116, 104 metres	Variable speed limit

	southeast from its diverge from the Junction 22 northern roundabout to point A.090 (sheet 11), at the merge with the A12 mainline, a distance of 492 metres.	
Rivenhall CP	The A12 Junction 22 southwestbound off-slip road from point A.125, 100 metres east from its merge with the Junction 22 southern roundabout to point A.025, 35 metres east of the same point, a distance of 65 metres.	Removal of restricted road status Variable speed limit
Rivenhall CP	The A12 Junction 22 southwestbound on-slip road from point A.126 at the merge with the A12 mainline to point A.104 (sheet 9), 129 metres southwest from its diverge from the Junction 22 southern roundabout, a distance of 594 metres.	Variable speed limit
Traffic regulation measures speed limits plans – Sheet No 11		
Rivenhall CP	The A12 Junction 22 southwestbound off-slip road from point A.103 at the diverge from the A12 mainline to point A.125 (sheet 10), 65 metres northeast from its merge with the Junction 22 southern roundabout, a distance of 595 metres.	Variable speed limit
Traffic regulation measures speed limits plans – Sheet No. 13		
Messing-cum-Inworth CP, Kelvedon CP	The A12 Junction 24 at northeastbound off-slip road from point A.091 the diverge from the A12 mainline to point A.117 (sheet 14), 103 metres west from its merge with the Junction 24 northern roundabout, a distance of 601 metres.	Variable speed limit
Kelvedon CP	The A12 Junction 24 southwestbound on-slip road from point A.102, the merge with the A12 mainline to point A.124 (sheet 14), 151 metres northwest from its diverge from the Junction 24 southern roundabout, a distance of 640 metres.	Variable speed limit
Traffic regulation measures speed limits plans – Sheet No. 14		
Messing-cum-Inworth CP	The A12 Junction 24 northeastbound on-slip road from point A.049, 16 metres	Removal of restricted road status Variable speed limit

	southeast from its diverge from the Junction 24 northern roundabout to point A.118, 106 metres east of the same point, a distance of 90 metres.	
Messing-cum-Inworth CP	The A12 Junction 24 northeastbound on-slip road from point A.092 at the merge with the A12 mainline to point A.118, 106 metres east from its diverge from the Junction 24 northern roundabout, a distance of 458 metres.	Variable speed limit
Messing-cum-Inworth CP	The A12 Junction 24 southwestbound off-slip road from Point A.101, the diverge from the A12 mainline to point A.123, 99 metres northeast from its merge with the Junction 24 southern roundabout, a distance of 455 metres. as shown between point A.101 and A.123 on sheet 14 of the traffic regulation measures speed limits plans	Variable speed limit
Messing-cum-Inworth CP	The A12 Junction 24 northeastbound off-slip road from point A.117, 103 metres west from its merge with the Junction 24 northern roundabout. to point A.046, 25 metres west of the same point, a distance of 78 metres.	Removal of restricted road status Variable speed limit
Messing-cum-Inworth CP	The A12 Junction 24 southwestbound off-slip road from point A.123 99 metres northeast from its merge with the Junction 24 southern roundabout to point A.054, 29 metres northeast of the same point, a distance of 70 metres.	Removal of restricted road status Variable speed limit
Messing-cum-Inworth CP, Kelvedon CP	The A12 Junction 24 southwestbound on-slip road from point A.052, 27 metres northwest from its diverge from the Junction 24 southern roundabout to point A.124, 137 metres northwest of the same point, a distance of 110 metres.	Removal of restricted road status Variable speed limit
Traffic regulation measures speed limits plans – Sheet No. 18		
Marks Tey CP	The A12 Junction 25 northeastbound off-slip road from point A.093 at the diverge of the A12 mainline to point A.119, 113 metres southwest of its merge with the London Road roundabout, a distance of 410	Variable speed limit

	metres.	
Marks Tey CP	The A12 Junction 25 northeastbound off-slip road from point A.094, 25 metres south of its merge with the London Road roundabout to point A.119, 113 metres southwest of the same point, a distance of 88 metres.	Removal of restricted road status Variable speed limit
Marks Tey CP	The A12 Junction 25 southwestbound on-slip road from point A.099, the merge with the A12 mainline to point A.122, 99 metres southwest from its diverge from the Hall Chase roundabout, a distance of 492 metres.	Variable Speed Limit
Marks Tey CP	The A12 Junction 25 southwestbound on-slip road from point A.122, 99 metres southwest from its diverge from the Hall Chase roundabout to point A.100, 7 metres west of the same point, a distance of 92 metres.	Removal of restricted road status Variable Speed Limit

PART 8

TRAFFIC REGULATION MEASURES (CLEARWAYS)

<i>(1)</i> <i>Parish(es)</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Measures</i>
Traffic regulation measures movement restrictions plans – Sheet No. 1		
Springfield CP, Boreham CP, Hatfield Peverel CP, Witham CP, Rivenhall CP, Kelvedon CP, Great Braxted CP, Messing-cum-Inworth CP, Feering CP, Copford CP, Marks Tey CP, Stanway CP	A12 dual carriageway (northeastbound) from point C.001 to point C.002 (sheet 19 inset B), a distance of 28,390 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Stanway CP, Marks Tey CP, Copford CP, Feering CP, Messing-cum-Inworth CP, Kelvedon CP, Great Braxted CP, Rivenhall CP, Witham CP, Hatfield Peverel CP, Boreham CP, Springfield CP	A12 dual carriageway (southwestbound) from point C.004 to point C.003 (sheet 19, inset B), a distance of 28,382 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Traffic regulation measures movement restrictions plans – Sheet No. 2		
Boreham CP	A12 Junction 19 (northeastbound) on-slip road from C.037 to point C.038, a distance of 415 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Traffic regulation measures movement restrictions plans – Sheet No. 5		

Hatfield Peverel CP	The A12 Junction 21 (northeastbound) off-slip road from point C.005 to point C.006 (sheet 6), a distance of 832 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Hatfield Peverel CP	A12 dual carriageway (northeastbound) from point B.106 to point B.107, a distance of 84 metres.	Stopping of vehicles in a lay-by prohibited.
Hatfield Peverel CP	A12 dual carriageway (southwestbound) from point B.108 to point B.109, a distance of 84 metres.	Stopping of vehicles in a lay-by prohibited.
Traffic regulation measures movement restrictions plans – Sheet No. 6		
Hatfield Peverel CP	The A12 Junction 21 (northeastbound) on-slip road from point C.008 to point C.007, a distance of 560 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Hatfield Peverel CP	The A12 Junction 21 (southwestbound) off-slip road from point C.033 to point C.034, a distance of 514 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Hatfield Peverel CP	The A12 Junction 21 (southwestbound) on-slip road from point C.035 to point C.036, a distance of 615 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Traffic regulation measures movement restrictions plans – Sheet No. 7		
Witham CP	A12 dual carriageway (northeastbound) from point B.003 to point B.004, a distance of 100 metres.	Stopping of vehicles in a lay-by prohibited.
Traffic regulation measures movement restrictions plans – Sheet No. 8		
Witham CP	A12 dual carriageway (northeastbound) from point B.005 to point B.006, a distance of 87 metres.	Stopping of vehicles in a lay-by prohibited.
Witham CP	A12 dual carriageway (southwestbound) from point B.045 to point B.046, a distance of 78 metres.	Stopping of vehicles in a lay-by prohibited.
Witham CP	A12 dual carriageway (southwestbound) from point B.047 to point B.048, a distance of 80 metres.	Stopping of vehicles in a lay-by prohibited.
Traffic regulation measures movement restrictions plans – Sheet No. 9		
Rivenhall CP, Witham CP	The A12 Junction 22 (northeastbound) off-slip road from point C.009 to point C.010 (sheet 10), a distance of 955 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Rivenhall CP	The A12 Junction 22 (southwestbound) on-slip road	Clearway (including verges and hard strip but excluding

	from point C.031 to point C.032 (sheet 10), a distance of 710 metres.	lay-bys).
Witham CP	A12 dual carriageway (northeastbound) from point B.007 to point B.008, a distance of 85 metres.	Stopping of vehicles in a lay-by prohibited.
Witham CP	A12 dual carriageway (southwestbound) from point B.043 to point B.044, a distance of 85 metres.	Stopping of vehicles in a lay-by prohibited.
Traffic regulation measures movement restrictions plans – Sheet No. 10		
Rivenhall CP	A12 dual carriageway (northeastbound) from point B.009 to point B.010, a distance of 96 metres.	Stopping of vehicles in a lay-by prohibited.
Rivenhall CP	A12 dual carriageway (southwestbound) from point B.041 to point B.042, a distance of 85 metres.	Stopping of vehicles in a lay-by prohibited.
Rivenhall CP	The A12 Junction 22 (northeastbound) on-slip road from point C.012 to point C.011 (sheet 11), a distance of 870 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Rivenhall CP	The A12 Junction 22 (southwestbound) off slip road from point C.030 point C.029 (sheet 11), a distance of 696 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Traffic regulation measures movement restrictions plans – Sheet No. 11		
Rivenhall CP	A12 dual carriageway (northeastbound) from point B.011 to point B.012, a distance of 84 metres.	Stopping of vehicles in a lay-by prohibited.
Rivenhall CP	A12 dual carriageway (southwestbound) from point B.039 to point B.040, a distance of 83 metres.	Stopping of vehicles in a lay-by prohibited.
Traffic regulation measures movement restrictions plans – Sheet No. 12		
Kelvedon CP	A12 dual carriageway (northeastbound) from point B.013 to point B.014, a distance of 84 metres.	Stopping of vehicles in a lay-by prohibited.
Kelvedon CP	A12 dual carriageway (southwestbound) from point B.037 to point B.038, a distance of 83 metres.	Stopping of vehicles in a lay-by prohibited.
Traffic regulation measures movement restrictions plans – Sheet No. 13		
Wickham Bishops CP	A12 dual carriageway (southwestbound) from point B.035 to point B.036, a distance of 84 metres.	Stopping of vehicles in a lay-by prohibited.
Great Braxted CP	A12 dual carriageway (northeastbound) from point	Stopping of vehicles in a lay-by prohibited.

	B.015 to point B.016, a distance of 87 metres.	
Messing-cum-Inworth CP, Kelvedon CP	The A12 Junction 24 (northeastbound) off-slip road from point C.013 to point C.014, (sheet 14) a distance of 703 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Messing-cum-Inworth CP, Kelvedon CP	The A12 Junction 24 (southwestbound) on-slip road from point C.027 to point C.028 (sheet 14), a distance of 769 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Traffic regulation measures movement restrictions plans – Sheet No. 14		
Messing-cum-Inworth CP	The A12 Junction 24 (northeastbound) on-slip road from point C.016 to point C.015, a distance of 565 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Messing-cum-Inworth CP	The A12 Junction 24 (southwestbound) off-slip road from point C.025 to point C.026, a distance of 556 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Messing-cum-Inworth CP	A12 dual carriageway (southwestbound) from point B.033 to point B.034, a distance of 84 metres.	Stopping of vehicles in a lay-by prohibited.
Traffic regulation measures movement restrictions plans – Sheet No. 15		
Feering CP	A12 dual carriageway (northeastbound) from point B.017 to point B.018, a distance of 85 metres.	Stopping of vehicles in a lay-by prohibited.
Feering CP	A12 dual carriageway (northeastbound) from point B.019 to point B.020, a distance of 84 metres.	Stopping of vehicles in a lay-by prohibited.
Feering CP	A12 dual carriageway (southwestbound) from point B.031 to point B.032, a distance of 86 metres.	Stopping of vehicles in a lay-by prohibited.
Traffic regulation measures movement restrictions plans – Sheet No. 16		
Copford CP	A12 dual carriageway (northeastbound) from point B.021 to point B.022, a distance of 83 metres.	Stopping of vehicles in a lay-by prohibited.
Copford CP	A12 dual carriageway (southwestbound) from point B.027 to point B.028, a distance of 84 metres.	Stopping of vehicles in a lay-by prohibited.
Feering CP	A12 dual carriageway (southwestbound) from point B.029 to point B.030, a distance of 84 metres.	Stopping of vehicles in a lay-by prohibited.
Traffic regulation measures movement restrictions plans – Sheet No. 17		
Copford CP	A12 dual carriageway	Stopping of vehicles in a lay-

	(northeastbound) from point B.023 to point B.024, a distance of 86 metres.	by prohibited.
Copford CP	A12 dual carriageway (southwestbound) from point B.025 to point B.026, a distance of 85 metres.	Stopping of vehicles in a lay-by prohibited.
Traffic regulation measures movement restrictions plans – Sheet No. 18		
Marks Tey CP	The A12 Junction 25 (northeastbound) off-slip road from point C.017 to point C.018, a distance of 524 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Marks Tey CP	The A12 Junction 25 (southwestbound) on-slip road from point C.023 to point C.024, a distance of 591 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Traffic regulation measures movement restrictions plans – Sheet No. 19		
Marks Tey CP, Copford CP	The A12 Junction 25 (northeastbound) on-slip road from point C.019 to point C.020, a distance of 715 metres.	Clearway (including verges and hard strip but excluding lay-bys).
Copford CP, Marks Tey CP	The A12 Junction 25 (southwestbound) off slip road from point C.022 to point C.021 (sheet 19 inset B), a distance of 1,093 metres.	Clearway (including verges and hard strip but excluding lay-bys).

PART 9

TRAFFIC REGULATION MEASURES (PROHIBITIONS)

<i>(1)</i> <i>Parish(es)</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Measures</i>
Traffic regulation measures movement restrictions plans – Sheet No. 6		
Hatfield Peverel CP, Witham CP, Rivenhall CP, Kelvedon CP, Great Braxted CP, Messing-cum-Inworth CP, Feering CP, Copford CP, Marks Tey CP.	The A12 dual carriageway (northeastbound) from point B.057 to point B.058 (sheet 19), a distance of 18,450 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Copford CP, Marks Tey CP, Feering CP, Messing-cum-Inworth CP, Kelvedon CP, Great Braxted CP, Rivenhall CP, Witham CP, Hatfield Peverel CP	The A12 dual carriageway (southwestbound) from point B.060 to point B.059 (sheet 19), a distance of 18,784 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Hatfield Peverel CP	The A12 Junction 21 (northeastbound) on-slip road	Prohibition of pedestrians, riding of pedal cycles, ridden

	from point B.061 to point B.062, a distance of 560 metres.	or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Hatfield Peverel CP	The A12 Junction 21 (southwestbound) off-slip road from point B.083 to point B.084, a distance of 514 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Traffic regulation measures movement restrictions plans – Sheet No. 9		
Rivenhall CP, Witham CP	The A12 Junction 22 (northeastbound) off-slip road from point B.073 to point B.074 (sheet 10), a distance of 955 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Rivenhall CP, Witham CP	The A12 Junction 22 (southwestbound) on-slip road from point B.071 to point B.072 (sheet 10), a distance of 710 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Traffic regulation measures movement restrictions plans – Sheet No. 10		
Rivenhall CP	Little Braxted Lane (both sides) from point B.053 to point B.054, a distance of 326 metres.	Width Restriction (6' 6")
Rivenhall CP	The A12 Junction 22 (southwestbound) off-slip road from point B.082 to point B.081 (sheet 11), a distance of 696 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Rivenhall CP	The A12 Junction 22 (northeastbound) on slip road from point B.064 to point B.063 (sheet 11), a distance of 870 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Traffic regulation measures movement restrictions plans – Sheet No. 13		
Messing-cum-Inworth CP, Kelvedon CP	The A12 Junction 24 (southwestbound) on-slip road from point B.069 point B.070 (sheet 14), a distance of 769 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Messing-cum-Inworth CP, Kelvedon CP	The A12 Junction 24 (northeastbound) off-slip road	Prohibition of pedestrians, riding of pedal cycles, ridden

	from point B.075 to point B.076 (sheet 14), a distance of 703 metres.	or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Traffic regulation measures movement restrictions plans – Sheet No. 14		
Messing-cum-Inworth CP	The A12 Junction 24 (northeastbound) on-slip road from point B.065 to point B.066, a distance of 565 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Messing-cum-Inworth CP	The A12 Junction 24 (southwestbound) off-slip road from point B.079 to point B.080, a distance of 556 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Traffic regulation measures movement restrictions plans – Sheet No. 16		
Feering CP. Copford CP	Realigned Easthorpe Road from point B.055 to point B.056, a distance of 343 metres.	Prohibition of Motor Vehicles (except for access).
Traffic regulation measures movement restrictions plans – Sheet No. 18		
Marks Tey CP	The A12 Junction 25 (southwestbound) on-slip road from point B.067 to point B.068, a distance of 591 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.
Marks Tey CP	The A12 Junction 25 (northeastbound) off-slip road from point B.077 to point B.078 a distance of 524 metres.	Prohibition of pedestrians, riding of pedal cycles, ridden or accompanied horses, horse drawn vehicles, agricultural motor vehicles and any motor cycle with an engine capacity of under 50cc.

PART 10

TRAFFIC REGULATION MEASURES (NO ENTRY)

<i>(1)</i> <i>Parish(es)</i>	<i>(2)</i> <i>Road name, number and length to which entry is prohibited</i>	<i>(3)</i> <i>Road name, number and length from which entry is prohibited</i>	<i>(4)</i> <i>Measures</i>
Traffic regulation measures movement restrictions plans – Sheet No. 6			
Hatfield Peverel CP	Ref A The A12 Junction 21 (northeastbound) off-	Junction 21 northern roundabout.	No Entry.

	slip road.		
Hatfield Peverel CP	Ref B The A12 Junction 21 (southwestbound) off- slip road.	Access from Junction 21 southern roundabout.	No Entry.
Traffic regulation measures movement restrictions plans – Sheet No. 10			
Rivenhall CP	Ref C The A12 Junction 22 (northeastbound) off- slip road.	Access from Junction 22 northern roundabout.	No Entry.
Rivenhall CP	Ref D The A12 Junction 22 (southwestbound) off- lip road.	Access from Junction 22 southern roundabout.	No Entry.
Witham CP	Ref I Colchester Road (northeastbound) approach to the Eastways junction.	Access from: (1) Colchester Road (southwestbound); (2) Colemans Bridge Trade Park access; and (3) Eastways.	No Entry.
Witham CP	Ref J Colchester Road (southwestbound) approach to the Eastways junction.	Access from: (1) Colchester Road (northeastbound); (2) Colemans Bridge Trade Park access; and (3) Eastways.	No Entry.
Traffic regulation measures movement restrictions plans – Sheet No. 14			
Messing-cum-Inworth CP	Ref E The A12 Junction 24 (northeastbound) off- slip road.	Access from Junction 24 northern roundabout.	No Entry.
Messing-cum-Inworth CP	Ref F The A12 Junction 24 (southwestbound) off- slip road.	Access from the Junction 24 southern roundabout.	No Entry.
Traffic regulation measures movement restrictions plans – Sheet No. 18			
Marks Tey CP	Ref G The A12 Junction 25 (northeastbound) off- slip road.	Access from London Road roundabout.	No Entry.
Traffic regulation measures movement restrictions plans – Sheet No. 19			
Marks Tey CP	Ref H The A12 Junction 25 (southwestbound) off- slip road.	Access from Prince of Wales roundabout.	No Entry.

PART 11

TRAFFIC REGULATION MEASURES (WAITING RESTRICTIONS)

(1)	(2)	(3)
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<i>Parish(es)</i>	<i>Road name, number and length</i>	<i>Measures</i>
Traffic regulation measures movement restrictions plans – Sheet No. 5		
Hatfield Peverel CP	Station Road (western side) from point B.001 to point B.002, a distance of 80 metres.	No Waiting (Monday - Friday 2.00pm to 3.00pm).
Hatfield Peverel CP	Station Road (eastern side) from point B.001 to point B.002, a distance of 80 metres.	No waiting (Monday to Saturday 11.00am to 3.00pm).
Hatfield Peverel CP	New Hatfield Peverel link Road (both sides) from point B.049 to point B.050 (sheet 6), a distance of 896 metres.	No waiting at any time.
Traffic regulation measures movement restrictions plans – Sheet No. 6		
Hatfield Peverel CP, Witham CP	Realigned Witham Link Road (both sides) from point B.051 to point B.052, a distance of 496 metres.	No waiting at any time.
Hatfield Peverel CP	Realigned Kennel access (both sides) from point B.104 to B.105, a distance of 548 metres.	No waiting at any time.
Traffic regulation measures movement restrictions plans – Sheet No. 18		
Marks Tey CP	Realigned Old London Road access (both sides) from point B.085 to point B.086, a distance of 25 metres.	No waiting at any time.
Marks Tey CP	Old London Road (both sides) from point B.087 to point B.088, a distance of 50 metres.	No waiting at any time.
Marks Tey CP	Realigned Old London Road (northern side) from point B.101 to point B.102, a distance of 28 metres.	No waiting (Monday to Friday 10.00am-11.00am).
Marks Tey CP	Realigned Old London Road (southern side) from point B.101 to point B.102, a distance of 28 metres.	No waiting at any time.
Marks Tey CP	Realigned Kennel Access (both sides) (including turning head) from point B.102 to point B.103, a distance of 223 metres.	No waiting at any time.

PART 12

REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

<i>(1)</i> <i>Parishes</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Title of Order</i>	<i>(4)</i> <i>Revocations or Variations</i>
Revocation of existing traffic orders plans – Sheet No. 1			

Springfield CP, Boreham CP. Hatfield Peverel CP, Witham CP, Rivenhall CP, Kelvedon CP. Great Braxted CP, Messing-Cum-Inworth CP, Feering CP, Marks Tey CP, Copford CP and Stanway CP	A12 mainline from a point from point D.001 to point D.002 (sheet 19), a total distance of 28,385 metres.	The A12 Trunk Road (M25 Brentwood, Essex - Ipswich, Suffolk) (24 Hours Clearway) Order 2005(a)	In the definition of trunk road in article 2, the exclusion of the length of road described in column (2) of this row.
Revocation of existing traffic orders plans – Sheet No. 2			
Boreham CP	B1137 Main Road (both side) from point D.053 to point D.054 (sheet 4), a distance of 1846 metres.	The Trunk Roads (Boreham) (40 M.P.H. Speed Limit) Order 1961(b)	In Schedule 3, the exclusion of the length of road described in column (2) of this row.
Revocation of existing traffic orders plans – Sheet No. 4			
Hatfield Peverel CP	B1137 Main Road (both sides) from point D.006 to point D.007 (sheet 5), a distance of 838 metres.	The Essex County Council (B1137 The Street/Main Road, Hatfield Peverel) (50mph Speed Limit) Order 2013	In article 1, the exclusion from that part of The Street/Main Road of the length of road described in column (2) of this row.
Revocation of existing traffic orders plans – Sheet No. 5			
Hatfield Peverel CP	B1137 Main Road (eastbound) at point D.010.	The Essex County Council (Boreham Road (B.1137), Hatfield Peverel) (Prohibition of Left Turn) Order 1981.	The revocation of the order described in column (3) of this row.
Hatfield Peverel CP	Station Road (eastern side) from point D.091 to point D.092, a distance of 80 metres.	The Essex County Council (Braintree District) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) Consolidation Order 2019	In Schedule 2, Tile Ref. TL 790 117, the deletion of the length of road described in column (2) of this row.
Hatfield Peverel CP	Station Road (western side) from point D.091 to point D.092, a distance of metres.	The Essex County Council (Braintree District) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) Consolidation Order 2019	In Schedule 2, Tile Ref. TL 790 117, the deletion of waiting restrictions from the length of road described in column (2) of this row.
Hatfield Peverel CP	B1137 (Wellington	The Essex County	In Schedule 2, Tile

(a) S.I. 2005/1841.

(b) S.I. 1961/1970.

	Road overbridge) (both sides) from point D.093 to point D.094 (sheet 6), a distance of 204 metres.	Council (Braintree District) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) Consolidation Order 2019	Ref. TL 790 117 and TL90 120, the deletion of waiting restrictions from the length of road described in column (2) of this row.
Revocation of existing traffic orders plans – Sheet No. 10			
Rivenhall CP	Little Braxted Lane (both sides) from point D.033 to point D.035, a distance of 404 metres.	The Essex County Council (Little Braxted Lane, Little Braxted (Width Restriction) Order 1983.	The revocation of the order described in column (3) of this row.
Revocation of existing traffic orders plans – Sheet No. 11			
Rivenhall CP	Braxted Road and unnamed road (both sides) from point D.036 to point D.039, a distance of 211 metres.	The Essex County Council (Rivenhall, Rivenhall End, Witham) (Restricted Roads and 40 mph Speed Limit) Order 2005.	In Schedule 2 of that order the deletion of the row relating to Braxted Road, Rivenhall End.
Rivenhall CP	Henry Dixon Road from point D.038 to point D.037, a distance of 95 metres.	The Essex County Council (Rivenhall, Rivenhall End, Witham) (Restricted Roads and 40 mph Speed Limit) Order 2005.	In Schedule 2 of that order the row relating to Henry Dixon Road, Rivenhall End the exclusion of the length of road described in column (2) of this row.
Revocation of existing traffic orders plans – Sheet No. 14			
Messing-cum-Inworth CP	B1023 Kelvedon Road (both sides) from point D.051 to point D.052, a distance of 544 metres.	The Essex County Council (Various Speed Limits) (No. 1) Order 1983.	In Paragraph (1) of Schedule 3 relating to the B1023 Feering-Tiptree Road, the exclusion of the length of road described in column (2) of this row.
Revocation of existing traffic orders plans – Sheet No. 18			
Marks Tey CP	London Road (both sides including Service Roads) from point D.087 to point D.088, a distance of 132 metres.	The Essex County Council (Colchester Borough) (Prohibition of Waiting, Loading and Stopping) and (On-street Parking Places) (Civil Enforcement Area) Consolidation Order 2019.	In Schedule 2, Tile Ref. TL 910 232 and TL910 235, the deletion of waiting restrictions from the length of road described in column (2) of this row.
Marks Tey CP	London Road (Service Road) at point D.072.	The Essex County Council (London Road Marks Tey) (Prohibition of Entry)	The revocation of the order described in column (3) of this row.

		Order 2008	
Marks Tey CP	Old London Road (northern side) from point D.095 to point D.096, a distance of 9 metres.	The Essex County Council (Colchester Borough) (Prohibition of Waiting, Loading and Stopping) and (On-street Parking Places) (Civil Enforcement Area) Consolidation Order 2019	In Schedule 2, Tile Ref. TL 910 232, the variation of permit parking restrictions to remove the length of road described in column (2) of this row.
Marks Tey CP	Old London Road (northern side) from point D.097 to point D.098, a distance of 6 metres.	The Essex County Council (Colchester Borough) (Prohibition of Waiting, Loading and Stopping) and (On-street Parking Places) (Civil Enforcement Area) Consolidation Order 2019	(1) In Schedule 2, Tile Ref. TL 910 232, the deletion of waiting restrictions from the length of road described in column (2) of this row and the replacement of those restrictions with residents parking places (Zone OLR) applying at all times.
Marks Tey CP	Old London Road (northern side) from point D.099 to point D.100 a distance of 13 metres.	The Essex County Council (Colchester Borough) (Prohibition of Waiting, Loading and Stopping) and (On-street Parking Places) (Civil Enforcement Area) Consolidation Order 2019	In Schedule 2, Tile Ref. TL 910 232, the deletion of waiting restrictions from the length of road described in column (2) of this row and the replacement of those restrictions with residents parking places (Zone OLR) applying at all times.
Marks Tey CP	Old London Road (northern side) from point D.097 to point D.098, a distance of 6 metres.	The Essex County Council (Colchester Borough) (Prohibition of Waiting, Loading and Stopping) and (On-street Parking Places) (Civil Enforcement Area) Consolidation Order 2019	(1) At the end of the table in Schedule 3 add a new row as follows: (a) In column 1, "OLR"; (b) In column 2, "Permit Parking or Permit Parking Area"; (c) In column 3, "Zone OLR"; (d) In column 4, "As Zone A1"; and (e) In column 5, "As Zone A1"; and (2) At the end of the table in Schedule 5 add a new row as follows; (a) In column 1, "Zone OLR";

			(b) In column 2, “Old London Road”; (c) In column 3, “numbers 180, 182 and 188”; and (d) In column 4, “See Schedule 5 notes below”.
Marks Tey CP	Old London Road (both sides) from point D.110 to point D.111, a distance of 253 metres.	The Essex County Council (Colchester Borough) (Prohibition of Waiting, Loading and Stopping) and (On-street Parking Places) (Civil Enforcement Area) Consolidation Order 2019	In Schedule 2, Tile Ref. TL 910 232 and TL 910 235, the deletion of waiting restrictions from the length of road described in column (2) of this row.
Marks Tey CP	The A120 Coggeshall Road (both sides) from point D.078 to point D.079 on Sheet 18, a distance of 111 metres.	Colchester Borough (Speed Limits in Villages) Order 2001	In Schedule 2, in the entry relating to the A120 Marks Tey, the deletion of the length of road described in column (2) of this row.
Revocation of existing traffic orders plans – Sheet No. 19			
Marks Tey CP	Station Road (both sides) from point D.101 to point D.102, a distance of 62 metres.	The Essex County Council (Colchester Borough) (Prohibition of Waiting, Loading and Stopping) and (On-street Parking Places) (Civil Enforcement Area) Consolidation Order 2019	In Schedule 2, Tile Ref. TL 910 235, TL915 235 and TL915 237, the deletion of waiting restrictions from the length of road described in column (2) of this row.
Marks Tey CP	Station Road (northeastern side) from point D.103 to point D.104, a distance of 28 metres.	The Essex County Council (Colchester Borough) (Prohibition of Waiting, Loading and Stopping) and (On-street Parking Places) (Civil Enforcement Area) Consolidation Order 2019	In Schedule 2, Tile Ref. TL 915 237, the variation of parking restrictions to add Station Road (northeastern side) to add the length of road described in column (2) of this row as a limited waiting parking place during the period Monday to Saturday between 8.00am and 6.00pm, with a maximum period of waiting of 1 hour and no return period of 1 hour.
Marks Tey CP	The A120 (both sides) from to the from point	Colchester Borough (Speed Limits in	In Schedule 2, in the entry relating to the

	D.081, the Old Rectory junction to point D.082, the Prince of Wales roundabout, a distance of 399 metres.	Villages) Order 2001	A120 Marks Tey, the deletion of the length of road described in column (2) of this row.
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PART 13

FOOTPATHS, CYCLE TRACKS, FOOTWAYS AND BRIDLEWAYS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of Footpath/Cycle track/Footway/Bridleway</i>
Streets, rights of way and access plans – Sheet No. 2	
Boreham CP	A cycle track comprised in a highway from point 2/1 to 2/3 for a distance of 224 metres.
Boreham CP	A cycle track comprised in a highway from point 2/2 to 2/10 for a distance of 36 metres
Boreham CP	A cycle track comprised in a highway from point 2/4 to 2/5 for a distance of 136 metres.
Boreham CP	A cycle track comprised in a highway from point 2/6 to 2/13 for a distance of 99 metres.
Boreham CP	A footway from point 2/7 to 2/8 for a distance of 225.
Boreham CP	A footway from point 2/9 to 2/10 for a distance of 15 metres.
Boreham CP	A bridleway from point 2/11 to 2/12 for a distance of 578metres.
Boreham CP	A cycle track comprised in a highway from point 2/14 to 2/15 for a distance of 130 metres.
Boreham CP	A cycle track comprised in a highway from point 2/16 to 2/17 for a distance of 39 metres.
Boreham CP	A cycle track comprised in a highway from point 2/18 to 2/19 for a distance of 63 metres.
Boreham CP	A footway from point 2/20 to 2/21 for a distance of 15 metres.
Boreham CP	A cycle track comprised in a highway from point 2/22 to 2/23 for a distance of 44 metres.
Boreham CP	A cycle track comprised in a highway from point 2/24 to 2/25 for a distance of 6 metres.
Boreham CP	A cycle track comprised in a highway from point 2/26 to 2/27 for a distance of 31 metres.
Boreham CP	A cycle track comprised in a highway from point 2/28 to 2/29 for a distance of 14 metres.
Boreham CP	A cycle track comprised in a highway from point 2/30 to 2/31 for a distance of 17 metres.
Streets, rights of way and access plans – Sheet No. 4	
Hatfield Peverel CP	A cycle track comprised in a highway from point 4/1 to 5/1 (sheet 5) for a distance of 365 metres.
Streets, rights of way and access plans – Sheet No. 5	
Hatfield Peverel CP	A cycle track comprised in a highway from point 5/2 to 5/4 for a distance of 85 metres.
Hatfield Peverel CP	A footway from point 5/3 to 5/5 for a distance of 10 metres.
Hatfield Peverel CP	A footway from point 5/6 to 5/10 for a distance of 5 metres.
Hatfield Peverel CP	A footway from point 5/7 to 5/11 for a distance of 4 metres
Hatfield Peverel CP	A footway from point 5/8 to 5/12 for a distance of 72 metres.

Hatfield Peverel CP	A cycle track comprised in a highway from point 5/9 to 6/5 (sheet 6) for a distance of 192 metres (except between point 10/1 and point 10/6 where it constitutes a highway).
Hatfield Peverel CP	A footway from point 5/13 to 5/14 for a distance of 7 metres.
Hatfield Peverel CP	A footway from point 5/15 to 5/16 for a distance of 79 metres.
Streets, rights of way and access plans – Sheet No. 6	
Hatfield Peverel CP	A cycle track comprised in a highway from point 6/1 to 6/16 for a distance of 25 metres.
Hatfield Peverel CP	A footpath from point 6/2 to 6/3 for a distance of 66 metres.
Hatfield Peverel CP	A cycle track comprised in a highway from point 6/4 to 6/20 for a distance of 1,058 metres (except between point 6/4 and point 6/35 where it constitutes a highway).
Hatfield Peverel CP	A footway from point 6/6 to 6/7 for a distance of 449 metres.
Hatfield Peverel CP	A footway from point 6/8 to 6/9 for a distance of 33 metres.
Hatfield Peverel CP	A footway from point 6/10 to 6/11 for a distance of 124 metres.
Hatfield Peverel CP	A footway from point 6/12 to 6/13 for a distance of 52 metres.
Hatfield Peverel CP	A footway from point 6/14 to 6/15 for a distance of 40 metres.
Hatfield Peverel CP	A cycle track comprised in a highway from point 6/17 to 6/36 for a distance of 39 metres.
Witham CP	A cycle track comprised in a highway from point 6/18 to 6/19 for a distance of 54 metres.
Hatfield Peverel CP	A cycle track comprised in a highway from point 6/21 to 6/31 for a distance of 216 metres.
Hatfield Peverel CP	A cycle track comprised in a highway from point 6/22 to 6/23 for a distance of 228 metres.
Hatfield Peverel CP	A cycle track comprised in a highway from point 6/24 to 6/25 for a distance of 142 metres.
Hatfield Peverel CP	A cycle track comprised in a highway from point 6/26 to 6/27 for a distance of 771 metres (except between point 6/6 and point 6/7 where it constitutes a highway).
Hatfield Peverel CP	A footway from point 6/28 to 6/29 for a distance of 9 metres.
Hatfield Peverel CP; Witham CP	A footpath from point 6/30 to 7/1 (sheet 7) for a distance of 125 metres.
Hatfield Peverel CP	A footway from point 6/32 to 6/33 for a distance of 5 metres.
Hatfield Peverel CP	A footway from point 6/34 to 6/35 for a distance of 164 metres.
Streets, rights of way and access plans – Sheet No. 8	
Witham CP	A footpath from point 8/1 to 8/4 for a distance of 579 metres.
Witham CP	A footpath from point 8/2 to 8/3 for a distance of 158 metres.
Witham CP	A footpath from point 8/5 to 9/1 (sheet 10) for a distance of 1107 metres.
Streets, rights of way and access plans – Sheet No. 10	
Witham CP, Rivenhall CP	A cycle track comprised in a highway from point 10/1 to 10/2 for a distance of 818 metres (except between point 10/1 and point 10/6 where it constitutes a highway).
Rivenhall CP	A cycle track comprised in a highway from point 10/3 to 10/4 for a distance of 141 metres
Rivenhall CP	A cycle track comprised in a highway from point 10/5 to 10/8 for a distance of 28 metres.
Rivenhall CP	A cycle track comprised in a highway from point 10/6 to 10/7 for a distance of 15 metres.
Rivenhall CP	A cycle track comprised in a highway from point 10/9 to 10/10 for a distance of 727 metres (except between point 10/15 and point 10/16 where it constitutes a highway).

Rivenhall CP	A footway from point 10/11 to 10/12 for a distance of 199 metres.
Rivenhall CP	A footway from point 10/13 to 10/14 for a distance of 19 metres.
Rivenhall CP	A footway from point 10/15 to 10/16 for a distance of 262 metres.
Rivenhall CP	A cycle track comprised in a highway from point 10/17 to 10/24 for a distance of 103 metres.
Rivenhall CP	A footway from point 10/18 to 10/19 for a distance of 5 metres.
Rivenhall CP	A footway from point 10/20 to 10/21 for a distance of 130 metres.
Rivenhall CP	A cycle track comprised in a highway from point 10/22 to 10/23 for a distance of 17 metres.
Rivenhall CP	A cycle track comprised in a highway from point 10/25 to 10/26 for a distance of 6 metres.
Rivenhall CP	A cycle track constituting a highway from point 10/28 to 10/29 for a distance of 11 metres.
Rivenhall CP	A footway from point 10/30 to 10/31 for a distance of 8 metres.
Streets, rights of way and access plans – Sheet No. 11	
Rivenhall CP	A cycle track comprised in a highway from point 11/1 to 11/9 for a distance of 141 metres.
Rivenhall CP	A cycle track comprised in a highway from point 11/2 to 11/29 for a distance of 137 metres.
Rivenhall CP	A cycle track comprised in a highway from point 11/3 to 11/4 for a distance of 27 metres.
Rivenhall CP	A cycle track comprised in a highway from point 11/5 to 11/6 for a distance of 40 metres.
Rivenhall CP	A cycle track comprised in a highway from point 11/7 to 11/8 for a distance of 44 metres.
Rivenhall CP	A footway from point 11/7 to 11/30 for a distance of 52 metres.
Rivenhall CP	A cycle track comprised in a highway from point 11/10 to 11/11 for a distance of 155 metres, as shown on sheet 11 of the streets, rights of way and access plans.
Rivenhall CP	A footway from point 11/10 to 11/31 for a distance of 162 metres.
Rivenhall CP	A cycle track comprised in a highway from point 11/12 to 11/25 for a distance of 57 metres.
Rivenhall CP	A footway from point 11/13 to 11/32 for a distance of 84 metres.
Rivenhall CP	A footway from point 11/14 to 11/26 for a distance of 138 metres.
Rivenhall CP	A footway from point 11/15 to 11/27 for a distance of 91 metres.
Rivenhall CP	A cycle track comprised in a highway from point 11/15 to 11/18 for a distance of 329 metres.
Rivenhall CP	A cycle track comprised in a highway from point 11/16 to 11/17 for a distance of 8 metres.
Rivenhall CP	A footway from point 11/18 to 11/19 for a distance of 58 metres.
Rivenhall CP	A cycle track comprised in a highway from point 11/20 to 11/33 for a distance of 108 metres.
Rivenhall CP	A footpath from point 11/21 to 11/22 for a distance of 92 metres.
Rivenhall CP; Kelvedon CP	A footpath from point 11/23 to 12/1 (sheet 12) for a distance of 563 metres.
Rivenhall CP	A cycle track comprised in a highway from point 11/24 to 11/28 for a distance of 77 metres.
Rivenhall CP	A cycle track comprised in a highway from point 11/34, 158 metres west of point k/c to 12/25, to 12/25 for a distance of 533 metres.
Streets, rights of way and access plans – Sheet No. 12	
Kelvedon CP	A footway from point 12/1 to 12/2 for a distance of 17 metres.
Kelvedon CP	A footway from point 12/3 to 12/4 for a distance of 49 metres.
Kelvedon CP	A footpath from point 12/5 to 12/6 for a distance of 31 metres.

Kelvedon CP	A cycle track comprised in a highway from point 12/5 to 12/7 for a distance of 52 metres.
Kelvedon CP	A footway from point 12/8 to 12/9 for a distance of 104 metres.
Kelvedon CP	A cycle track comprised in a highway from point 12/9 to 12/10 for a distance of 38 metres.
Kelvedon CP	A cycle track constituting a highway from point 12/10 to 12/11 for a distance of 453 metres.
Kelvedon CP	A footway from point 12/10 to 12/16 for a distance of 567 metres.
Kelvedon CP	A footway from point 12/11 to 12/15 for a distance of 153 metres.
Kelvedon CP	A cycle track comprised in a highway from point 12/12 to 12/19 for a distance of 135 metres.
Kelvedon CP	A cycle track comprised in a highway from point 12/13 to 12/23 for a distance of 740 metres.
Kelvedon CP	A cycle track comprised in a highway from point 12/14 to 12/24 for a distance of 67 metres.
Kelvedon CP	A footway from point 12/17 to 12/18 for a distance of 53 metres.
Kelvedon CP	A cycle track comprised in a highway from point 12/18 to 12/21 for a distance of 58 metres.
Kelvedon CP	A footway from point 12/20 to 12/22 for a distance of 96 metres.
Kelvedon CP	A footpath from point 12/22 to 13/1 (sheet 13) for a distance of 437 metres.
Streets, rights of way and access plans – Sheet No. 13	
Great Braxted CP	A cycle track comprised in a highway from point 13/2 to 13/4 for a distance of 150 metres.
Great Braxted CP; Kelvedon CP	A cycle track comprised in a highway from point 13/3 to 13/5 for a distance of 324 metres .
Great Braxted CP; Kelvedon CP	A cycle track comprised in a highway from point 13/6 to 13/7 for a distance of 324 metres.
Kelvedon CP	A footpath from point 13/8 to 13/9 for a distance of 226 metres.
Kelvedon CP	A footpath from point 13/10 to 14/1 (sheet 14) for a distance of 689 metres.
Kelvedon CP	A footpath from point 13/11 to 14/13 (sheet 14) for a distance of 109 metres.
Kelvedon CP	A cycle track comprised in a highway from point 13/12 to 13/13 for a distance of 101 metres.
Streets, rights of way and access plans – Sheet No. 14	
Kelvedon CP	A footpath from point 14/2 to 14/3 for a distance of 333 metres.
Kelvedon CP	A footpath from point 14/4 to 14/5 for a distance of 477 metres.
Messing-Cum-Inworth CP	A cycle track constituting a highway from point 14/6 to 14/7 for a distance of 69 metres.
Messing-Cum-Inworth CP	A cycle track constituting a highway from point 14/8 to 14/9 for a distance of 71 metres.
Messing-Cum-Inworth CP	A cycle track constituting a highway from point 14/10 to 14/11 for a distance of 25 metres.
Messing-cum-Inworth CP Feering CP	A footpath from point 14/12 to 21/1 (sheet 21) for a distance of 771 metres.
Streets, rights of way and access plans – Sheet No. 15	
Feering CP	A footpath from point 15/1 to 15/2 for a distance of 429 metres.
Feering CP	A footway from point 15/3 to 15/4 for a distance of 14 metres.
Feering CP	A cycle track comprised in a highway from point 15/5 to 15/16 for a distance of 825 metres (except between point 15/15 and point 15/16 where it constitutes a highway).

Feering CP	A footway from point 15/6 to 15/8 for a distance of 92 metres.
Feering CP	A cycle track comprised in a highway from point 15/7 to 15/21 for a distance of 100 metres.
Feering CP	A cycle track comprised in a highway from point 15/9 to 15/22 for a distance of 7 metres.
Feering CP	A footway from point 15/10 to 15/15 for a distance of 220 metres.
Feering CP	A footway from point 15/11 to 15/12 for a distance of 89 metres.
Feering CP	A footway from point 15/13 to 15/31 for a distance of 15 metres.
Feering CP	A cycle track comprised in a highway from point 15/14 to 15/31 for a distance of 183 metres.
Feering CP	A cycle track comprised in a highway from point 15/17 to 15/30 for a distance of 37 metres.
Feering CP	A footway from point 15/18 to 15/30 for a distance of 121 metres.
Feering CP	A cycle track comprised in a highway from point 15/19 to 15/20 for a distance of 64 metres.
Feering CP	A cycle track comprised in a highway from point 15/23 to 15/24 for a distance of 387 metres.
Feering CP	A footpath from point 15/25 to 15/28 for a distance of 139 metres.
Feering CP	A footpath from point 15/26 to 15/27 for a distance of 69 metres.
Feering CP; Copford CP	A footpath from point 15/29 to 16/2 (sheet 16) for a distance of 1,646 metres.
Feering CP	A footpath from point 15/32 to 15/33 for a distance of 204 metres.
Feering CP	A cycle track comprised in a highway from point 15/34 to 15/35 for a distance of 37 metres.
Streets, rights of way and access plans – Sheet No. 16	
Copford CP	A footway from point 16/1 to 16/14 for a distance of 39 metres.
Copford CP	A footway from point 16/3 to 16/9 for a distance of 126 metres.
Copford CP; Feering CP	A footway from point 16/4 to 16/10 for a distance of 387 metres.
Feering CP; Copford CP	A cycle track comprised in a highway from point 16/5 to 16/6 for a distance of 105 metres.
Feering CP; Copford CP	A cycle track comprised in a highway from point 16/7 to 16/8 for a distance of 203 metres.
Feering CP	A footway from point 16/11 to 16/12 for a distance of 2 metres.
Streets, rights of way and access plans – Sheet No. 17	
Copford CP; Marks Tey CP	A footway from point 17/1 to 18/1 (sheet 18) for a distance of 617 metres.
Copford CP; Marks Tey CP	A footway from point 17/2 to 17/3 for a distance of 97 metres.
Marks Tey CP	A cycle track comprised in a highway from point 17/4 to 17/5 for a distance of 202 metres.
Marks Tey CP	A cycle track comprised in a highway from point 17/6 to 17/7 for a distance of 126 metres.
Marks Tey CP	A footway from point 17/8 to 17/9 for a distance of 5 metres.
Marks Tey CP	A footway from point 17/10 to 17/11 for a distance of 114 metres.
Copford CP; Marks Tey CP	A footway from point 17/12 to 17/13 for a distance of 204 metres.
Streets, rights of way and access plans – Sheet No. 18	
Marks Tey CP	A footpath from point 18/2 to 18/8 for a distance of 16 metres.
Marks Tey CP; Copford CP	A cycle track constituting a highway from point 18/3 to 18/13 for a distance of 1,270 metres.
Marks Tey CP	A cycle track comprised in a highway from point 18/4 to 19/8 (sheet 19) for a distance of 430 metres.

Marks Tey CP	A cycle track comprised in a highway from point 18/5 to 19/7 (sheet 19) for a distance of 75 metres.
Marks Tey CP	A cycle track comprised in a highway from point 18/6 to 18/15 for a distance of 54 metres.
Marks Tey CP	A footpath from point 18/7 to 18/9 for a distance of 424 metres.
Marks Tey CP	A cycle track comprised in a highway from point 18/10 to 18/11 for a distance of 15 metres.
Marks Tey CP	A footway from point 18/12 to 18/17 for a distance of 135 metres.
Marks Tey CP	A footway from point 18/14 to 18/19 for a distance of 6 metres.
Marks Tey CP	A cycle track constituting a highway from point 18/16 to 18/33 for a distance of 93 metres.
Marks Tey CP	A cycle track comprised in a highway from point 18/18 to 18/21 for a distance of 34 metres.
Marks Tey CP	A footway from point 18/20 to 18/32 for a distance of 66 metres.
Marks Tey CP	A footway from point 18/22 to 18/23 for a distance of 5 metres.
Marks Tey CP	A footway from point 18/24 to 18/25 for a distance of 58 metres.
Marks Tey CP	A cycle track comprised in a highway from point 18/26 to 18/27 for a distance of 22 metres.
Marks Tey CP	A footway from point 18/28 to 18/29 for a distance of 51 metres.
Marks Tey CP	A footway from point 18/30 to 18/31 for a distance of 57 metres.
Marks Tey CP	A cycle track comprised in a highway from point 18/34 to 18/35 for a distance of 179 metres.
Marks Tey CP	A cycle track comprised in a highway from point 18/36 to 18/37 for a distance of 33 metres.
Marks Tey CP	A footway from point 18/38 to 18/39 for a distance of 56 metres.
Streets, rights of way and access plans – Sheet No. 19	
Marks Tey CP	A cycle track comprised in a highway from point 19/1 to 19/2 for a distance of 22 metres.
Marks Tey CP	A footway from point 19/3 to 19/9 for a distance of 126 metres.
Marks Tey CP	A cycle track comprised in a highway from point 19/4 to 19/9 for a distance of 79 metres.
Marks Tey CP	A cycle track comprised in a highway from point 19/5 to 19/6 for a distance of 10 metres.
Streets, rights of way and access plans – Sheet No. 20	
Messing-cum-Inworth CP	A footway from point 20/1 to 20/2 for a distance of 97 metres.
Messing-cum-Inworth CP	A footway from point 20/3 to 20/4 for a distance of 41 metres.

PART 14

ROADS TO BE DE-TRUNKED

<i>(1)</i> <i>Area Parish</i>	<i>(2)</i> <i>Length of road</i>
De-trunking and stopping up plans – Sheet No. 10	
Rivenhall CP	Existing A12 between point 10/1 and point 11/1 (sheet 11), a distance of 265 metres.
De-trunking and stopping up plans – Sheet No. 11	
Rivenhall CP	Existing A12 between point 11/2 and 11/3, a distance of 367 metres.
De-trunking and stopping up plans – Sheet No. 15	

Feering CP	Existing A12 between point 15/1 and point 16/1 (sheet 16) a distance of 1,576 metres.
De-trunking and stopping up plans – Sheet No. 16	
Copford CP, Marks Tey CP	Existing A12 between point 16/2 and point 17/1 (sheet 17), a distance of 1,154 metres.
De-trunking and stopping up plans – Sheet No. 17	
Marks Tey CP	Existing A12 between point 17/2 and point 18/1 (sheet 18) a distance of 925 metres.
De-trunking and stopping up plans – Sheet No. 18	
Marks Tey CP	Existing A12 between point 18/2 and point 18/3, a distance of 375 metres.

SCHEDULE 4

Article 19

PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS & PROVISION OF NEW HIGHWAYS AND PRIVATE MEANS OF ACCESS

In relating this Schedule to the streets, rights of way and access plans, the provisions described in this Schedule are shown on the rights of way and access plans in the following manner—

- (c) Existing highways are to be stopped up, as described in column (2) of Part 1 and Part 2 of this Schedule, are shown:
- (i) in respect of carriageway highways by thick black diagonal hatching on the de-trunking and stopping up plans (as shown in the key on those plans) over the extent of the area to be stopped up; and
 - (ii) in respect of public rights of way by a black dashed line on the streets, rights of way and access plans, with the letter “X” in the intervals (as shown in the key on those plans),
- which are described in column (3) of Part 1 and Part 2 of this Schedule.
- (d) New highways which are to be substituted for a highway to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 2 and column (2) of Part 3 of this Schedule, are shown by red cross-hatching (for motorways and trunk roads), blue cross-hatching (for other classified roads and highways) and solid blue shading (for footpaths, footways and cycle tracks) (as shown in the key on the streets, rights of way and access plans) and are given a reference label (a capital letter in a circle) and will be a road unless the word ‘footpath’, ‘bridleway’, ‘footway’ or ‘cycle track’ appears beneath its reference letter in column (4) of Part 2 or column (2) of Part 3 of this Schedule.
- (e) Private means of access to be stopped up, as described in column (2) of Parts 4 and 6 of this Schedule, are shown by solid black shading (as shown in the key on the streets, rights of way and access plans) over the extent of stopping up described in column (3) of Parts 4 and 6 of this Schedule, and are given a reference label (a lower case letter in a circle).
- (f) New private means of access to be submitted for a private means of access to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 4 and column (2) of Part 5 of this Schedule, are shown by black line hatching (as shown in the key on the streets, rights of way and access plans) and are given a reference label (a number in a circle).

PART 1

HIGHWAYS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
De-trunking and stopping up plan – Sheet No. 6		
Hatfield Peverel CP	Existing A12 southbound on-slip road.	Reference F/d (sheets 6 and 7) Existing A12 southbound on-slip road, for a distance of 134 metres to sheet 7.
De-trunking and stopping up plan – Sheet No. 7		
Hatfield Peverel CP	A12 northbound on-slip road.	Reference G/a Existing A12 northbound on-slip road, for a distance of 78 metres.
De-trunking and stopping up plan – Sheet No. 12		
Kelvedon CP	A12 junction 23 northbound off-slip road.	Reference L/b Existing A12 northbound off-slip road, for a distance of 367 metres.
Kelvedon CP	A12 junction 23 southbound on-slip road.	Reference L/e Existing A12 southbound on-slip road, for a distance of 143 metres.
Kelvedon CP	A12 junction 23 southbound on-slip road.	Reference L/g Existing A12 southbound on-slip road, for a distance of 210 metres.
Streets, rights of way and access plans – Sheet No. 13		
Great Braxted CP	Footpath No. 246_2.	From point m/b to point m/c, a distance of 32 metres.
De-trunking and stopping up plan – Sheet No. 18		
Marks Tey CP	London Road	Reference R/e Existing London Road, for a distance of 63 metres.
Marks Tey CP	Hall Chase Road	Reference R/f For a distance of 77 metres.
Streets, rights of way and access plans – Sheet No. 18		
Marks Tey CP	Footpath No. 144_18.	From point r/c to r/d for a distance of 150 metres.

PART 2

HIGHWAYS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New highway to be substituted/provided</i>
Sheet No. 2	De-trunking and stopping up plans		Streets, rights of way and access plans
Boreham CP	Generals Lane	Reference B/a For a distance of 201 metres, as shown on sheet 2 of the de-	Reference B/10 The realigned Beaulieu Park Radial Distributor Road from

		trunking and stopping up plans.	the north eastern side of the Generals Lane Roundabout, tying into Beaulieu Park radial distributor road, for a distance of 225 metres.
Boreham CP	Existing J19 Southbound on-slip road	Reference B/i For a distance of 128 metres.	Reference B/1 (sheets 1 and 2) The junction 19 southbound on-slip road, from the Generals Farm Roundabout, in a southerly direction for a distance of 474 metres.
Streets, rights of way and access plans – Sheet No. 2			
Boreham CP	Bridleway 213_45	From point b/a to point b/b, a distance of 17 metres.	578 metres of bridleway from point 2/11 to 2/12.
Boreham CP	Bridleway 213_23	From point b/c to point b/d, a distance of 40 metres.	578 metres of bridleway from point 2/11 to 2/12.
Sheet No. 4	De-trunking and stopping up plans		Streets, rights of way and access plans
Hatfield Peverel CP	A12 southbound on-slip road (Junction 20a)	Reference D/a For a distance of 281 metres.	Reference F/5 (sheet 5) The new junction 21 southbound on-slip road, from the junction 21 southern roundabout, in a southerly direction for a distance of 410 metres.
Sheet No. 5	De-trunking and stopping up plans		Streets, rights of way and access plans
Hatfield Peverel CP	A12 northbound off-slip road (Junction 20A)	Reference E/a For a distance of 314 metres.	Reference F/4 The new junction 21 northbound off-slip road, from the diverge from the realigned A12 (northbound) to the point where it meets the junction 21 northern roundabout, a distance of 370 metres.
Hatfield Peverel CP	Bury Lane	Reference E/b For a distance of 135 metres (excluding the A12 mainline running under the overbridge).	Reference E/2 The Bury Lane overbridge replacement, in the same location, a distance of 87 metres.
Hatfield Peverel CP	Station Road	Reference E/c	Reference E/3

		For a distance of 106 metres (excluding the A12 mainline running under the overbridge).	The Station Road overbridge replacement, in the same location, a distance of 106 metres.
Hatfield Peverel CP	Vineyards slip road and Wellington Overbridge	Reference E/d For a distance of 178 metres (excluding the A12 mainline running under the Wellington Road overbridge).	Reference E/4 The new Hatfield Peverel Link Road, including the Wellington Road Overbridge Replacement, from the B1137 and Maldon Road junction, crossing the new A12 mainline and extending east to join the new J12 northern roundabout, a distance of 895 metres.
Sheet No. 6	De-trunking and stopping up plans		Streets, rights of way and access plans
Hatfield Peverel CP	A12 Hatfield Road (B1389) northbound off-slip road	Reference F/b For a distance of 135 metres.	Reference F/2 The new junction 21 southbound off-slip road, from the diverge from the realigned A12 (southbound) to the point where it meets the junction 21 southern roundabout, a distance of 56 metres.
Hatfield Peverel CP	A12 Hatfield Road (B1389) northbound off-slip road	Reference F/c For a distance of 60 metres.	Reference F/2 The new junction 21 southbound off-slip road, from the diverge from the realigned A12 (southbound) to the point where it meets the junction 21 southern roundabout, a distance of 56 metres.
Hatfield Peverel CP	A12 Southbound on-slip road	Reference F/e For a distance of 29 metres (excluding mainline running over underbridge).	Reference F/5 (sheet 5) The new junction 21 southbound on-slip road, from the junction 21 southern roundabout, in a southerly direction for a distance of 410 metres.

Hatfield Peverel CP	A12 southbound off-slip road (Junction 20B)	Reference F/f For a distance of 325 metres.	Reference F/2 The new junction 21 southbound off-slip road, from the diverge from the realigned A12 (southbound) to the point where it meets the junction 21 southern roundabout, a distance of 56 metres.
Streets, rights of way and access plans – Sheet No. 6			
Hatfield Peverel CP	Footpath 90_02	From point f/a to point f/b, a distance of 19 metres.	66 metres of footpath from point 6/2 to 6/3.
Hatfield Peverel CP	Footpath 90_40	From point f/c to point f/d, a distance of 32 metres.	1,058 metres of cycle track comprised in a highway from point 6/4 to 6/20 (except between point 6/4 and point 6/35 where it constitutes a highway).
Hatfield Peverel CP; Witham CP	Footpath 90_29	From point f/e (inset B) to point g/a (sheet 7), a distance of 125 metres.	125 metres of footpath from point 6/30 to 7/1 (sheet 7).
Sheet No. 7	De-trunking and stopping up plans		Streets, rights of way and access plans
Witham CP	Howbridge Hall Road	Reference G/b For a distance of 23 metres.	Reference G/1 The new Howbridge Hall Road, from a point 357 metres north of the start of the existing Howbridge Hall Road in a westerly direction, for a distance of 39 metres.
Streets, rights of way and access plans – Sheet No. 8			
Witham CP	Footpath 121_95	From point h/c to point h/d, a distance of 112 metres.	579 metres of footpath from point 8/1 to 8/4.
Witham CP	Footpath 121_101	From point h/a to point h/b, a distance of 165 metres.	158 metres of footpath from point 8/2 to 8/3.
Streets, rights of way and access plans – Sheet No. 9			
Witham CP	Footpath 121_103	From point i/a to point i/b, a distance of 74 metres.	(a) 1107 metres of footpath from point 8/5 (sheet 8) to 9/1; and (b) 818 metres of cycle track comprised in a highway from point 10/1 (sheet 10)

			to 10/2 (sheet 10) (except between point 10/1 and point 10/6 where it constitutes a highway).
Sheet No. 10	De-trunking and stopping up plans		Streets, rights of way and access plans
Rivenhall CP	Junction 22 northbound off-slip road	Reference J/a For a distance of 82 metres.	Reference J/5 The new junction 22 northbound off-slip road, from the A12 mainline northbound diverge, in an easterly direction to the new junction 22 northern roundabout, a distance of 492 metres.
Rivenhall CP	Junction 22 northbound on-slip road	Reference J/b For a distance of 259 metres.	Reference J/11 The new junction 22 northbound on-slip road, from the junction 22 northern roundabout, in an easterly direction to merge with the new A12 northbound carriageway, a distance of 444 metres.
Rivenhall CP	A12 northbound	Reference J/c For a distance of 1,040 metres (excluding the Colemans Bridge overbridge running over the A12 mainline).	Reference J/4 The new road between the Eastways junction and the junction 22 northern roundabout, a distance of 508 metres.
Rivenhall CP	A12 northbound (reference J/3); existing A12 southbound (reference J/4)	Reference J/d For a distance of 960 metres (excluding the Colemans Bridge overbridge running over the A12 mainline).	Reference J/4 The new road between the Eastways junction and the junction 22 northern roundabout, a distance of 508 metres.
Rivenhall CP	Junction 22 southbound on-slip road	Reference J/e For a distance of 90 metres.	Reference J/6 The new junction 22 southbound on-slip road, from the new junction 22 southern roundabout, in a westerly direction to its merge with the new A12 mainline southbound

			carriageway, a distance of 466 metres.
Rivenhall CP	Junction 22 southbound off-slip road	Reference J/f For a distance of 266 metres.	Reference J/12 The new junction 22 southbound off-slip road, from the A12 mainline southbound diverge, in a westerly direction to the new junction 22 southern roundabout, a distance of 544 metres.
Rivenhall CP	Little Braxted Lane	Reference J/g For a distance of 269 metres.	Reference J/3 The realigned Little Braxted Lane, including access to Colemans Quarry, from the new junction 22 southern roundabout, in a westerly direction for a distance of 544 metres.
Rivenhall CP	Coleman's Bridge	Reference J/h For a distance of 200 metres (excluding the A12 mainline running under Coleman's bridge).	Reference J/8 The new Little Braxted Lane overbridge, connecting the junction 22 northern roundabout and the junction 22 southern roundabout, a distance of 103 metres.
Sheet No. 11	De-trunking and stopping up plans		Streets, rights of way and access plans
Rivenhall CP	A12 northbound	Reference K/a For a distance of 372 metres.	Reference K/4 The existing A12 from the Rivenhall End west roundabout, in a westerly direction, for a distance of 117 metres.
Rivenhall CP	A12 southbound	Reference K/b For a distance of 366 metres.	Reference K/4 The existing A12 from the Rivenhall End west roundabout, in a westerly direction, for a distance of 117 metres.
Rivenhall CP	Oak Road South	Reference K/c For a distance of 48	Reference K/9 The northern

		metres.	realigned Henry Dixon Road, from the realigned Braxted Road, 109 metres south of the new Rivenhall End west roundabout, in an easterly direction, for a distance of 252 metres.
Rivenhall CP	Henry Dixon Road	Reference K/d For a distance of 232 metres.	Reference K/6 The realigned Braxted Road, from the Rivenhall End west roundabout, in a southerly direction for a distance of 519 metres.
Rivenhall CP	Braxted Road	Reference K/e For a distance of 147 metres.	Reference K/10 The southern realigned Henry Dixon Road, from the realigned Braxted Road, 447 metres south of the new Rivenhall End west roundabout, in a northerly direction, for a distance of 81 metres.
Rivenhall CP; Kelvedon CP	A12 northbound	Reference K/f (sheets 11 and 12) For a distance of 1,298 metres.	Reference K/1 (sheets 11 and 12) The new B1024 Link Road, from the new Rivenhall End east roundabout, in an easterly direction to the B1024 Junction with Essex Fire and Rescue access, a distance of 1,297 metres.
Rivenhall CP; Kelvedon CP	A12 southbound	Reference K/g (sheets 11 and 12) For a distance of 1,295 metres.	Reference K/1 (sheets 11 and 12) The new B1024 Link Road, from the new Rivenhall End east roundabout, in an easterly direction to the B1024 Junction with Essex Fire and Rescue access, a distance of 1,297 metres.
Streets, rights of way and access plans – Sheet No. 11			
Rivenhall CP;	Footpath 105_46	From point k/a to	563 metres of

Kelvedon CP		point k/b, a distance of 170 metres.	footpath from point 11/23 to 12/1 (sheet 12).
Rivenhall CP	Footpath 105_36	From point k/c to point k/d, a distance of 612 metres.	(a) 92 metres of footpath from point 11/21 to 11/22; and (b) 533 metres of cycle track comprised in a highway from point 11/34, 158 metres west of point k/c, to 12/25 (sheet 12).
Sheet No. 12	De-trunking and stopping up plans		Streets, rights of way and access plans
Kelvedon CP	Sniveller's Lane	Reference L/a For a distance of 157 metres.	Reference L/5 The realigned Sniveller's Lane, from the new B1024 link road, 570 metres east of the Rivenhall End east roundabout, in a northerly direction, for a distance of 52 metres.
Kelvedon CP	Essex Fire and Rescue Service access	Reference L/f For a distance of 27 metres.	Reference L/3 Essex Fire and Rescue Service access, from the B1024 link road in a southerly direction for a distance of 48 metres.
Kelvedon CP	Existing B1024 (London Road)	Reference L/d For a distance of 125 metres.	Reference L/2 The B1024 link road, from the B1024 Junction with Essex Fire and Rescue access, in an easterly direction for a distance of 141 metres
Kelvedon CP	Crane's Lane	Reference L/c For a distance of 19 metres.	Reference L/1 The realigned Cranes Lane access from the B1024 link road in a northerly direction, for a distance of 21 metres.
Streets, rights of way and access plans – Sheet No. 12			
Kelvedon CP	Footpath 92_30	From point l/a to point m/a (sheet 13), a distance of 435 metres.	437 metres of footpath from point 12/22 to 13/1 (sheet 13).
Sheet No. 13	De-trunking and stopping up plans		Streets, rights of way and access plans

Great Braxted CP; Kelvedon CP	Maldon Road and Highfields Overbridge	Reference M/a For a distance of 183 metres (excluding the A12 mainline running under the Highfields Overbridge).	Reference M/1 The Highfields overbridge replacement and the realigned Maldon Road, for a distance of 318 metres.
Great Braxted CP; Kelvedon CP	Highfields Lane	Reference M/b For a distance of 475 metres.	Reference M/2 The realigned Highfields Lane, at the southern end of the Highfields overbridge replacement, for a distance of 597 metres.
Streets, rights of way and access plans – Sheet No. 13			
Kelvedon CP	Footpath 92_26	From point m/d to point m/e, a distance of 186 metres as shown on sheet 13.	226 metres of footpath from point 13/8 to 13/9.
Kelvedon CP	Footpath 92_15	From point m/f (inset B) to point n/f (sheet 14), a distance of 109 metres.	109 metres of footpath from point 13/11 to 14/13 (sheet 14).
Sheet No. 14	De-trunking and stopping up plans		Streets, rights of way and access plans
Messing-Cum- Inworth CP	Kelvedon Road	Reference N/a For a distance of 215 metres.	Reference N/2 The realigned Kelvedon Road, starting at the eastern side of the Inworth roundabout, in an easterly direction for a distance of 90 metres.
Messing-Cum- Inworth CP	Existing Inworth Road	Reference N/b For a distance of 215 metres.	Reference N/11 The realigned south B1023 Kelvedon Road, from the Inworth Roundabout, in a southerly direction for a distance of 304 metres.
Hatfield Peverel CP; Witham CP; Rivenhall CP; Wickham Bishops CP; Great Braxted CP; Messing-Cum- Inworth CP; Feering CP; Marks Tey CP; Copford CP	A12 Northbound	Reference N/c For a distance of 1,355 metres.	Reference D/1 (sheets 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19) The new A12 mainline northbound carriageway, from at a point 36 metres east of Crix Bridge, in an easterly direction to a point 575 metres east

			of the Prince of Wales roundabout, a distance of 20,792 metres.
Hatfield Peverel CP; Witham CP; Rivenhall CP; Wickham Bishops CP; Great Braxted CP; Messing-Cum-Inworth CP; Feering CP; Marks Tey CP; Copford CP	A12 Southbound	Reference N/d For a distance of 1,262 metres.	Reference D/2 (sheets 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19) The new A12 mainline southbound carriageway, from a point 36 metres east of Crix Bridge, in an easterly direction to a point 1,141 metres east of the Prince of Wales roundabout, a distance of 29,103 metres.
Streets, rights of way and access plans – Sheet No. 14			
Kelvedon CP	Footpath 92_25	From point n/a to point n/b, a distance of 353 metres.	333 metres of footpath from point 14/2 to 14/3.
Kelvedon CP	Footpath 92_41	From point n/c to point n/d, a distance of 429 metres.	477 metres of footpath from point 14/4 to 14/5.
Kelvedon CP	Footpath 145_7	From point n/d to point n/e, a distance of 143 metres.	477 metres of footpath from point 14/4 to 14/5.
Sheet No. 15	De-trunking and stopping up plans		Streets, rights of way and access plans
Feering CP	Existing A12	Reference O/a For a distance of 35 metres.	Reference O/5 The realigned London Road, starting at the Feering East roundabout, in a westerly direction, for a distance of 354 metres.
Feering CP	Existing A12	Reference O/b For a distance of 505 metres.	Reference O/5 The realigned London Road, starting at the Feering East roundabout, in a westerly direction, for a distance of 354 metres.
Feering CP	New Lane	Reference O/c For a distance of 33 metres.	Reference O/3 The realigned New Lane, from the Feering East roundabout, in a northerly direction, for a distance of 46 metres.
Feering CP	London Road	Reference O/d	Reference O/3

		For a distance of 92 metres.	The realigned New Lane, from the Feering East roundabout, in a northerly direction, for a distance of 46 metres.
Messing-Cum-Inworth CP	London Road	Reference O/e For a distance of 500 metres (excluding the Nursery Bridge overbridge running over the mainline).	Reference N/10 (sheet 14) The junction 24 southbound off-slip road, from the southbound diverge, in a westerly direction to the new junction 24 southern roundabout, a distance of 403 metres.
Feering CP	London Road	Reference O/f For a distance of 500 metres, as shown on sheet 15 of the de-trunking and stopping up plans.	Reference O/3 The realigned New Lane, from the Feering East roundabout, in a northerly direction, for a distance of 46 metres, as shown on sheet 15 of the streets, rights of way and access plans.
Streets, rights of way and access plans – Sheet No. 15			
Feering CP	Footpath 78_18	From point o/a to point o/b, a distance of 408 metres.	(a) 435 metres of footpath from point 15/1 to 15/2; (b) 825 metres of cycle track comprised in a highway from point 15/5 to 15/16 (except between point 15/15 and point 15/16 where it constitutes a highway); and (c) 139 metres of footpath from point 15/25 to 15/28.
Feering CP; Copford CP	Footpath 78_15	From point o/c to point o/d, a distance of 194 metres.	1,646 metres of footpath from point 15/29 to 16/2 (sheet 16).
Sheet No. 16	De-trunking and stopping up plans		Streets, rights of way and access plans
Feering CP	A12 northbound	Reference P/a For a distance of 288 metres.	Reference P/2 The existing A12 from the realigned Easthorpe Road roundabout, in a westerly direction for

			a distance of 67 metres; Reference P/1 Easthorpe Road Roundabout, for a distance of 141 metres; and Reference P/4 The existing A12 from the realigned Easthorpe Road roundabout, in an easterly direction for a distance of 168 metres.
Feering CP	A12 southbound	Reference P/b For a distance of 288 metres.	Reference P/2 The existing A12 from the realigned Easthorpe Road roundabout, in a westerly direction for a distance of 67 metres; Reference P/1 Easthorpe Road Roundabout, for a distance of 141 metres; and Reference P/4 The existing A12 from the realigned Easthorpe Road roundabout, in an easterly direction for a distance of 168 metres.
Feering CP; Copford CP	Easthorpe Road	Reference P/c For a distance of 828 metres.	Reference P/3 The realigned Easthorpe Road, starting at the Easthorpe Road roundabout, in a southerly direction, for a distance of 537 metres.
Sheet No. 17	De-trunking and stopping up plans		Streets, rights of way and access plans
Copford CP; Marks Tey CP	Existing A12	Reference Q/a The existing A12 east of Wishingwell Farm, for a distance of 29 metres.	Reference Q/2 The existing A12 from the Wishingwell Farm roundabout, extending in a westerly direction for a distance of 119 metres; Reference Q/1

			The new Wishingwell Farm roundabout, for a distance of 135 metres; and Reference Q/5 The existing A12 from the Wishingwell Farm Roundabout, in an easterly direction, for a distance of 161 metres.
Copford CP; Marks Tey CP	Existing A12	Reference Q/b For a distance of 329 metres.	Reference Q/2 The existing A12 from the Wishingwell Farm roundabout, in a westerly direction for a distance of 119 metres; Reference Q/1 The new Wishingwell Farm roundabout, for a distance of 135 metres; Reference Q/5 The existing A12 from the Wishingwell Farm Roundabout, in an easterly direction, for a distance of 161 metres.
Copford CP; Marks Tey CP	Existing Easthorpe Green Farm Access	Reference Q/c For a distance of 107 metres.	Reference Q/2 The existing A12 from the Wishingwell Farm roundabout, in a westerly direction for a distance of 119 metres; Reference Q/1 The new Wishingwell Farm roundabout, for a distance of 135 metres; and Reference Q/5 The existing A12 from the Wishingwell Farm Roundabout, in an easterly direction, for a distance of 161 metres.
Sheet No. 18	De-trunking and stopping up plans		Streets, rights of way and access plans
Marks Tey CP	Existing A12	Reference R/a For a distance of 477 metres.	Reference R/4 The existing A12 from the new London Road roundabout in a westerly direction, for

			<p>a distance of 145 metres;</p> <p>Reference R/6 The London Road Roundabout for a distance of 160 metres;</p> <p>Reference R/8 New London Road, from the London Road roundabout, in an easterly direction to the Old Rectory Junction, a distance of 437 metres.</p>		
Marks Tey CP	Existing A12	Reference R/b For a distance of 228 metres.	Reference R/9 The realigned Old London Road, from 158 Old London Road, in an easterly direction for a distance of 295 metres.		
Marks Tey CP	Coggeshall Road	Reference R/c For a distance of 114 metres.	Reference R/1 The realigned A120 Coggeshall Road, from the Old Rectory Junction in a westerly direction, for a distance of 119 metres.		
Marks Tey CP	A12 Northbound off-slip road	Reference R/d For a distance of 173 metres.	Reference R/3 The new junction 25 northbound off-slip road, from the northbound diverge, in an easterly direction to the London Road roundabout, a distance of 376 metres.		
Marks Tey CP	Existing A12	Reference R/g For a distance of 342 metres.	Reference R/4 The existing A12 from the new London Road roundabout in a westerly direction, for a distance of 145 metres;	Reference R/6 The London Road Roundabout for a distance of 160 metres;	Reference R/8 New London Road,

			from the London Road roundabout, in an easterly direction to the Old Rectory Junction, a distance of 437 metres.
Marks Tey CP	London Road and Coggeshall Road roundabout	Reference R/h The whole of the roundabout, for a distance of 173 metres, as shown on sheet 17 of the de-trunking and stopping up plans.	Reference R/11 (sheets 18 and 19) Old Rectory Junction, linking the realigned Old London Road and the realigned A120 Coggeshall Road, for a distance of 41 metres.
Streets, rights of way and access plans – Sheet No. 15			
Marks Tey CP	Footpath 114_19	From point r/a to point r/b for a distance of 169 metres.	424 metres of footpath from point 18/7 to 18/9.
Sheet No. 19	De-trunking and stopping up plans		Streets, rights of way and access plans
Marks Tey CP	Station Road	Reference S/a For a distance of 65 metres.	Reference S/3 The realigned Station Road, from Old Rectory junction, in a northerly direction, for a distance of 57 metres.
Marks Tey CP	Existing A120	Reference S/b For a distance of 40 metres.	Reference S/4 The realigned A120 road, starting at Old Rectory junction, in a north easterly direction for a distance of 116 metres.
Marks Tey CP	Existing A120	Reference S/c For a distance of 40 metres.	Reference S/4 The realigned A120 road, starting at Old Rectory junction, in a north easterly direction for a distance of 116 metres.

PART 3

NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED

<i>(1)</i> Area	<i>(2)</i> New highway to be provided
Streets, rights of way and access plans – Sheet No. 1	
Springfield CP,	Reference A/1

Boreham CP	The northbound A12, south of junction 19, from a point 123 metres south of the northbound junction 19 diverge for a distance of 875 metres.
Streets, rights of way and access plans – Sheet No. 2	
Boreham CP	Reference B/1 (sheets 1 and 2) The junction 19 southbound on-slip road, from the Generals Farm roundabout, in a southerly direction for a distance of 474 metres.
Boreham CP	Reference B/2 Generals Farm roundabout, including the internal “hamburger” lanes, for a distance of 252 metres.
Boreham CP	Reference B/3 Boreham Bridge crossing the A12 mainline, linking the Generals Lane roundabout and Generals Farm roundabout, for a distance of 176 metres.
Boreham CP	Reference B/4 The realigned A138 road approach to the Generals Lane roundabout, for a distance of 74 metres.
Boreham CP	Reference B/5 The realigned A138, starting at the Generals Lane roundabout, in a south westerly direction for a distance of 126 metres.
Boreham CP	Reference B/6 A new left turn only lane, linking Boreham Bridge to the realigned A130, from a point 81 metres north west of the Generals Farm roundabout, for a distance of 82 metres.
Boreham CP	Reference B/7 Generals Lane roundabout, 65 metres north west of the existing junction 19 northern roundabout, for a distance of 192 metres.
Boreham CP	Reference B/8 A new merge-only lane, bypassing the Generals Lane roundabout, from a point 126 metres south west of the Generals Lane roundabout in a northerly direction to where it merges with the A12 northbound carriageway, for a distance of 924 metres.
Boreham CP	Reference B/9 A new merge-only lane, from the north side of Generals Lane to where it merges with the A12 northbound on-slip road, for a distance of 112 metres.
Boreham CP	Reference B/10 The realigned Beaulieu Park Radial Distributor Road from the north eastern side of the Generals Lane Roundabout, tying into Beaulieu Park radial distributor road, for a distance of 225 metres.
Boreham CP	Reference B/11 The upgraded A12 northbound carriageway, from a point 653 metres north east of the Generals Lane Roundabout, for a distance of 435 metres.
Boreham CP	Reference B/12 A new junction 19 northbound on-slip road for Beaulieu Park Radial Distributor Road traffic joining the A12 northbound carriageway, from the eastern side of the Generals Lane Roundabout for a distance of 273 metres.
Boreham CP	Reference B/13 The junction 19 southbound off-slip road, starting at the Generals Farm Roundabout, in a northerly direction for a distance of 363 metres.
Boreham CP	Reference B/14 The A12 southbound carriageway, starting 270 metres north of the

	Generals Farm Roundabout, in a northerly direction for a distance of 569 metres.
Boreham CP	Reference B/15 The realigned B1137 Main Road, from the eastern side of the Generals Farm roundabout in an easterly direction for distance of 236 metres.
Boreham CP	Reference B/16 A new left turn only lane from the realigned Beaulieu Park Radial Distributor Road to the new on-slip joining the A12 northbound carriageway and the widened Boreham Bridge, a distance of 245 metres.
Boreham CP	224 metres of cycle track comprised in a highway from point 2/1 to 2/3.
Boreham CP	36 metres of cycle track comprised in a highway from point 2/2 to 2/10.
Boreham CP	136 metres of cycle track comprised in a highway from point 2/4 to 2/5.
Boreham CP	99 metres of cycle track comprised in a highway from point 2/6 to 2/13.
Boreham CP	225 metres of footway from point 2/7 to 2/8
Boreham CP	15 metres of footway from point 2/9 to 2/10
Boreham CP	578 metres of bridleway from point 2/11 to 2/12 .
Boreham CP	130 metres of cycle track comprised in a highway from point 2/14 to 2/15.
Boreham CP	39 metres of cycle track comprised in a highway from point 2/16 to 2/17.
Boreham CP	63 metres of cycle track comprised in a highway from point 2/18 to 2/19.
Boreham CP	15 metres of footway from point 2/20 to 2/21.
Boreham CP	44 metres of cycle track comprised in a highway from point 2/22 to 2/23.
Boreham CP	6 metres of cycle track comprised in a highway from point 2/24 to 2/25.
Boreham CP	31 metres of cycle track comprised in a highway from point 2/26 to 2/27.
Boreham CP	14 metres of cycle track comprised in a highway from point 2/28 to 2/29.
Boreham CP	17 metres of cycle track comprised in a highway from point 2/30 to 2/31.
Streets, rights of way and access plans – Sheet No. 4	
Hatfield Peverel CP; Witham CP; Rivenhall CP; Wickham Bishops CP; Great Braxted CP; Messing-Cum-Inworth CP; Feering CP; Marks Tey CP; Copford CP	Reference D/1 (sheets 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19) The new A12 mainline northbound carriageway, from at a point 575 metres east of Crix Bridge, in an easterly direction to a point 575 metres east of the Prince of Wales roundabout, a distance of 20,792 metres.
Hatfield Peverel CP; Witham CP; Rivenhall CP; Wickham Bishops CP; Great Braxted CP; Messing-Cum-Inworth CP; Feering CP; Marks Tey CP; Copford CP	Reference D/2 The new A12 mainline southbound carriageway, from a point 36 metres east of Crix Bridge in an easterly direction to a point 1,141 metres east of the Prince of Wales roundabout, a distance of 29,103 metres.
Hatfield Peverel CP	365 metres of cycle track comprised in a highway from point 4/1 to 5/1 (sheet 5).

Streets, rights of way and access plans – Sheet No. 5	
Hatfield Peverel CP	Reference E/1 The realigned B1137 Main Road, from the River Ter Bridge, in a westerly direction for a distance of 365 metres.
Hatfield Peverel CP	Reference E/2 The Bury Lane overbridge replacement, in the same location, for a distance of 87 metres, as shown on sheet 5 of the streets, rights of way and access plans.
Hatfield Peverel CP	Reference E/3 The Station Road overbridge replacement, in the same location, for a distance of 106 metres.
Hatfield Peverel CP	Reference E4 The Hatfield Peverel Link Road, including the Wellington Road Overbridge Replacement, from the B1137 and Maldon Road junction, crossing the new A12 mainline and extending east to join the new J12 northern roundabout, a distance of 895 metres as shown on sheet 6 of the streets, rights of way and access plans.
Hatfield Peverel CP	10 metres of footway from point 5/3 to 5/5.
Hatfield Peverel CP	5 metres of footway from point 5/6 to 5/10.
Hatfield Peverel CP	4 metres of footway from point 5/7 to 5/11.
Hatfield Peverel CP	72 metres of footway from point 5/8 to 5/12.
Hatfield Peverel CP	85 metres of cycle track comprised in a highway from point 5/2 to 5/4 (except between point 10/1 and point 10/6 where it constitutes a highway).
Hatfield Peverel CP	192 metres of cycle track comprised in a highway from point 5/9 to 6/5 (sheet 6).
Hatfield Peverel CP	7 metres of footway from point 5/13 to 5/14.
Hatfield Peverel CP	79 metres of footway from point 5/15 to 5/16.
Streets, rights of way and access plans – Sheet No. 6	
Hatfield Peverel CP	Reference F/2 The junction 21 southbound off-slip road, from the diverge from the realigned A12 (southbound) to the point where it meets the junction 21 southern roundabout, a distance of 56 metres.
Hatfield Peverel CP	Reference F/3 The realigned Kennel access, from the new junction 21 southern roundabout, in an easterly direction for a distance of 646 metres.
Hatfield Peverel CP	Reference F/4 The junction 21 northbound off-slip road, from the diverge from the realigned A12 (northbound) to the point where it meets the junction 21 northern roundabout, a distance of 370 metres.
Hatfield Peverel CP	Reference F/5 The junction 21 southbound on-slip road, from the junction 21 southern roundabout, in a southerly direction for a distance of 410 metres.
Hatfield Peverel CP	Reference F/6 The junction 21 northern roundabout for a distance of 201 metres.
Hatfield Peverel CP	Reference F/7 The Hatfield Road overbridge for a distance of 97 metres.
Hatfield Peverel CP	Reference F/8 The junction 21 southern roundabout for a distance of 170 metres.
Hatfield Peverel CP	Reference F/9 The junction 21 northbound on-slip road, from the junction 21 northern roundabout in an easterly direction to the point where it merges with the realigned A12 (northbound), a distance of 435 metres.

Hatfield Peverel CP	Reference F/10 The realigned Witham Link Road, starting from the new junction 21 northern roundabout, in an easterly direction for a distance of 499 metres.
Hatfield Peverel CP	Reference F/11 The realigned B1137, from the south side of the Wellington Road overbridge replacement, in an easterly direction for a distance of 31 metres.
Hatfield Peverel CP	25 metres of cycle track comprised in a highway from point 6/1 to 6/16.
Hatfield Peverel CP	66 metres of footpath from point 6/2 to 6/3.
Hatfield Peverel CP	1,058 metres of cycle track comprised in a highway from point 6/4 to 6/20 (except between point 6/4 and point 6/35 where it constitutes a highway).
Hatfield Peverel CP	449 metres of footway from point 6/6 to 6/7.
Hatfield Peverel CP	33 metres of footway from point 6/8 to 6/9.
Hatfield Peverel CP	124 metres of footway from point 6/10 to 6/11.
Hatfield Peverel CP	52 metres of footway from point 6/12 to 6/13.
Hatfield Peverel CP	40 metres of footway from point 6/14 to 6/15.
Hatfield Peverel CP	39 metres of cycle track comprised in a highway from point 6/17 to 6/36.
Witham CP	54 metres of cycle track comprised in a highway from point 6/18 to 6/19.
Hatfield Peverel CP	216 metres of cycle track comprised in a highway from point 6/21 to 6/31.
Hatfield Peverel CP	228 metres of cycle track comprised in a highway from point 6/22 to 6/23.
Hatfield Peverel CP	142 metres of cycle track comprised in a highway from point 6/24 to 6/25.
Hatfield Peverel CP	771 metres of cycle track comprised in a highway from point 6/26 to 6/27 (except between point 6/6 and point 6/7 where it constitutes a highway).
Hatfield Peverel CP	9 metres of footway from point 6/28 to 6/29.
Hatfield Peverel CP; Witham CP	125 metres of footpath from point 6/30 to 7/1 (sheet 7).
Hatfield Peverel CP	5 metres of footway from point 6/32 to 6/33.
Hatfield Peverel CP	164 metres of footway from point 6/34 to 6/35.
Streets, rights of way and access plans – Sheet No. 7	
Witham CP	Reference G/1 The new Howbridge Hall Road, from a point 357 metres north of the start of the existing Howbridge Hall Road in a westerly direction, for a distance of 39 metres, as shown on sheet 7 of the streets, rights of way and access plans.
Streets, rights of way and access plans – Sheet No. 8	
Witham CP	579 metres of footpath from point 8/1 to 8/4
Witham CP	158 metres of footpath from point 8/2 to 8/3
Streets, rights of way and access plans – Sheet No. 9	
Rivenhall CP	587 metres of footpath from point 9/1 to 10/27 (sheet 10).
Streets, rights of way and access plans – Sheet No. 10	
Witham CP	Reference J/1 The realigned Eastways, from the north side of the Eastways Junction, for a distance of 31 metres.
Rivenhall CP	Reference J/2 The upgraded Eastways Junction, at the same location as the existing

	junction, for a distance of 35 metres.
Rivenhall CP	Reference J/3 The realigned Little Braxted Lane, including access to Colemans Quarry, from the junction 22 southern roundabout, in a westerly and then southerly direction for a distance of 544 metres.
Rivenhall CP	Reference J/4 The road between the Eastways junction and the junction 22 northern roundabout, a distance of 508 metres.
Rivenhall CP	Reference J/5 The junction 22 northbound off-slip road, from the A12 mainline northbound diverge, in an easterly direction to the new junction 22 northern roundabout, a distance of 492 metres.
Rivenhall CP	Reference J/6 The junction 22 southbound on-slip road, from the junction 22 southern roundabout, in a westerly direction to its merge with the A12 mainline southbound, a distance of 466 metres.
Rivenhall CP	Reference J/7 The junction 22 northern roundabout for a distance of 207 metres.
Rivenhall CP	Reference J/8 The Little Braxted Lane overbridge, connecting the junction 22 northern roundabout and the junction 22 southern roundabout, a distance of 103 metres.
Witham CP	Reference J/9 The realigned Colchester Road, from the Eastways Junction, in a westerly direction for a distance of 87 metres.
Rivenhall CP	Reference J/10 The junction 22 southern roundabout for a distance of 207 metres.
Rivenhall CP	Reference J/11 The junction 22 northbound on-slip road, from the junction 22 northern roundabout, in an easterly direction to merge with the new A12 northbound carriageway, a distance of 444 metres.
Rivenhall CP	Reference J/12 The junction 22 southbound off-slip road, from the A12 mainline southbound diverge, in a westerly direction to the new junction 22 southern roundabout, a distance of 544 metres.
Rivenhall CP	Reference J/13 The existing A12 , from the new junction 22 northern roundabout, in an easterly direction for a distance of 311 metres.
Rivenhall CP	Reference J/14 The realigned Coleman's Bridge Trade Park access road, from the Eastways Junction in a southerly direction for a distance of 22 metres.
Witham CP, Rivenhall CP	818 metres of cycle track comprised in a highway from point 10/1 to 10/2 (except between point 10/1 and point 10/6 where it constitutes a highway).
Rivenhall CP	141 metres of cycle track comprised in a highway from point 10/3 to 10/4.
Rivenhall CP	28 metres of cycle track comprised in a highway from point 10/5 to 10/8.
Rivenhall CP	15 metres of cycle track comprised in a highway from point 10/6 to 10/7.
Rivenhall CP	727 metres of cycle track comprised in a highway from point 10/9 to 10/10 (except between point 10/15 and point 10/16 where it constitutes a highway).
Rivenhall CP	199 metres of footway from point 10/11 to 10/12.

Rivenhall CP	19 metres of footway from point 10/13 to 10/14.
Rivenhall CP	262 metres of footway from point 10/15 to 10/16.
Rivenhall CP	103 metres of cycle track comprised in a highway from point 10/17 to 10/24.
Rivenhall CP	5 metres of footway from point 10/18 to 10/19.
Rivenhall CP	130 metres of footway from point 10/20 to 10/21.
Rivenhall CP	17 metres of cycle track comprised in a highway from point 10/22 to 10/23.
Rivenhall CP	6 metres of cycle track comprised in a highway from point 10/25 to 10/26.
Rivenhall CP	11 metres of cycle track constituting a highway from point 10/28 to 10/29.
Rivenhall CP	8 metres of footway from point 10/30 to 10/31.
Streets, rights of way and access plans – Sheet No. 11	
Rivenhall CP; Kelvedon CP	Reference K/1 (sheets 11 and 12) The new B1024 Link Road, from the new Rivenhall End east roundabout, in an easterly direction to the B1024 junction with Essex Fire and Rescue access, a distance of 1,297 metres.
Rivenhall CP	Reference K/2 The new Rivenhall End east roundabout for a distance of 148 metres.
Rivenhall CP	Reference K/3 The existing A12 from the new Rivenhall End east roundabout, in a westerly direction for a distance of 73 metres.
Rivenhall CP	Reference K/4 The existing A12 from the Rivenhall End west roundabout, in a westerly direction for a distance of 117 metres.
Rivenhall CP	Reference K/5 The new Rivenhall End west roundabout for a distance of 119 metres.
Rivenhall CP	Reference K/6 The realigned Braxted Road, from the Rivenhall End west roundabout, in a southerly direction for a distance of 519 metres.
Rivenhall CP	Reference K/7 The southern realigned Rivenhall access, from the existing A12 , 123 metres east of the new Rivenhall End west roundabout, in a southerly direction for a distance of 39 metres.
Rivenhall CP	Reference K/8 The realigned Oak Road, from the existing A12 , 116 metres east of the new Rivenhall End west roundabout, in a northerly direction for a distance of 16 metres.
Rivenhall CP	Reference K/9 The northern realigned Henry Dixon Road, from the realigned Braxted Road, 109 metres south of the Rivenhall End west roundabout, in an easterly direction for a distance of 252 metres.
Rivenhall CP	Reference K/10 The southern realigned Henry Dixon Road, from the realigned Braxted Road, 447 metres south of the new Rivenhall End west roundabout, in a northerly direction, for a distance of 81 metres.
Rivenhall CP	Reference K/11 The realigned access road, from the existing Henry Dixon Road south of the A12 mainline, for a distance of 136 metres.
Rivenhall CP	Reference K/12 The existing A12 , from the new Rivenhall End west roundabout, in an easterly direction for a distance of 206 metres.

Rivenhall CP	141 metres of cycle track comprised in a highway from point 11/1 to 11/9.
Rivenhall	137 metres of cycle track comprised in a highway from point 11/2 to 11/29
Rivenhall CP	27 metres of cycle track comprised in a highway from point 11/3 to 11/4.
Rivenhall CP	40 metres of cycle track comprised in a highway from point 11/5 to 11/6.
Rivenhall CP	44 metres of cycle track comprised in a highway from point 11/7 to 11/8.
Rivenhall CP	52 metres of footway from point 11/7 to 11/30.
Rivenhall CP	155 metres of cycle track comprised in a highway from point 11/10 to 11/11.
Rivenhall CP	162 metres of footway from point 11/10 to 11/31.
Rivenhall CP	57 metres of cycle track comprised in a highway from point 11/12 to 11/25.
Rivenhall CP	84 metres of footway from point 11/13 to 11/32.
Rivenhall CP	138 metres of footway from point 11/14 to 11/26.
Rivenhall CP	91 metres of footway from point 11/15 to 11/27.
Rivenhall CP	8 metres of cycle track comprised in a highway from point 11/16 to 11/17.
Rivenhall CP	58 metres of footway from point 11/18 to 11/19.
Rivenhall CP	108 metres of cycle track comprised in a highway from point 11/20 to 11/33.
Rivenhall CP	92 metres of footpath from point 11/21 to 11/22.
Rivenhall CP; Kelvedon CP	563 metres of footpath from point 11/23 to 12/1 (sheet 12).
Rivenhall CP	77 metres of cycle track comprised in a highway from point 11/24 to 11/28
Rivenhall CP	533 metres of cycle track comprised in a highway from point 11/34, 158 metres west of point k/c to 12/25, to 12/25 (sheet 12).
Streets, rights of way and access plans – Sheet No. 12	
Kelvedon CP	Reference L/1 The realigned Cranes Lane access from the B1024 link road in a northerly direction, for a distance of 21 metres.
Kelvedon CP	Reference L/2 The B1024 link road, from the B1024 Junction with Essex Fire and Rescue access, in an easterly direction for a distance of 141 metres.
Kelvedon CP	Reference L/3 Essex Fire and Rescue Service access, from the B1024 link road in a southerly direction for a distance of 48 metres.
Kelvedon CP	Reference L/4 Essex Fire and Rescue Access Road, adjacent to the A12 southbound carriageway, for a distance of 720 metres.
Kelvedon CP	Reference L/5 The realigned Sniveller's Lane, from the new B1024 link road, 570 metres east of the Rivenhall End east roundabout, in a northerly direction, for a distance of 52 metres.
Kelvedon CP	17 metres of footway from point 12/1 to 12/2.
Kelvedon CP	49 metres of footway from point 12/3 to 12/4.
Kelvedon CP	31 metres of footpath from point 12/5 to 12/6.
Kelvedon CP	52 metres of cycle track comprised in a highway from point 12/5 to 12/7.

Kelvedon CP	104 metres of footway from point 12/8 to 12/9.
Kelvedon CP	38 metres of cycle track comprised in a highway from point 12/9 to 12/10.
Kelvedon CP	453 metres of cycle track constituting a highway from point 12/10 to 12/11.
Kelvedon CP	567 metres of footway from point 12/10 to 12/16.
Kelvedon CP	153 metres of footway from point 12/11 to 12/15.
Kelvedon CP	135 metres of cycle track comprised in a highway from point 12/12 to 12/19.
Kelvedon CP	740 metres of cycle track comprised in a highway from point 12/13 to 12/23.
Kelvedon CP	67 metres of cycle track comprised in a highway from point 12/14 to 12/24.
Kelvedon CP	53 metres of footway from point 12/17 to 12/18.
Kelvedon CP	58 metres of cycle track comprised in a highway from point 12/18 to 12/21.
Kelvedon CP	96 metres of footway from point 12/20 to 12/22
Kelvedon CP	437 metres of footpath from point 12/22 to 13/1 (sheet 13).
Streets, rights of way and access plans – Sheet No. 13	
Great Braxted CP; Kelvedon CP	Reference M/1 The Highfields overbridge replacement and the realigned Maldon Road, for a distance of 318 metres.
Great Braxted CP; Kelvedon CP	Reference M/2 The realigned Highfields Lane, at the southern end of the Highfields overbridge replacement, for a distance of 597 metres.
Great Braxted CP	150 metres of cycle track comprised in a highway from point 13/2 to 13/4.
Great Braxted CP; Kelvedon CP	324 metres of cycle track comprised in a highway from point 13/3 to 13/5.
Great Braxted, Kelvedon CP	324 metres of cycle track comprised in a highway from point 13/6 to 13/7
Kelvedon CP	226 metres of footpath from point 13/8 to 13/9.
Kelvedon CP	101 metres of cycle track comprised in a highway from point 13/12 to 13/13.
Kelvedon	109 metres of footpath from point 13/11 to 14/13 (sheet 14).
Kelvedon	689 metres of footpath from point 13/10 to 14/1 (sheet 14)
Streets, rights of way and access plans – Sheet No. 14	
Messing-Cum-Inworth CP	Reference N/1 Not used.
Messing-Cum-Inworth CP	Reference N/2 The realigned Kelvedon Road, starting at the eastern side of the Inworth roundabout, in an easterly direction for a distance of 90 metres.
Kelvedon CP; Messing-Cum-Inworth CP	Reference N/3 (sheet 13 and 14) The new junction 24 northbound off-slip road, from the northbound diverge from the A12 mainline, in an easterly direction to the junction 24 northern roundabout, for a distance of 553 metres.
Kelvedon CP; Messing-Cum-Inworth CP	Reference N/4 The new junction 24 southbound on-slip road, starting at the junction 24 southern roundabout, in a westerly direction to the point where it merges with the A12 mainline, a distance of 522 metres.
Messing-Cum-Inworth CP	Reference N/5 The new junction 24 northern roundabout for a distance of 254 metres.
Messing-Cum-	Reference N/6

Inworth CP	The new junction 24 underbridge, connecting the junction 24 northern roundabout and the junction 24 southern roundabout, a distance of 165 metres.
Messing-Cum-Inworth CP	Reference N/7 The realigned north B1023 Kelvedon Road, from the Inworth roundabout, in a northerly direction for a distance of 80 metres.
Kelvedon CP; Messing-Cum-Inworth CP	Reference N/8 The new junction 24 southern roundabout for a distance of 254 metres.
Messing-Cum-Inworth CP	Reference N/9 The new junction 24 northbound on-slip road, from the junction 24 northern roundabout, in an easterly direction to the point where it merges with the A12 mainline, a distance of 414 metres.
Messing-Cum-Inworth CP	Reference N/10 The junction 24 southbound off-slip road, from the southbound diverge, in a westerly direction to the new junction 24 southern roundabout, a distance of 403 metres.
Messing-Cum-Inworth CP	Reference N/11 The realigned south B1023 Kelvedon Road, from the Inworth roundabout, in a southerly direction for a distance of 304 metres.
Messing-Cum-Inworth CP	Reference N/12 The Inworth roundabout for a distance of 126 metres.
Messing-Cum-Inworth CP	Reference N/13 The new Inworth link, starting at the junction 24 southern roundabout, in an easterly direction for a distance of 474 metres.
Kelvedon CP	333 metres of footpath from point 14/2 to 14/3.
Kelvedon CP	477 metres of footpath from point 14/4 to 14/5.
Messing-Cum-Inworth CP	69 metres of cycle track constituting a highway from point 14/6 to 14/7.
Messing-Cum-Inworth CP	71 metres of cycle track constituting a highway from point 14/8 to 14/9.
Messing-Cum-Inworth CP	25 metres of cycle track constituting a highway from point 14/10 to 14/11.
Messing-Cum-Inworth CP Feering CP	771 metres of footpath from point 14/12 to 21/1 (sheet 21)
Streets, rights of way and access plans – Sheet No. 15	
Feering CP	Reference O/1 The existing A12 , from the Feering east roundabout, in an easterly direction for a distance of 126 metres.
Feering CP	Reference O/2 The Feering East roundabout for a distance of 173 metres.
Feering CP	Reference O/3 The realigned New Lane, from the Feering East roundabout, in a northerly direction, for a distance of 46 metres.
Feering CP	Reference O/4 The realigned Prested Hall access road, from the realigned London Road, in a south easterly direction for a distance of 772 metres.
Feering CP	Reference O/5 The realigned London Road, starting at the Feering East roundabout, in a south westerly direction, for a distance of 354 metres.
Feering CP	Reference O/6 A new road providing access to properties north of the A12, from the new Feering east roundabout, in an easterly direction for a distance of

	69 metres.
Feering CP	435 metres of footpath from point 15/1 to 15/2.
Feering CP	14 metres of footway from point 15/3 to 15/4.
Feering CP	825 metres of cycle track comprised in a highway from point 15/5 to 15/16 (except between point 15/15 and point 15/16 where it constitutes a highway).
Feering CP	92 metres of footway from point 15/6 to 15/8.
Feering CP	100 metres of cycle track comprised in a highway from point 15/7 to 15/21.
Feering CP	7 metres of cycle track comprised in a highway from point 15/9 to 15/22.
Feering CP	220 metres of footway from point 15/10 to 15/15.
Feering CP	89 metres of footway from point 15/11 to 15/12.
Feering CP	15 metres of footway from point 15/13 to 15/31.
Feering CP	183 metres of cycle track comprised in a highway from point 15/14 to 15/31.
Feering CP	37 metres of cycle track comprised in a highway from point 15/17 to 15/30.
Feering CP	121 metres of footway from point 15/18 to 15/30.
Feering CP	64 metres of cycle track comprised in a highway from point 15/19 to 15/20.
Feering CP	387 metres of cycle track comprised in a highway from point 15/23 to 15/24.
Feering CP	139 metres of footpath from point 15/25 to 15/28.
Feering CP	69 metres of footpath from point 15/26 to 15/27.
Feering CP; Copford CP	1,646 metres of footpath from point 15/29 to 16/2 (sheet 16).
Feering CP	204 metres of footpath from point 15/32 to 15/33
Feering CP	37 metres of cycle track comprised in a highway from point 15/34 to 15/35.
Streets, rights of way and access plans – Sheet No. 16	
Feering CP	Reference P/1 Easthorpe Road roundabout, for a distance of 141 metres.
Feering CP	Reference P/2 The existing A12 from the realigned Easthorpe Road roundabout, in a westerly direction for a distance of 67 metres.
Feering CP; Copford CP	Reference P/3 The realigned Easthorpe Road, starting at the Easthorpe Road roundabout, in a southerly direction, for a distance of 537 metres.
Feering CP; Copford CP	Reference P/4 The existing A12 from the realigned Easthorpe Road roundabout, in an easterly direction for a distance of 168 metres.
Feering CP	Reference P/5 The realigned New Lane from the new Feering east roundabout, in a northerly direction for a distance of 17 metres.
Copford CP	39 metres of footway from point 16/1 to 16/14.
Copford CP	126 metres of footway from point 16/3 to 16/9.
Copford CP; Feering CP	387 metres of footway from point 16/4 to 16/10.
Feering CP; Copford CP	105 metres of cycle track comprised in a highway from point 16/5 to 16/6.
Feering CP; Copford CP	203 metres of cycle track comprised in a highway from point 16/7 to 16/8.

Feering CP	2 metres of footway from point 16/11 to 16/12.
Streets, rights of way and access plans – Sheet No. 17	
Copford CP; Marks Tey CP	Reference Q/1 The new Wishingwell Farm roundabout, for a distance of 135 metres.
Copford CP; Marks Tey CP	Reference Q/2 The existing A12 from the Wishingwell Farm roundabout, in a westerly direction for a distance of 119 metres.
Copford CP; Marks Tey CP	Reference Q/3 (sheet 17 and 18) The realigned Easthorpe Green access road, from the southern end of the Wishingwell Bridge road, for a distance of 800 metres.
Copford CP; Marks Tey CP	Reference Q/4 The new Wishingwell Bridge road, from the new Wishingwell Farm Roundabout in a southerly direction to the realigned Easthorpe Green access road, a distance of 256 metres, as shown on sheet 17 and 18 of the streets, rights of way and access plans.
Copford CP; Marks Tey CP	Reference Q/5 The existing A12 from the Wishingwell Farm Roundabout, in an easterly direction, for a distance of 161 metres.
Copford CP; Marks Tey CP	617 metres of footway from point 17/1 to 18/1 (sheet 18).
Copford CP; Marks Tey CP	97 metres of footway from point 17/2 to 17/3.
Marks Tey CP	202 metres of cycle track comprised in a highway from point 17/4 to 17/5.
Marks Tey CP	126 metres of cycle track comprised in a highway from point 17/6 to 17/7.
Marks Tey CP	5 metres of footway from point 17/8 to 17/9.
Copford CP	114 metres of footway from point 17/10 to 17/11.
Copford CP; Marks Tey CP	204 metres of footway from point 17/12 to 17/13.
Streets, rights of way and access plans – Sheet No. 18	
Marks Tey CP	Reference R/1 The realigned A120 Coggeshall Road, from the Old Rectory Junction in a westerly direction, for a distance of 119 metres.
Marks Tey CP	Reference R/2 The realigned London Road, from the Hall Chase roundabout in an easterly direction, for a distance of 102 metres.
Marks Tey CP	Reference R/3 The new junction 25 northbound off-slip road, from the northbound diverge, in an easterly direction to the London Road roundabout, a distance of 376 metres.
Marks Tey CP	Reference R/4 The existing A12 from the new London Road roundabout in a westerly direction, for a distance of 145 metres.
Marks Tey CP	Reference R/5 The new Hall Chase Roundabout, a distance of 66 metres.
Marks Tey CP	Reference R/6 The London Road Roundabout for a distance of 160 metres.
Marks Tey CP	Reference R/7 The realigned Old London Road access from the London Road roundabout, in a northerly direction for a distance of 25 metres.
Marks Tey CP	Reference R/8 New London Road, from the London Road roundabout, in an easterly

	direction to the Old Rectory Junction, a distance of 423 metres.
Marks Tey CP	Reference R/9 The realigned Old London Road, from 158 Old London Road, in an easterly direction for a distance of 295 metres.
Marks Tey CP	Reference R/10 The junction 25 southbound on-slip road, from the Hall Chase roundabout, in a southerly direction to the point where it merges with the A12, a distance of 438 metres.
Marks Tey CP	Reference R/11 Old Rectory Junction, linking the realigned Old London Road and the realigned A120 Coggeshall Road, for a distance of 154 metres, as shown on sheets 18 and 19 of the streets, rights of way and access plans.
Marks Tey CP	16 metres of footpath from point 18/2 to 18/8
Copford CP; Marks Tey CP	1,270 metres of cycle track constituting a highway from point 18/3 to 18/13
Marks Tey CP	430 metres of cycle track comprised in a highway from point 18/4 to 19/8 (sheet 19).
Marks Tey CP	75 metres of cycle track comprised in a highway from point 18/5 to 19/7 (sheet 19).
Marks Tey CP	54 metres of cycle track comprised in a highway from point 18/6 to 18/15.
Marks Tey CP	424 metres of footpath from point 18/7 to 18/9.
Marks Tey CP	15 metres of cycle track comprised in a highway from point 18/10 to 18/11.
Marks Tey CP	135 metres of footway from point 18/12 to 18/17.
Marks Tey CP	6 metres of footway from point 18/14 to 18/19.
Marks Tey CP	93 metres of cycle track constituting a highway from point 18/16 to 18/33
Marks Tey CP	34 metres of cycle track comprised in a highway from point 18/18 to 18/21.
Marks Tey CP	66 metres of footway from point 18/20 to 18/32.
Marks Tey CP	5 metres of footway from point 18/22 to 18/23.
Marks Tey CP	58 metres of footway from point 18/24 to 18/25.
Marks Tey CP	22 metres of cycle track comprised in a highway from point 18/26 to 18/27.
Marks Tey CP	51 metres of footway from point 18/28 to 18/29.
Marks Tey CP	57 metres of footway from point 18/30 to 18/31.
Marks Tey CP	179 metres of cycle track comprised in a highway from point 18/34 to 18/35.
Marks Tey CP	33 metres of cycle track comprised in a highway from point 18/36 to 18/37.
Marks Tey CP	56 metres of footway from point 18/38 to 18/39.
Streets, rights of way and access plans – Sheet No. 19	
Marks Tey CP	Reference S/1 The junction 25 northbound on-slip road, from a point 82 metres east of Marks Tey Station, in an easterly direction to the point where it merges with the A12, a distance of 470 metres.
Marks Tey CP	Reference S/2 The junction 25 southbound off-slip road, from its diverge from the A12, in an easterly direction to the Prince of Wales roundabout, a distance of 647 metres.
Marks Tey CP	Reference S/3

	The realigned Station Road, form Old Rectory junction, in a northerly direction, for a distance of 57 metres.
Marks Tey CP	Reference S/4 The realigned A120 road, starting at Old Rectory junction, in a north easterly direction for a distance of 116 metres, as shown on sheet 19 of the streets, rights of way and access plans.
Marks Tey CP	22 metres of cycle track comprised in a highway from point 19/1 to 19/2.
Marks Tey CP	126 metres of footway from point 19/3 to 19/9.
Marks Tey CP	79 metres of cycle track comprised in a highway from point 19/4 to 19/9.
Marks Tey CP	10 metres of cycle track comprised in a highway from point 19/5 to 19/6.
Streets, rights of way and access plans – Sheet No. 20	
Messing-Cum-Inworth CP	Reference T/1 The widened B1023 Kelvedon Road, from a point 330 metres south of the Inworth Road roundabout, in a southerly direction for a distance of 218 metres.
Messing-Cum-Inworth CP	Reference T/3 The widened B1023 Kelvedon Road, from a point 736 metres south of the Inworth Road roundabout, in a southerly direction for a distance of 201 metres.
Messing-cum-Inworth CP	97 metres of footway from point 20/1 to 20/2.
Messing-cum-Inworth CP	41 metres of footway from point 20/3 to 20/4.

PART 4

PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Private means of access to be stopped</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New private means of access to be substituted or provided</i>
Streets, Rights of Way and Access Plans – Sheet 5			
Hatfield Peverel CP	Reference 5/a The private means of access to land between the A12 northbound and the junction 20A northbound off-slip road.	For a distance of 9 metres.	Reference 5/F New private means of access to attenuation pond and fields north and south of the existing junction 20A northbound off-slip road, starting at Bury Lane, for a distance of 591 metres.
Streets, Rights of Way and Access Plans – Sheet 6			
Hatfield Peverel CP	Reference 6/f The private means of access to the telecommunications	For a distance of 9 metres.	Reference 6/D New private means of access to the telecommunications

	mast from the existing junction 20B northbound on-slip road		mast from the south side of the new Hatfield Peverel link road, north east of the Wellington Road overbridge replacement, for a distance of 55 metres
Hatfield Peverel CP	Reference 6/a The private means of access to land from the northbound carriageway of the A12.	For a distance of 9 metres	Reference 6/G (inset A) New private means of access to attenuation pond and other land, from the north side of the new Hatfield Peverel link road, 308 metres west of the new junction 21 northern roundabout, for a distance of 98 metres.
Hatfield Peverel CP	Reference 6/b The private means of access to land from the northbound carriageway of the A12.	For a distance of 7 metres	Reference 6/G (inset A) New private means of access to attenuation pond and other land, from the north side of the new Hatfield Peverel link road, 308 metres west of the new junction 21 northern roundabout, for a distance of 98 metres.
Hatfield Peverel CP	Reference 6/e The private means of access to land to the west of Mayfield Cottages from the realigned Witham link road.	For a distance of 2 metres.	Reference 6/K New private means of access to attenuation pond and land to the west of Mayfield Cottages from the realigned Witham link road, 420 metres east of the new junction 21 northern roundabout, for a distance of 57 metres.
Streets, Rights of Way and Access Plans – Sheet 7			
Witham CP	Reference 7/a The private means of access to Dengie Farm from Howbridge Hall Road.	For a distance of 302 metres.	Reference 7/B New private means of access to Dengie Farm from Howbridge Hall Road, for a distance of 815 metres.
Streets, Rights of Way and Access Plans – Sheet 10			
Rivenhall CP	Reference 10/a (partly	For a distance of 3	Reference 10/E

	shown on inset A) The private means of access to land north of the existing A12 northbound carriageway.	metres each.	New private means of access to land north of the existing A12 from northern side of the existing A12, 140 metres east of the new junction 22 northern roundabout, for a distance of 8 metres.
Rivenhall CP	Reference 10/b The private means of access to land north of the existing A12 from the existing A12 northbound carriageway.	For a distance of 3 metres each.	Reference 10/E New private means of access to land north of the existing A12 from northern side of the existing A12 , 140 metres east of the new junction 22 northern roundabout, for a distance of 8 metres.
Streets, Rights of Way and Access Plans – Sheet 13			
Great Braxted CP	Reference 13/a The private means of access to land north of Highfields Lane.	For a distance of 8 metres.	Reference 13/B New private means of access Lane, 211 metres west of the new Highfields overbridge replacement, for a distance of 23 metres.
Streets, Rights of Way and Access Plans – Sheet 14			
Kelvedon CP, Feering CP	Reference 14/b (Inset A) The private means of access across the existing Ewell Hall Chase Bridge.	For a distance of 258 metres.	Reference 14/M (inset B) New private means of access to attenuation pond north of the A12 mainline and other land, from the existing Ewell Hall Chase, for a distance of 776 metres.
Streets, Rights of Way and Access Plans – Sheet 15			
Feering CP	Reference 15/a (inset A) The private means of access to Threshelfords Farm across the existing Threshelfords Bridge.	For a distance of 219 metre.	Reference 15/A New private means of access to Threshelfords Farm from the realigned Threshelfords access road, for a distance of 449 metres.
Feering CP	Reference 15/b The private means of access to Prested Hall from the south side of the B1024.	For a distance of 204 metres, as shown on sheet 15.	Reference 15/D New private means of access to Prested Hall ecological mitigation area and other land south of the A12, from the east side of

			new Prested Hall Overbridge, for a distance of 328 metres
Streets, Rights of Way and Access Plans – Sheet 16			
Feering CP	Reference 16/a The Gypsy Lane private means of access from the existing Easthorpe Road.	For a distance of 36 metres.	Reference 16/A (insets A and B) New private means of access to attenuation pond south of the A12 and Gypsy Lane from the realigned Easthorpe Road, for a distance of 637 metres.
Copford CP	Reference 16/b The private means of access to Colchester Model Car Club and other land from the existing Easthorpe Road.	For a distance of 20 metres.	Reference 16/C New private means of access to Colchester Model Car Club and the attenuation pond between the existing A12 and the new A12, 81 metres east of the Easthorpe Road roundabout, for a distance of 113 metres.
Copford CP	Reference 16/b The private means of access to Colchester Model Car Club and other land from the existing Easthorpe Road.	For a distance of 20 metres.	Reference 16/E New private means of access to Colchester Model Car Club and other land from the realigned Easthorpe Road, for a distance of 27 metres
Streets, Rights of Way and Access Plans – Sheet 18			
Marks Tey CP	Reference 18/a The Wishingwell Farm private means of access, running under the new A12 mainline.	For a distance of 84 metres.	Reference 17/G (sheets 17 and 18) New private means of access to attenuation pond and land south of the new A12 from the eastern end of the new Wishingwell access road, 398 metres south east of the new Wishingwell overbridge, for a distance of 164 metres.
Marks Tey CP	Reference 18/b The Hall Chase private means of access.	For a distance of 76 metres.	Reference 18/D New private means of access to Hall Chase from the Hall Chase Roundabout, for a distance of 146

			metres
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PART 5

NEW PRIVATE MEANS OF ACCESS WHICH ARE TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>New private means of access to be substituted or provided</i>
Streets, Rights of Way and Access Plans – Sheet 1	
Springfield CP, Boreham CP	Reference 1/A New private means of access to Cheese House, Chelmsford Car Boot Sale land, attenuation pond and other land, from the south side of Generals Farm roundabout (sheet 2) in a westerly direction for a distance of 1,505 metres.
Boreham CP	Reference 1/B New private means of access to attenuation pond from reference 1/A, in an easterly direction for a distance of 308 metres.
Boreham CP	Reference 1/C New private means of access linking land to reference 1/B, for a distance of 85 metres.
Streets, Rights of Way and Access Plans – Sheet 2	
Boreham CP	Reference 2/A New private means of access to Boreham House from the south side of Main Road, 120 metres north-east of Generals Farm roundabout, for a distance of 13 metres.
Boreham CP	Reference 2/B New private means of access to Boreham House from the south side of Main Road, 170 metres north-east of Generals Farm roundabout, for a distance of 19 metres.
Boreham CP	Reference 2/C New private means of access to Premier Inn Chelmsford (Boreham) from the north side of Main Road, 230 metres north-east of Generals Farm roundabout, for a distance of 28 metres.
Boreham CP	Reference 2/D New private means of access to land from the south side of Main Road, 250 metres north-east of Generals Farm roundabout, for a distance of 33 metres.
Boreham CP	Reference 2/E (inset A) New private means of access to properties along Paynes Lane and other land from the north side of Main Road, 234 metres north-east of Generals Farm roundabout, for a distance of 244 metres.
Boreham CP	Reference 2/F New private means of access to land north of the B1137 Main Road for a distance of 4 metres.
Boreham CP	Reference 2/G New private means of access to the attenuation pond from the north side of Main Road, 618 metres north-east of Generals Farm Roundabout, for a distance of 97 metres.
Boreham CP	Reference 2/H New private means of access to land north of Main Road, 712 metres north-east of Generals Farm roundabout, for a distance of 2 metres.
Boreham CP	Reference 2/I Not used.

Boreham CP	Reference 2/J New private means of access to the attenuation pond from the north side of the junction 19 northbound on-slip road, for a distance of 20 metres.
Streets, Rights of Way and Access Plans – Sheet 5	
Hatfield Peverel CP	Reference 5/A New private means of access to land west of Millfield Cottages from the south side of realigned B1137 Main Road, opposite the existing junction 20A southbound on-slip road, for a distance of 6 metres.
Hatfield Peverel CP	Reference 5/B New private means of access to attenuation pond from the south side of the realigned B1137 Main Road, 25 metres east of the existing junction 20A southbound on-slip road, for a distance of 284 metres.
Hatfield Peverel CP	Reference 5/C New private means of access to land north west of Millfield Cottages from the south side of realigned B1137 Main Road, 138 metres east of the existing junction 20A southbound on-slip road, for a distance of 8 metres.
Hatfield Peverel CP	Reference 5/D New private means of access to Millfield Cottages from the south side of realigned B1137 Main Road, , 145 metres east of the existing junction 20A southbound on-slip road, for a distance of 8 metres.
Hatfield Peverel CP	Reference 5/E (inset B) New private means of access to Primrose Cottage, from the east side of Station Road, south of the Station Road bridge, for a distance of 6 metres.
Hatfield Peverel CP	Reference 5/F New private means of access to attenuation pond and fields north and south of the existing junction 20A northbound off-slip road, starting at Bury Lane, for a distance of 591 metres.
Hatfield Peverel CP	Reference 5/G New private means of access to The Bungalow from the west side of Bury Lane, south of the Bury Lane overbridge replacement, for a distance of 9 metres.
Hatfield Peverel CP	Reference 5/H New private means of access to Moorings from the east side of Bury Lane, south of the Bury Lane overbridge replacement, for a distance of 4 metres.
Hatfield Peverel CP	Reference 5/I (inset B) New private means of access to Kinsby House, from the west side of Station Road, south of the Station Road overbridge replacement, for a distance of 2 metres.
Hatfield Peverel CP	Reference 5/J (inset B) New private means of access to White Gables, from the west side of Station Road, north of the Station Road overbridge replacement, for a distance of 3 metres.
Hatfield Peverel CP	Reference 5/K (inset B) New private means of access to Springfield Lodge, from the east side of Station Road, north of the Station Road overbridge replacement, for a distance of 2 metres.
Hatfield Peverel CP	Reference 5/L (inset B) New private means of access to High Clere, from the west side of Station Road, north of the Station Road overbridge replacement, for a distance of 2 metres.
Hatfield Peverel CP	Reference 5/M (inset B)

	New private means of access to Crofton, from the east side of Station Road, north of the Station Road overbridge replacement, for a distance of 6 metres.
Streets, Rights of Way and Access Plans – Sheet 6	
Hatfield Peverel CP	Reference 6/A (sheets 5 and 6) New private means of access to Ruslings from the B1137, south west of the Wellington Road overbridge replacement, for a distance of 2 metres.
Hatfield Peverel CP	Reference 6/B New private means of access to Tudor Lodge from the B1137, south of the Wellington Road overbridge replacement, for a distance of 2 metres.
Hatfield Peverel CP	Reference 6/C New private means of access to Rock Cottage, the Vineyards and Vineyard Cottage from the north side of the new Hatfield Peverel link road, north east of the Wellington Road overbridge replacement, for a distance of 8 metres.
Hatfield Peverel CP	Reference 6/D New private means of access to the telecommunications mast from the south side of the new Hatfield Peverel link road, north east of the Wellington Road overbridge replacement, for a distance of 55 metres
Hatfield Peverel CP	Reference 6/F New private means of access to attenuation pond and Witham Farm fields north of the new Hatfield Peverel link road, 511 metres west of the new junction 21 northern roundabout, for a distance of 86 metres.
Hatfield Peverel CP	Reference 6/G (partly shown on inset A) New private means of access to attenuation pond, and adjacent land to the west, from the existing junction 20B southbound off-slip road, 139 metres east of the Wellington Road overbridge replacement, for a distance of 533 metres.
Hatfield Peverel CP	Reference 6/H New private means of access to Witham Farm fields, and attenuation pond access, from the north side of the new Hatfield Peverel link road, 308 metres west of the new junction 21 northern roundabout, for a distance of 98 metres.
Hatfield Peverel CP	Reference 6/I New private means of access to attenuation pond between the realigned Witham link road and the new junction 21 northbound on-slip road, 270 metres east of the new junction 21 northern roundabout, for a distance of 56 metres.
Hatfield Peverel CP	Reference 6/J New private means of access to field south of Latneys Kennels from the realigned kennel access, 540 metres east of the new junction 21 southern roundabout, for a distance of 68 metres, as shown on sheet 6.
Hatfield Peverel CP	Reference 6/K New private means of access to attenuation pond and land to the west of Mayfield Cottages from the realigned Witham link road, 420 metres east of the new junction 21 northern roundabout, for a distance of 57 metres.
Witham CP	Reference 6/L New private means of access to the Bethel Witham and Mayfield Cottages, from the realigned Witham link road, 460 metres east of the new junction 21 northern roundabout, for a distance of 24 metres.
Hatfield Peverel CP	Reference 6/M (inset C) New private means of access to the attenuation pond between the A12 southbound carriageway and the realigned Kennel access road, for a distance of 23 metres.

Hatfield Peverel CP; Witham CP	Reference 6/N (inset C) New private means of access to Latneys Kennels from the south side of the realigned Kennel access road, for a distance of 130 metres.
Hatfield Peverel CP	Reference 6/O (inset C) New private means of access to the attenuation pond from the south side of the realigned kennels access, 540 metres east of the new junction 21 southern roundabout, for a distance of 115 metres.
Hatfield Peverel CP	Reference 6/P New private means of access to provide link between fields south west of Latneys Kennels, for a distance of 177 metres.
Hatfield Peverel CP	Reference 6/Q New private means of access to the Greyhounds from the B1137, south of the Wellington Road overbridge replacement, for a distance of 2 metres.
Witham CP	Reference 6/R (inset C) New private means of access to ecological mitigation area from reference 6/N, for a distance of 102 metres.
Streets, Rights of Way and Access Plans – Sheet 7	
Hatfield Peverel CP; Witham CP	Reference 7/A New private means of access to the Co-op, Witham, from the B1389 Hatfield Road, for a distance of 77 metres.
Witham CP	Reference 7/B New private means of access to Dengie Farm from Howbridge Hall Road, for a distance of 815 metres.
Witham CP	Reference 7/C (sheets 7 and 8) New private means of access to attenuation pond from the north-east of Howbridge Hall Road, for a distance of 723 metres.
Streets, Rights of Way and Access Plans – Sheet 8	
Witham CP	Reference 8/A (partly shown on inset B) New private means of access to the attenuation pond from Blue Mills Hill, for a distance of 812 metres, .
Witham CP	Reference 8/B (inset B) New private means of access to land south of the A12 southbound carriageway from Blackwater Lane, for a distance of 164 metres.
Witham CP	Reference 8/C (sheets 8 and 9) New private means of access to the Anglian Water land and Witham Town Council land adjacent to the new southbound A12 from Blackwater Lane, for a distance of 392 metres.
Witham CP	Reference 8/D New private means of access to land east of footpath 121_95 from reference 7/C, for a distance of 83 metres.
Witham CP	Reference 8/E New private means of access to land east of footpath 121_95 from reference 7/C, for a distance of 52 metres.
Witham CP	Reference 8/F New private means of access to land east of footpath 121_95 from reference 7/C, for a distance of 29 metres.
Streets, Rights of Way and Access Plans – Sheet 9	
Rivenhall CP	Reference 9/A (inset A) New private means of access to Colemans Fishing Lake, following the existing access track, for a distance of 146 metres.
Witham CP	Reference 9/B New private means of access to northern Witham Town Council land,

	parallel to the east of the A12 southbound, for a distance of 540 metres.
Rivenhall CP	Reference 9/C (inset A) New private means of access to Colemans Fishing Lake, following the existing access track, for a distance of 27 metres.
Streets, Rights of Way and Access Plans – Sheet 10	
Rivenhall CP	Reference 10/A (partly shown on inset A) New private means of access to attenuation pond from the realigned Little Braxted Lane, for a distance of 286 metres.
Rivenhall CP	Reference 10/B New private means of access to properties south-east of the realigned Little Braxted Lane, for a distance of 63 metres.
Rivenhall CP	Reference 10/C New private means of access to attenuation pond between the realigned Colchester Road and the new junction 22 northbound off-slip road, 197 metres west of the new junction 22 northern roundabout, for a distance 58 metres.
Rivenhall CP	Reference 10/D New private means of access to Burghey Brook Cottages from the southern side of the existing A12, 158 metres east of the new junction 22 northern roundabout, for a distance of 12 metres.
Rivenhall CP	Reference 10/E New private means of access to land north of the existing A12 from northern side of the existing A12, 140 metres east of the new junction 22 northern roundabout, for a distance of 8 metres.
Witham CP; Rivenhall CP	Reference 10/F New private means of access to Burghey Brook Poultry Farm from the northern side of the existing A12, 173 metres east of the new junction 22 northern roundabout, for a distance of 35 metres.
Rivenhall CP	Reference 10/G New private means of access to the attenuation pond south of the existing A12, 193 metres east of the new junction 22 northern roundabout, for a distance of 327 metres.
Rivenhall CP	Reference 10/H New private means of access to the attenuation pond south of the existing A12, 481 metres east of the new junction 22 northern roundabout, for a distance of 161 metres.
Rivenhall CP	Reference 10/I New private means of access to Burghey Brook Cottages from the southern side of the existing A12, 174 metres east of the new junction 22 northern roundabout, for a distance of 9 metres.
Streets, Rights of Way and Access Plans – Sheet 11	
Rivenhall CP	Reference 11/A New private means of access to attenuation pond south of the existing A12, 56 metres south-west of the new Rivenhall End west roundabout, for a distance of 156 metres.
Rivenhall CP	Reference 11/B New private means of access to attenuation pond south of the realigned Braxted Road, 430 metres south-east of the new Rivenhall End west roundabout, for a distance of 214 metres.
Rivenhall CP	Reference 11/C New private means of access to attenuation pond west of the realigned access road, for a distance of 75 metres.
Rivenhall CP	Reference 11/D New private means of access to Fair Rest, from the east side of the

	realigned access road, for a distance of 4 metres.
Rivenhall CP	Reference 11/E New private means of access to the fields north of the existing A12, from the north-west side of the Rivenhall End west roundabout, for a distance of 18 metres.
Rivenhall CP	Reference 11/F New private means of access to property behind the Fox Inn, from the north-west side of the existing A12, 50 metres east of the new Rivenhall End west roundabout, for a distance of 17 metres.
Rivenhall CP	Reference 11/G New private means of access to attenuation pond from the realigned access road adjacent to the A12 southbound carriageway, for a distance of 363 metres.
Rivenhall CP	Reference 11/H New private means of access to the ecological mitigation area between the realigned Henry Dixon Road and the A12 northbound carriageway, for a distance of 10 metres.
Rivenhall CP	Reference 11/I New private means of access to ecological mitigation area north of the A12 northbound carriageway from Henry Dixon Road, for a distance of 17 metres.
Rivenhall CP	Reference 11/J New private means of access to the ecological mitigation area south-east of the existing A12, 27 metres east of the Rivenhall End west roundabout, for a distance of 24 metres.
Rivenhall CP; Kelvedon CP	Reference 11/K (sheet 11 (inset B) and sheet 12) New private means of access to attenuation pond south-east of the A12 mainline, 462 metres west of the new Essex Fire and Rescue access road, for a distance of 417 metres.
Rivenhall CP	Reference 11/L (inset A) New private means of access to attenuation pond north of the existing A12, from the Rivenhall End east roundabout, for a distance of 123 metres.
Rivenhall CP	Reference 11/M New private means of access to field north-west of the existing A12 northbound carriageway, 100 metres south-west of the Rivenhall End east roundabout, for a distance of 27 metres.
Rivenhall CP	Reference 11/N (partly shown on Inset A) New private means of access to ecological mitigation area north-of the existing A12, from private means of access reference 11/L, for a distance of 123 metres.
Streets, Rights of Way and Access Plans – Sheet 12	
Kelvedon CP	Reference 12/A (inset A) New private means of access to the Essex County Fire and Rescue Services Headquarters, south of the new Essex Fire and Rescue access road, for a distance of 74 metres.
Kelvedon CP	Reference 12/B (inset A) New private means of access to land south of Hole Farm from the new Essex Fire and Rescue access road, for a distance of 20 metres.
Kelvedon CP	Reference 12/C New private means of access to the attenuation pond north of the new B1024 link road, 518 metres east of the Rivenhall End east roundabout, for a distance of 96 metres.
Kelvedon CP	Reference 12/D (inset A)

	New private means of access to Hole Farm, south of the new Essex Fire and Rescue access road, for a distance of 29 metres.
Kelvedon CP	Reference 12/E (partly shown on inset B) New private means of access to attenuation pond and other land south of the existing junction 23 southbound on-slip road, for a distance of 261 metres.
Kelvedon CP	Reference 12/F New private means of access to Hole Farm Road, from the new Essex Fire and Rescue access road, for a distance of 138 metres.
Kelvedon CP	Reference 12/G New private means of access to field south-east of Hole Farm, from the new Essex Fire and Rescue access road, for a distance of 16 metres.
Kelvedon CP	Reference 12/H New private means of access from Sniveller's Lane, in an easterly direction for a distance of 17 metres.
Kelvedon CP	Reference 12/I New private means of access to the attenuation pond from Cranes Lane, in a westerly direction for a distance of 118 metres.
Kelvedon CP	Reference 12/J(inset B) New private means of access to land south of the A12 mainline from reference 12/E, for a distance of 132 metres.
Streets, Rights of Way and Access Plans – Sheet 13	
Great Braxted CP	Reference 13/A New private means of access to the attenuation pond north of the realigned Highfields Lane, 293 metres west of the new Highfields overbridge replacement, for a distance of 144 metres.
Great Braxted CP	Reference 13/B New private means of access to field south of Highfields Lane, 211 metres west of the new Highfields overbridge replacement, for a distance of 23 metres.
Great Braxted CP; Kelvedon CP	Reference 13/C New private means of access to attenuation pond and other land north of the A12 mainline, from the western side of the realigned Maldon Road, 170 metres north of the Highfields overbridge replacement, for a distance of 207 metres.
Kelvedon CP	Reference 13/D New private means of access to attenuation pond north of the A12 mainline, from the eastern side of the realigned Maldon Road, 244 metres north of the s Highfields overbridge replacement, for a distance of 51 metres.
Kelvedon CP	Reference 13/E (inset A) New private means of access to attenuation pond south of the realigned Highfields Lane, 112 metres east of the new Highfields overbridge replacement, for a distance of 129 metres.
Kelvedon CP	Reference 13/F New private means of access to attenuation pond north of the new A12 mainline from Ewell Hall Chase, for a distance of 92 metres.
Kelvedon CP	Reference 13/G (inset A) New private means of land from the south side of the existing Highfields Lane, crossing reference 13/E for a distance of 218 metres.
Kelvedon CP	Reference 13/H (sheet 13 inset A and sheet 14) New private means of access to the Ewell Road overbridge replacement, from Highfields Lane in a north easterly direction, for a distance of 691 metres.

Streets, Rights of Way and Access Plans – Sheet 14	
Messing-Cum-Inworth CP	Reference 14/A New private means of access to the Laurels from the west side of the B1023 Kelvedon Road, for a distance of 2 metres.
Feering CP; Messing-Cum-Inworth CP	Reference 14/B (inset C) New private means of access to attenuation ponds north of the new A12 mainline, and other land from the B1023 Kelvedon Road, 53 metres north of the widened Park Bridge, for a distance of 947 metres.
Messing-Cum-Inworth CP	Reference 14/C New private means of access to the pond adjacent to Brick Kiln Farm, and properties behind Brick Kiln Farm, from the eastern side of the B1023 Kelvedon Road, 44 metres south of the widened Park Bridge, for a distance of 63 metres.
Messing-Cum-Inworth CP	Reference 14/D New private means of access to the attenuation pond and land north-east of Brick Kiln Farm, from the eastern side of the B1023 Kelvedon Road, 171 metres south of the widened Park Bridge.
Messing-Cum-Inworth CP	Reference 14/E New private means of access to Westacre from the widened B1023 Kelvedon Road, 89 metres south-east of the Inworth roundabout, for a distance of 8 metres.
Messing-Cum-Inworth CP	Reference 14/F New private means of access to the attenuation pond south of the Inworth roundabout, from the southern side of the new Inworth link, 226 metres east of the junction 24 southern roundabout, for a distance of 209 metres.
Messing-Cum-Inworth CP	Reference 14/G New private means of access to attenuation pond and land on the north-west side of the Inworth roundabout, for a distance of 94 metres.
Messing-Cum-Inworth CP	Reference 14/H New private means of access to Stonefields Farm and Stonefields Farm Shop from the realigned north B1023 Kelvedon Road, 32 metres north-east of the new Inworth roundabout, for a distance of 10 metres.
Messing-Cum-Inworth CP	Reference 14/I New private means of access to attenuation pond north of the Inworth roundabout, from the realigned north Inworth Road, for a distance of 47 metres.
Feering CP	Reference 14/J (sheets 14 and 15 (inset B)) New private means of access to attenuation ponds south of the new A12 mainline from the realigned Prested Hall access road, for a distance of 717 metres.
Messing-Cum-Inworth CP	Reference 14/K New private means of access to Rowan Lodge from the realigned north B1023 Kelvedon Road, 75 metres north of the Inworth roundabout, for a distance of 3 metres.
Messing-Cum-Inworth CP	Reference 14/L New private means of access to Hillside from the realigned north B1023 Kelvedon Road, 69 metres north of the Inworth roundabout, for a distance of 3 metres.
Kelvedon CP	Reference 14/M (inset B) New private means of access to attenuation pond north of the A12 mainline and other land, from the existing Ewell Hall Chase, for a distance of 776 metres.
Kelvedon CP	Reference 14/N (partly shown on inset A)

	New private means of access to attenuation pond south of the A12 mainline from reference 14/M, for a distance of 115 metres.
Streets, Rights of Way and Access Plans – Sheet 15	
Feering CP	Reference 15/A New private means of access to Threshelfords Farm from the realigned Threshelfords access road, for a distance of 449 metres
Feering CP	Reference 15/B New private means of access to attenuation pond between the realigned Threshelfords access road (reference 15/A) and the new A12 northbound carriageway, for a distance of 216 metres.
Feering CP	Reference 15/C New private means of access to land west of Prested Hall from the realigned Prested Hall access road, for a distance of 32 metres
Feering CP	Reference 15/D New private means of access to Prested Hall ecological mitigation area and other land south of the A12, from the east side of new Prested Hall Overbridge, for a distance of 328 metres
Feering CP	Reference 15/E New private means of access to attenuation pond between the existing junction 24 and the A12 northbound carriageway, from the realigned Prested Hall access road, for a distance of 137 metres.
Feering CP	Reference 15/F New private means of access to western land between the existing A12 and the realigned London Road, 222 metres west of Feering East roundabout, for a distance of 10 metres.
Feering CP	Reference 15/G New private means of access to land between the A12 and the realigned London Road, for a distance of 9 metres.
Feering CP	Reference 15/H New private means of access to field east of New Lane, from the existing A12 northbound slip road, for a distance of 8 metres.
Feering CP	Reference 15/J New private means of access to attenuation pond between the existing A12 and the new A12 northbound carriageway, 508 metres east of the Feering East roundabout, for a distance of 116 metres.
Feering CP	Reference 15/K New private means of access to Prested Hall Cottages and Heathfield from the eastern side of the Feering east roundabout, for a distance of 98 metres.
Feering CP	Reference 15/L New private means of access to attenuation pond from reference 15/D, for a distance of 66 metres.
Feering CP	Reference 15/M New private means of access to the attenuation pond between the Feering East roundabout and the A12 northbound carriageway, from reference 15/E, for a distance of 197 metres.
Streets, Rights of Way and Access Plans – Sheet 16	
Feering CP	Reference 16/A (insets A and B) New private means of access to attenuation pond south of the A12 and Gypsy Lane from the realigned Easthorpe Road, for a distance of 637 metres.
Feering CP	Reference 16/B New private means of access to Little Domsey Cottages from the northern end of Easthorpe Road, for a distance of 3 metres

Copford CP	Reference 16/C New private means of access to Colchester Model Car Club and the attenuation pond between the existing A12 and the new A12, 81 metres east of the Easthorpe Road roundabout, for a distance of 113 metres.
Copford CP	Reference 16/D (sheet 16 and 17) New private means of access to attenuation pond and land south of the new A12, from the realigned Easthorpe Road, for a distance of 774 metres.
Copford CP	Reference 16/E New private means of access to Colchester Model Car Club from the realigned Easthorpe Road, for a distance of 27 metres
Feering CP	Reference 16/F New private means of access to ecological mitigation area east of Easthorpe Road, for a distance of 2 metres.
Feering CP	Reference 16/G New private means of access to land west of Easthorpe Road, for a distance of 2 metres
Feering CP	Reference 16/H New private means of access to field north of the existing A12 from the western side of Domsey Chase, 27 metres north of the Easthorpe Road roundabout, for a distance of 34 metres
Feering CP	Reference 16/I New private means of access to field north of the existing A12 from the eastern side of Domsey Chase, 27 metres north of the Easthorpe Road roundabout, for a distance of 23 metres.
Feering CP	Reference 16/J (inset A) New private means of access to Gypsy Lane from the existing Easthorpe Road, for a distance of 33 metres
Streets, Rights of Way and Access Plans – Sheet 17	
Copford CP	Reference 17/A New private means of access to the attenuation pond south of the A12 mainline from the western end of the realigned Easthorpe Green access road, for a distance of 538 metres.
Copford CP	Reference 17/B New private means of access to the attenuation pond between the existing A12 and the new A12 mainline, west of the Wishingwell overbridge, from the north of the existing Easthorpe Green Farm access road, for a distance of 186 metres.
Copford CP	Reference 17/C New private means of access to the attenuation pond on the south west side of the realigned Easthorpe Green access road, 223 metres west of Wishing Well Overbridge.
Marks Tey CP	Reference 17/D New private means of access to the attenuation pond between the existing A12 and the new A12 mainline, 179 metres east of the Wishingwell Farm roundabout, for a distance of 58 metres
Copford CP	Reference 17/E New private means of access to ecological mitigation area between the Existing A12 and the A12 mainline, 1,039 metres west of the Wishingwell Farm roundabout, for a distance of 9 metres.
Marks Tey CP	Reference 17/F New private means of access to field north of the existing A12, 34 metres east of the new Wishingwell Farm roundabout, for a distance of 18 metres.

Marks Tey CP	Reference 17/G (sheets 17 and 18) New private means of access to attenuation pond and land south of the new A12 from the eastern end of the new Wishingwell access road, 398 metres east of the new Wishingwell overbridge, for a distance of 164 metres.
Streets, Rights of Way and Access Plans – Sheet 18	
Marks Tey CP	Reference 18/A New private means of access to Flyover Nurseries from the realigned A120 Coggeshall Road, 50 metres west of the Old Rectory junction, for a distance of 4 metres.
Marks Tey CP; Copford CP	Reference 18/B (inset A) New private means of access to ecological mitigation areas and other land south of the new A12 and east of Wishingwell Farm, for a distance of 1,043 metres.
Marks Tey CP	Reference 18/C New private means of access to the attenuation ponds between the Existing A12 and the new A12 mainline from the new London Road roundabout, for a distance of 43 metres.
Marks Tey CP	Reference 18/D New private means of access to Hall Chase from the Hall Chase Roundabout, for a distance of 146 metres
Marks Tey CP	Reference 18/E New private means of access to Marks Tey playground from the realigned Old London Road, 229 metres north of the London Road roundabout, for a distance of 13 metres.
Marks Tey CP	Reference 18/F New private means of access to the attenuation pond east of the realigned Hall Chase Road from the new Hall Chase roundabout, for a distance of 60 metres.
Marks Tey CP	Reference 18/G New private means of access to land between the Existing A12 and the junction 25 northbound off-slip road, 68 metres west of the London Road roundabout, for a distance of 58 metres.
Marks Tey CP	Reference 18/H New private means of access to field between Old London Road and the A120 Coggeshall Road from Old London Road, for a distance of 8 metres.
Marks Tey CP	Reference 18/I New private means of access to 141 and 139 London Road, 59 metres north of Hall Chase roundabout, for a distance of 2 metres.
Marks Tey CP	Reference 18/J New private means of access to 137 London Road, 66 metres north of Hall Chase roundabout, for a distance of 2 metres.
Marks Tey CP	Reference 18/K New private means of access to 135 London Road, 75 metres north of Hall Chase roundabout, for a distance of 3 metres.
Marks Tey CP	Reference 18/L New private means of access to Flyover Nurseries from the realigned A120 Coggeshall Road, 87 metres west of the Old Rectory junction, for a distance of 3 metres.
Marks Tey CP	Reference 18/M New private means of access to 166 and 164 London Road, 145 metres east of the realigned Old London Road access, for a distance of 2 metres.
Marks Tey CP	Reference 18/N

	New private means of access to 162 and 160 London Road, for a distance of 3 metres.
Marks Tey CP	Reference 18/O New private means of access to 158 London Road, 180 metres east of the realigned Old London Road access, for a distance of 3 metres.
Marks Tey CP	Reference 18/P New private means of access to land south of the existing A12, for a distance of 12 metres.
Streets, Rights of Way and Access Plans – Sheet 19	
Copford CP	Reference 19/A New private means of access to the attenuation pond and ecological mitigation area from the B1408 London Road, 645 metres east of the Prince of Wales roundabout, for a distance of 356 metres.
Marks Tey CP	Reference 19/B New private means of access to Old Rectory Court, from the realigned Station Road for a distance of 2 metres.
Marks Tey CP	Reference 19/C New private means of access to Old Rectory Court, from the realigned Station Road for a distance of 4 metres.
Streets, Rights of Way and Access Plans – Sheet 20	
Messing-Cum-Inworth CP	Reference 20/A New private means of access to land east of the widened B1023 Kelvedon Road, for a distance of 19 metres.
Messing-Cum-Inworth CP	Reference 20/B New private means of access to All Saints Church from the west side of the widened B1023 Kelvedon Road, for a distance of 7 metres.
Messing-Cum-Inworth CP	Reference 20/C New private means of access to the attenuation pond and land east of the widened B1023 Kelvedon Road, for a distance of 62 metres.
Messing-Cum-Inworth CP	Reference 20/D New private means of access to land west of the B1023 Kelvedon Road, for a distance of 3 metres..
Messing-Cum-Inworth CP	Reference 20/E New private means of access to land west of the B1023 Kelvedon Road, for a distance of 3 metres.
Messing-Cum-Inworth CP	Reference 20/F New private means of access to land east of the widened B1023 Kelvedon Road, from the widened B1023 Kelvedon Road for a distance of 49 metres.
Messing-Cum-Inworth CP	Reference 20/G New private means of access to land east of the widened B1023 Kelvedon Road, from reference 20/F, for a distance of 54 metres.
Messing-Cum-Inworth CP	Reference 20/H New private means of access to flood compensation area and land east of the widened B1023 Kelvedon Road, from reference 20/F, for a distance of 59 metres.
Messing-Cum-Inworth CP	Reference 20/I New private means of access to land from the B1023 Kelvedon Road, for a distance of 3 metres
Messing-Cum-Inworth CP	Reference 20/J Not used.
Messing-Cum-Inworth CP	Reference 20/K New private means of access to land east of the widened B12023

	Kelvedon Road, for a distance of 3 metres.
Messing-cum-Inworth CP	Reference 20/L New private means of access to the attenuation pond for a distance of 53 metres.
Messing-cum-Inworth CP	Reference 20/M New private means of access to the attenuation pond for a distance of 34 metres.
Streets, Rights of Way and Access Plans – Sheet 21	
Feering CP; Messing-Cum-Inworth CP	Reference 21/A (sheets 21 and 14) New private means of access to woodland area north of the new junction 24 from reference 14/B, for a distance of 299 metres.

PART 6

PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> Area	<i>(2)</i> Private means of access to be stopped up	<i>(3)</i> Extent of stopping up
Streets, Rights of Way and Access Plans – Sheet 6		
Hatfield Peverel CP	Reference 6/c The private means of access to land north of the existing A12 northbound carriageway.	The whole access.
Hatfield Peverel CP	Reference 6/d The private means of access to land north of the existing A12 northbound carriageway.	The whole access.
Streets, Rights of Way and Access Plans – Sheet 9		
Witham CP	Reference 9/a The Barrows Creep Underpass	The whole length of the underpass.
Streets, Rights of Way and Access Plans – Sheet 10		
Rivenhall CP	Reference 10/c The private means of access to Colemans Quarry	For a distance of 85 metres.
Streets, Rights of Way and Access Plans – Sheet 11		
Rivenhall CP	Reference 11/a The private means of access to the field north of the existing A12 northbound carriageway.	The whole access.
Streets, Rights of Way and Access Plans – Sheet 12		
Kelvedon CP	Reference 12/a The private means of access to Hare Lodge and Erimyka, north of the existing A12 northbound carriageway.	The whole access.
Kelvedon CP	Reference 12/c The private means of access from Crane's Lane to fields of the existing A12.	The whole access.
Streets, Rights of Way and Access Plans – Sheet 14		

Messing-Cum-Inworth CP	Reference 14/a The Inworth Subway private means of access.	Whole length of subway.
Messing-Cum-Inworth CP	Reference 14/c The private means of access to property on west side of the B1023 Kelvedon Road	The whole access.
Messing-Cum-Inworth CP	Reference 14/d The private means of access to the properties behind Brick Kiln Farm.	The whole access.
Messing-Cum-Inworth CP	Reference 14/e The private means of access to the properties behind the Brick Kiln Farm.	The whole access.

SCHEDULE 5

Article 30

LAND IN WHICH NEW RIGHTS ETC. MAY BE ACQUIRED

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
1/3a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	<p>Work No. U2 Work No. U2A</p>
1/10a	Access for inspection, maintenance, repair and clearing of culvert and retaining structures.	Work No. 1(a)
1/10b	Access for inspection, maintenance, repair and clearing of culvert and retaining structures.	Work No. 1(a)
1/10c	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.	<p>Work No. U2 Work No. U2A</p>

	<p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	
1/11c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles plant or machinery.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, mains or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, main or apparatus; and to prevent access to installed pipelines, mains or apparatus being made materially more difficult.</p>	<p>Work No. U3 Work No. U3C</p>
1/11d	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles plant or machinery.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, mains or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, main or apparatus; and to prevent access to installed pipelines, mains or apparatus being made materially more difficult.</p>	<p>Work No. U3 Work No. U3C</p>
1/11f	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main together with rights to</p>	<p>Work No. U1A</p>

	<p>pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed main or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed main or apparatus; and to prevent access to the installed main or apparatus being made materially more difficult.</p>	
1/11g	<p>To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable buried water drains together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed drains or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above installed drains or apparatus; and to prevent access to installed drains or apparatus being made materially more difficult.</p>	Work No. 2(a)
1/12a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	Work No. U2 Work No. U2A
1/13a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity</p>	Work No. U2 Work No. U2A

	cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.	
1/13c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	<p>Work No. U2 Work No. U2A</p>
1/13e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed apparatus; and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. U4
1/14a	<p>To install, lay, construct, inspect, maintain, protect, retain, use, enlarge, replace, renew, cleanse, remove or render unusable a water drainage pipe and head wall together with a right to access, with or without vehicles, plant or machinery including cofferdams, boats, barges or platforms.</p> <p>The right to drain into and add to the flow of the River Chelmer.</p>	Work No. 2(a)
1/18a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	<p>Work No. U2 Work No. U2A</p>

	To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.	
2/12b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles plant or machinery.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, main, cables, ducts or apparatus; and to prevent access to installed pipelines, mains, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U3 Work No. U3C Work No. U5</p>
2/12c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U11 Work No. U20</p>
2/12d	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the</p>	<p>Work No. U10C Work No. U12A Work No. U15</p>

	<p>installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p>	
2/12f	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains or apparatus; and to prevent access to the installed mains or apparatus being made materially more difficult.</p>	<p>Work No. U10C Work No. U12A</p>
2/12h	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U3C Work No. U12B</p>
2/12j	<p>To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable a buried water drain together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed drain or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above the installed drain or apparatus; and to prevent access to the installed drain or apparatus being made materially more difficult.</p>	<p>Work No. U13</p>
2/12l	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p>	<p>Work No. U20 Work No. U20A</p>

	<p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	
2/12o	Access / working room to enable National Highways to undertake future maintenance.	Work No. 1(a) Work No. 5
2/13c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U10 Work No. U11 Work No. U12
2/13d	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U9
2/13e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U9
2/15c	Rights to pass and repass and to remain on the land,	Work No. 1(a)

	with or without vehicles, plant or machinery for the purposes of inspecting, repairing and maintaining retaining structures on adjoining land.	Work No. 1(c)
2/17j	Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of inspecting, repairing and maintaining retaining structures on adjoining land.	Work No. 1(a) Work No. 1(c)
2/18d	Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of inspecting, repairing and maintaining bridges and retaining structures on adjoining land.	Work No. 1(a) Work No. 1(c)
4/9c	Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to adjoining land.	Ecological mitigation area east of Terling Hall Road.
5/12d	To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable a buried sewer together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery. To include restrictive covenants for protecting the installed sewer or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above the installed sewer or apparatus; and to prevent access to the installed sewer or apparatus being made materially more difficult.	Work No. U25
5/12h	To install, lay, construct, inspect, maintain, protect, retain, use, enlarge, replace, renew, cleanse, remove or render unusable a drainage pipe and head wall together with a right to access, with or without vehicles, plant or machinery. The right to drain into and add to the flow of the watercourse.	Work No. 8(a)
5/21b	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main, including include rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery. To include restrictive covenants for protecting the installed main or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed main or apparatus; and to prevent access to the installed main or apparatus being made materially more difficult. A right of access land for the purposes of inspecting and maintaining structures on adjoining land including rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.	Work No. U29A Work No. 9
5/22b	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main, including include rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.	Work No. U29A

	<p>To include restrictive covenants for protecting the installed main or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed main or apparatus; and to prevent access to the installed main or apparatus being made materially more difficult.</p> <p>A right of access land for the purposes of inspecting and maintaining structures on adjoining land including rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	
5/24a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U29 Work No. U36</p>
5/35c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed apparatus; and to prevent access to the installed apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	<p>Work No. U38</p>
6/11c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any</p>	<p>Work No. U38</p>

	<p>installed apparatus; and to prevent access to the installed apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	
6/12c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable pipelines for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipelines, cables, ducts or apparatus; and to prevent access to the installed pipelines, cables, ducts or apparatus being made materially more difficult.</p> <p>A right to access adjoining land for all purposes with or without vehicles, plant or machinery.</p>	<p>Work No. U38A Work No. U40 Work No. U41 Work No. U42 Work No. U49 Work No. 17</p>
6/12g	<p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable pipelines for the distribution or storage of gas or other ancillary materials.</p> <p>To include restrictive covenants for protecting the installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipelines, cables, ducts or apparatus; and to prevent access to the installed pipelines, cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without</p>	<p>Work No. U38 Work No. U38A</p>

	vehicles, plant or machinery.	
6/14b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed main or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed main or apparatus; and to prevent access to the installed main or apparatus being made materially more difficult.</p>	Work No. U39
6/15c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable pipelines for the distribution or storage of gas or other ancillary materials.</p> <p>To include restrictive covenants for protecting the installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipelines, cables, ducts or apparatus; and to prevent access to the installed pipelines, cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	Work No. U38 Work No. U38A Work No. U42
6/16a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and</p>	Work No. U22 Work No. U22A Work No. U35 Work No. U38

	repass and to remain on the land with or without vehicles, plant or machinery.	
6/18a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable a buried sewer.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable a buried water main.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts, sewers, mains or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts, sewers, mains or apparatus ; and to prevent access to the installed cables, ducts, sewers, mains or apparatus being made materially more difficult.</p>	<p>Work No. U38</p> <p>Work No. U39</p> <p>Work No. U45</p> <p>Work No. U49</p>
6/18e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U22A</p> <p>Work No. U35</p> <p>Work No. U38</p> <p>Work No. U49</p>
6/19b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p>	<p>Work No. U22</p> <p>Work No. U22A</p> <p>Work No. U35</p> <p>Work No. U38</p> <p>Work No. U45</p> <p>Work No. U49</p>

	<p>To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable a buried sewer.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts, sewers or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts, sewers or apparatus ; and to prevent access to the installed cables, ducts, sewers or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	
6/31a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus ; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U37 Work No. U37A</p>
7/4a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	<p>Work No. U69</p>
7/10c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p>	<p>Work No. U22A Work No. U38A Work No. U49 Work No. U52 Work No. U69</p>

	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p>	
7/10f	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U38A Work No. U69</p>
7/10k	<p>Rights to pass and repass, with or without vehicles, plant or machinery to access adjoining land.</p>	<p>Access to ecological mitigation area west of B1018 Maldon Road</p>
7/16e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U54</p>
7/21c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render</p>	<p>Work No. U22A Work No. U38A</p>

	<p>unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants to protect the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U49 Work No. U52</p>
8/1j	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains or apparatus; and to prevent access to the installed mains or apparatus being made materially more difficult.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery to maintain structures on adjoining land.</p>	<p>Work No. U65 Work No. 24(e)</p>
8/3a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery to maintain structures on adjoining land and in the airspace above the land.</p>	<p>Work No. U22A Work No. U49 Work No. U51 Work No. U63 Work No. U64 Work No. U71 Work No. 12(c) Work No. 24(d)</p>
8/6b	<p>To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable buried drains and to drain in to and add to the flow of a watercourse.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p>	<p>Work No. 12(c) Work No. U63 Work No. U63A</p>

	<p>To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable buried sewers.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery to maintain structures on adjoining land</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	
8/6d	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery to maintain structures on adjoining land.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U22A Work No. U49 Work No. U51 Work No. U63 Work No. U63A Work No. U64 Work No. U71 Work No. 12(c) Work No. 24(d)</p>
8/6e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants to protect the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U22A Work No. U49 Work No. U51 Work No. U64</p>
8/6g	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U22A Work No. U49 Work No. U51 Work No. U62A Work No. U64 Work No. U69</p>

	To include restrictive covenants for protecting installed pipelines, mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, mains, cables, ducts or apparatus; and to prevent access to installed pipelines, mains, cables, ducts or apparatus being made materially more difficult.	
8/6j	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts. Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.	Work No. U22A Work No. U49
8/6k	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts. To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts. To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable a buried water drain. To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable a buried sewer. Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.	Work No. U22A Work No. U49 Work No. U63 Work No. U63A Work No. U68 Work No. U71
8/6l	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main. Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures. Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery. Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to adjoining land.	Work No. U65 Work No. 24(e) Access to ecological mitigation areas and open space south of the A12. Access to land
8/6m	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery. To include restrictive covenants for protecting installed pipelines or apparatus from excavation,	Work No. U69

	<p>damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	
8/10d	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants to protect the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U22A Work No. U49</p>
8/11f	<p>To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable a buried water drainage pipe.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to maintain a bridge on adjoining land.</p>	<p>Work No. U59 Work No. 27</p>
8/11g	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U50</p>
8/11u	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures.</p>	<p>Work No. U65 Work No. 12(c) Work No. 24(e)</p>
8/11al	<p>To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable a buried water drain together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U59</p>
8/21e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U22A Work No. U49</p>

8/21f	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable drainage pipes, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. 29(a) Work No. U69</p>
8/21g	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U22A Work No. U49 Work No. U51 Work No. U64 Work No. U69</p>
8/23b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p> <p>Rights to pass and repass, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures.</p>	<p>Work No. U22A Work No. U49 Work No. U51 Work No. U69 Work No. 12(c) Work No. 24(d)</p>
8/27a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U44 Work No. U56</p>

8/32a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of inspecting, repairing and maintaining retaining structures on adjoining land.</p>	<p>Work No. U66 Work No. U67 Work No. U70 Work No. 12(c) Work No. 24(d)</p>
8/33b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried drainage pipes.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, drains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipelines, drains, cables, ducts or apparatus; and to prevent access to installed pipelines, drains, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. 29(a) Work No. U22A Work No. U49 Work No. U50 Work No. U51 Work No. U64 Work No. U69</p>
8/33e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to</p>	<p>Work No. U69</p>

	<p>pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	
8/33k	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried drainage pipes.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, drains or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, drain or apparatus; and to prevent access to installed pipelines, drains or apparatus being made materially more difficult.</p>	<p>Work No. 29(a) Work No. U69</p>
8/331	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants to protect the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U22A Work No. U49 Work No. U51 Work No. U64</p>
8/35a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	<p>Work No. U69</p>
8/38a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of</p>	<p>Work No. U69</p>

	<p>gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	
8/39a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	Work No. U69
8/43b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable surface water drains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, drains, mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipelines, drains, mains, cables, ducts or apparatus; and to prevent access to installed pipelines, drains, mains, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U22A</p> <p>Work No. U49</p> <p>Work No. U51</p> <p>Work No. U62A</p> <p>Work No. U64</p> <p>Work No. U68</p> <p>Work No. U69</p>
8/43c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain,</p>	<p>Work No. U22A</p> <p>Work No. U49</p> <p>Work No. U51</p> <p>Work No. U64</p> <p>Work No. U69</p>

	<p>protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipelines, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p>	
8/44b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipelines, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U22A Work No. U49 Work No. U51 Work No. U64 Work No. U69</p>
8/45d	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	<p>Work No. U69</p>
8/47b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render</p>	<p>Work No. U22A Work No. U49 Work No. U51 Work No. U64 Work No. U65 Work No. U66 Work No. U70 Work No. U73</p>

	<p>unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried sewers.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable surface water drains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	
8/47c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants to protect the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U44 Work No. U56</p>
8/47d	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants to protect the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U44 Work No. U56</p>
8/47e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures on adjoining land.</p>	<p>Work No. U65 Work No. 12(c) Work No. 24(e)</p>
8/47g	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U65 Work No. 12(c) Work No. 24(e)</p>

	Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures on adjoining land.	
8/47h	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery to provide access to land and apparatus.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures on adjoining land.</p>	<p>Work No. 12(c) Work No. 24(e) Work No. U65 Access to ecological mitigation areas and open space south of the A12 Access to land</p>
8/47j	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U65 Work No. U66 Work No. U67 Work No. U70</p>
8/47l	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U65 Work No. U67 Work No. U70</p>
8/47n	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U65 Work No. U66 Work No. U67 Work No. U70</p>
8/47q	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, replace, renew or remove buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>Rights to pass and repass, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures.</p>	<p>Work No. 12(c) Work No. U65 Work No. U70</p>

8/48a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	Work No. U69
8/48e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	Work No. U69
8/49a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	Work No. U69
8/49b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	Work No. U69
8/52c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to</p>	Work No. U69

	<p>pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	
8/53a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	Work No. U69
8/54c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	Work No. U69
8/54d	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	Work No. U69
8/68c	<p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of inspecting and maintaining ecological mitigation, bridges and retaining structures.</p>	Work No. 12(c) Work No. 24(c)
8/68e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery to provide access to land and apparatus.</p>	Work No. U44 Work No. U56 Work No. 12(c) Work No. 24(e) Access to ecological mitigation areas and open space south of the A12 Access to land

	Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures.	
8/68f	<p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery to provide access to land and apparatus.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery for the purposes of access to inspect, maintain and repair bridges and structures.</p>	<p>Work No. 12(c) Work No. 24(e) Access to ecological mitigation areas and open space south of the A12 Access to land</p>
8/68g	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	Work No. U69
8/68k	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	Work No. U69
8/68m	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	Work No. U69
8/68n	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or	Work No. U69

	<p>without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	
9/1f	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U22A Work No. U49</p>
9/1n	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U22A Work No. U49 Work No. U51 Work No. U75</p>
9/10a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed mains or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed main or apparatus; and to prevent access to installed mains or apparatus being made materially more difficult.</p>	<p>Work No. U67</p>
9/10e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U22A Work No. U49</p>
9/11b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	<p>Work No. U22A Work No. U49</p>
9/12b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed mains or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed main or apparatus; and to prevent access to installed mains or apparatus being made materially more difficult.</p>	<p>Work No. U67</p>

9/13b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipelines cables, ducts or apparatus; and to prevent access to installed pipelines cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U22A Work No. U49 Work No. U69</p>
9/14a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed pipeline or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to the installed pipeline or apparatus being made materially more difficult.</p>	<p>Work No. U69</p>
9/14b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed pipeline or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to the installed pipeline or apparatus being made materially more difficult.</p>	<p>Work No. U69</p>
9/19a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed pipeline or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to</p>	<p>Work No. U69</p>

	prevent access to the installed pipeline or apparatus being made materially more difficult.	
9/19b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed pipeline or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to the installed pipeline or apparatus being made materially more difficult.</p>	Work No. U69
10/8a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	Work No. 24(a)
10/8b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. 32(c)
10/11c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made</p>	<p>Work No. U81</p> <p>Work No. U84</p> <p>Work No. U84A</p> <p>Work No. U86</p>

	materially more difficult.	
10/11d	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	Work No. U81
10/14b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U84</p> <p>Work No. U86</p> <p>Work No. U90</p>
10/14c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed</p>	<p>Work No. U81</p> <p>Work No. U84</p> <p>Work No. U86</p>

	pipelines, cables, ducts or apparatus being made materially more difficult.	
10/15b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	<p>Work No. U78 Work No. U84</p>
10/16a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p> <p>Access to land for inspecting, repairing, maintaining and clearing drains, with or without vehicles, plant or machinery.</p>	<p>Work No. U78 Work No. U84 Work No. 32(c)</p>
10/17a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or</p>	<p>Work No. U84A</p>

	apparatus being made materially more difficult.	
10/18b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U81 Work No. U84 Work No. U84A Work No. U86</p>
10/19b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U81 Work No. U83 Work No. U84 Work No. U84A Work No. U86 Work No. U90</p>
10/20f	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p>	<p>Work No. U89 Work No. U91 Work No. U92</p>

	<p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p>	
10/20h	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	<p>Work No. U22A Work No. U78 Work No. U89</p>
10/20i	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	<p>Work No. U89</p>
10/22a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p>	<p>Work No. U91 Work No. U92</p>

	<p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	
10/24a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable pipelines for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	<p>Work No. U81 Work No. U89</p>
10/25a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable pipelines for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	<p>Work No. U81 Work No. U89</p>
10/26a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. 32(c)</p>
10/30a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting</p>	<p>Work No. U84A</p>

	installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.	
10/30b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a pipeline for the distribution or storage of gas or other ancillary materials.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline, cables, ducts or apparatus; and to prevent access to installed pipelines, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U81 Work No. U84 Work No. U84A Work No. U86</p>
11/4n	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U108 Work No. U109</p>
11/6a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable pipelines for the distribution or storage of gas or other ancillary materials, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipelines or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipeline or apparatus; and to prevent access to installed pipelines or apparatus being made materially more difficult.</p>	<p>Work No. U103 Work No. U104</p>
11/9a	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render	<p>Work No. U117 Work No. U118</p>

	<p>unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p>	
11/14c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U111A Work No. U111B</p>
11/20d	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U117 Work No. U118</p>
12/5d	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation,</p>	<p>Work No. U125</p>

	<p>damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	
12/6f	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U111A Work No. U111B</p>
13/11a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	<p>Work No. U135</p>
13/14c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	<p>Work No. U136</p>
13/14g	<p>To lay, install, construct, retain, inspect, maintain,</p>	<p>Work No. U136</p>

	<p>protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	
13/14j	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. 45(a)
13/15b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	Work No. U136
14/1e	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render</p>	<p>Work No. U146 Work No. U146B Work No. U146C Work No. U147</p>

	<p>unusable buried sewers.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, sewers, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, sewers, cables, ducts or apparatus; and to prevent access to the installed mains, sewers, cables, ducts or apparatus being made materially more difficult.</p>	
14/1f	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U146A
14/1i	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U146A
14/3g	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed mains or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed main or apparatus; and to prevent access to installed mains or apparatus being made materially more difficult.</p>	Work No. U148
14/3j	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render</p>	Work No. U146C Work No. U147

	<p>unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, retain use, enlarge, replace, renew, remove or render unusable buried sewers.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts, sewers or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts, sewers or apparatus ; and to prevent access to the installed cables, ducts, sewers or apparatus being made materially more difficult.</p>	
14/3n	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U147
14/7a	<p>To install, lay, construct, inspect, maintain, protect, retain, use, enlarge, replace, renew, cleanse, remove or render unusable a water drainage pipe and head wall together with a right to access, with or without vehicles, plant or machinery and to drain into and add to the flow of the adjacent watercourse.</p>	Work No. 65(a)
14/8c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>Installation and maintenance of traffic signage.</p>	Work No. U146A Work No. 74(c)
14/18b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	Work No. U146A

	To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.	
14/21b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U146A
15/8h	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U124A</p> <p>Work No. U128A</p> <p>Work No. U156</p>
15/9a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a buried water main, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable a drainage culvert, together with rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipes, culverts, mains or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipe, culvert, main or apparatus; and to prevent access to installed pipes, culverts, mains or apparatus being made</p>	<p>Work No. U156</p> <p>Work No.82(c)</p> <p>Work No.82(d)</p>

	materially more difficult.	
15/10a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U160
15/12b	<p>To install, lay, construct, inspect, maintain, protect, retain, use, enlarge, replace, renew, cleanse, remove or render unusable drainage pipes together with a right to access, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipes or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipes or apparatus; and to prevent access to installed pipes or apparatus being made materially more difficult.</p>	Work No. 87(a)
15/13b	<p>To install, lay, construct, inspect, maintain, protect, retain, use, enlarge, replace, renew, cleanse, remove or render unusable drainage pipes and headwalls together with a right to access, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipes or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipes or apparatus; and to prevent access to installed pipes, headwall or apparatus being made materially more difficult.</p>	Work No. 87(a)
15/13d	<p>To install, lay, construct, inspect, maintain, protect, retain, use, enlarge, replace, renew, cleanse, remove or render unusable drainage pipes and headwalls together with a right to access, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed pipes or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed pipes or apparatus; and to prevent access to installed pipes, headwalls or apparatus being made materially more difficult.</p>	Work No. 87(a)
16/5b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p>	<p>Work No. U166A</p> <p>Work No. U167B</p>

	<p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	
16/5n	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	Work No. U166A
16/5o	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without</p>	Work No. U166A

	vehicles, plant or machinery.	
16/5p	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	Work No. U166A
16/5r	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p>	Work No. U167B
16/6b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	Work No. U173
17/3f	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render	Work No. 68(a) Work No. 94(d)

	<p>unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	
18/1x	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U194
18/6c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	Work No. U197
18/6f	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U197

	To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.	
18/6g	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	Work No. U180
18/6h	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U194
18/9a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce</p>	<p>Work No. U178</p> <p>Work No. U180</p> <p>Work No. U180A</p>

	<p>the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	
18/10a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	Work No. U197
18/12a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	Work No. U197
18/13a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting</p>	Work No. U197

	<p>installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p> <p>To install, construct, retain, inspect, maintain, protect, use, replace, renew or remove overhead electricity cables and supports, together with rights to pass and repass and to remain on the land with or without vehicles, plant or machinery.</p>	
19/2c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U200A
19/3a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U200A
19/6a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U200A
19/10a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p>	Work No. U200A

	To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.	
19/11a	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts. Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery. To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.	Work No. U200A
19/11b	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts. Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery. To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.	Work No. U200A
19/12a	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts. Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery. To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.	Work No. U200A
19/12b	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts. Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery. To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of	Work No. U200A

	soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.	
19/12c	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried communications cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to installed cables, ducts or apparatus being made materially more difficult.</p>	Work No. U200A
19/13a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U198</p> <p>Work No. U199</p> <p>Work No. U200</p>
19/23a	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried water mains.</p> <p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed mains, cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed mains, cables, ducts or apparatus; and to prevent access to the installed mains, cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No. U198</p> <p>Work No. U199</p> <p>Work No. U200</p>
21/5a	To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.	<p>Work No.45(a)</p> <p>Work No.45(b)</p> <p>Work No.74(a)</p>

	<p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	
21/5b	<p>To lay, install, construct, retain, inspect, maintain, protect, use, enlarge, replace, renew, remove or render unusable buried electricity cables and ducts.</p> <p>Rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.</p> <p>To include restrictive covenants for protecting the installed cables, ducts or apparatus from excavation, damage or injury; to not materially reduce the depth of soil above any installed cables, ducts or apparatus; and to prevent access to the installed cables, ducts or apparatus being made materially more difficult.</p>	<p>Work No.45(a) Work No.45(b) Work No.74(a)</p>

SCHEDULE 6

Article 30

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF RESTRICTIVE COVENANTS

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or imposition of a restrictive covenant as they apply in respect of compensation on the compulsory purchase of land and interests in land.

2.—(1) Without limitation on the scope of paragraph 1, the 1961 Act has effect subject to the modification set out in sub-paragraph (2).

(2) For section 5(1) (5A) (relevant valuation date) of the 1961 Act substitute—

“(5A) If—

- (a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 5(5) of Schedule 6 (Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants) to the A12 Chelmsford to A120 Widening Development Consent Order 202[X] (“the A12 Chelmsford to A120 Widening Order”));
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 6 to the A12 Chelmsford to A120 Widening Order 202[X]) to acquire an interest in the land; and
- (c) the acquiring authority enter on and take possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land when it entered on that land for the purpose of exercising that right.”

3.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(a) has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 5(3)—

- (a) for “land is acquired or taken from” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for “acquired or taken from him” substitute “over which the right is exercisable or the restrictive covenant enforceable”.

Application of Part 1 of the 1965 Act

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 36 (modification of Part 1 of the 1965 Act)) to the acquisition of land under article 27 (compulsory acquisition of land), applies to the compulsory acquisition of a right by the creation of a new right, or to the imposition of a restrictive covenant under article 30(1) (compulsory acquisition of rights and imposition of restrictive covenants)—

- (a) with the modifications specified in paragraph 5; and
- (b) with such other modifications as may be necessary.

5.—(1) The modifications referred to in paragraph 4(a) are as follows.

(2) References in the 1965 Act to land are, in the appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restrictive covenant imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable, or the restriction is or is to be enforceable.

(3) For Section 7 (measure of compensation in case of severance) of the 1965 Act substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the restrictive covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the Special Act”.

(4) The following provisions of the 1965 Act which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified so as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

(a) 1973 (c. 26).

(5) Section 11(a) (powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right or restrictive covenant, as well as the notice of entry required by subsection (1) of that section (as it applies to a compulsory acquisition under article 27 (compulsory acquisition of land)), it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant; and sections 11A(b) (powers of entry: further notices of entry), 11B(c) (counter-notice requiring possession to be taken on specified date), 12(d) (unauthorised entry) and 13(e) (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20(f) (tenants at will, etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 36(4) (modification of Part 1 of the 1965 Act) is also modified so as to enable the acquiring authority in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

(8) For Schedule 2A of the 1965 Act substitute—

“SCHEDULE 2A COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT IN NOTICE TO TREAT

Introduction

1.—(1) This Schedule applies where an undertaker serves a notice to treat in respect of a right over, or a restrictive covenant affecting, the whole or part of a house, building or factory and has not executed a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 37(5) (application of the 1981 Act) of the A12 Chelmsford to A120 Widening Development Consent Order 202[X] in respect of the land to which the notice to treat relates.

(2) But see article 38(3) (acquisition of subsoil or airspace only) of the A12 Chelmsford to A120 Widening Development Consent Order 202[X] which excludes the acquisition of subsoil or airspace only from this Schedule.

2. In this Schedule, “house” includes any park or garden belonging to a house.

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- (a) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c.22) and S.I. 2009/1307.
- (b) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).
- (c) Section 11B was inserted by section 187(3) of the Housing and Planning Act 2016 (c. 22).
- (d) Section 12 was amended by section 56(2) of, and part 1 of Schedule 9 to, the Courts Act 1971 (c. 23) and paragraph 4 of Schedule 16 to the Housing and Planning Act 2016 (c.22).
- (e) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).
- (f) Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

Counter-notice requiring purchase of land

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the acquiring authority to purchase the owner’s interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

Response to counter-notice

5. On receiving a counter-notice, the acquiring authority must decide whether to—

- (a) withdraw the notice to treat,
- (b) accept the counter-notice, or
- (c) refer the counter-notice to the Upper Tribunal.

6. The acquiring authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

7. If the acquiring authority decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.

8. If the acquiring authority does not serve notice of a decision within the decision period it is to be treated as if it had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the acquiring authority serves notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they are included the owner’s interest in the house, building or factory.

Determination by the upper Tribunal

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or the imposition of the restrictive covenant would—

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making the determination, the Upper Tribunal must take into account—

- (a) the effect of the acquisition of the right or the imposition of the covenant,
- (b) the use to be made of the right or covenant proposed to be acquired or imposed, and
- (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

12. If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the acquiring authority ought to be required to take.

13. If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in that land.

14.—(1) If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the acquiring authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph it must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawing of the notice.

15. Any dispute as to the compensation is to be determined by the Upper Tribunal.”

SCHEDULE 7

Article 40

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
1/5a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 1(i) All works
1/10f	Access for utility diversion works.	Work No. U2
1/10g	Access for utility diversion works.	Work No. U2
1/11e	Temporary haul road Access and working area for construction of temporary soil storage bunds. Soil storage area during construction works. Access and working area for repositioning private irrigation pipe	Work No. U1A Work No. T1 All works in respect of bunds, storage and haul road
1/12c	Access and working area for utility diversion works.	Work No. U2
1/13f	Access and working area for utility diversion works.	Work No. U2A Work No. 1(a)
1/16a	Access and working area for utility diversion works.	Work No. U2
2/1d	Improvements to existing highway and installation of signage and associated works.	All works
2/2a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Temporary traffic management.	All works
2/2i	Access and working area for utility diversion works.	Work No. U21 Work No. U22
2/2j	Access and working area for utility diversion works.	Work No. U21 Work No. U22
2/7b	Access and working area for utility diversion works.	Work No. U21 Work No. U22
2/10a	Access and working area for utility diversion works.	Work No. U21 Work No. U22

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
2/12i	Compound and traffic management and recovery yard.	Work No. T6 All works
2/12m	Temporary storage, laydown areas, access and working space to facilitate the construction of Paynes Lane Bridge. Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 1(a) Work No. 5 All works
2/15b	Temporary haul road. Temporary storage, laydown areas, access and working space to facilitate the construction of Work No. 5.	Work No. T5 Work No. 5
2/15f	Temporary haul road. Temporary storage, laydown areas, access and working space to facilitate the construction of Work No. 5.	Work No. T5 Work No. 5
2/15g	Temporary haul road. Temporary storage, laydown areas, access and working space to facilitate the construction of Work No. 5.	Work No. T5 Work No. 5
2/17b	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 1(c) Work No. 5 All works
2/17h	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 1(a) Work No. 1(c) Work No. 5 All works
2/17k	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 1(a) Work No. 1(c) All works
2/17n	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 1(a) Work No. 1(c)
2/17o	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 1(c) All works
2/18a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 1(a) Work No. 1(c) Work No. 2(b) All works
2/18c	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 1(a) Work No. 1(c) All works
3/1a	Temporary traffic management. Improvements to existing highway and installation of signage and associated works.	All works

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
3/1b	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Improvements to existing highway and installation of signage and associated works.	All works
3/1c	Temporary traffic management. Improvements to existing highway and installation of signage and associated works.	All works
3/2a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Improvements to existing highway and installation of signage and associated works.	All works
3/3a	Temporary traffic management. Improvements to existing highway and installation of signage and associated works.	All works
3/3b	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Improvements to existing highway and installation of signage and associated works.	All works
3/3c	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Improvements to existing highway and installation of signage and associated works.	All works
3/3d	Temporary traffic management. Improvements to existing highway and installation of signage and associated works.	All works
3/3e	Temporary traffic management. Improvements to existing highway and installation of signage and associated works.	All works
3/3f	Temporary traffic management. Improvements to existing highway and installation of signage and associated works.	All works
3/4a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Improvements to existing highway and installation of signage and associated works.	All works
3/5a	Improvements to existing highway and installation of signage and associated works. Access and working area for utility diversion works.	Work No. U21 Work No. U22 All works

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
3/5b	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Improvements to existing highway and installation of signage and associated works.	All works
3/7a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Improvements to existing highway and installation of signage and associated works.	All works
4/1a	Temporary traffic management. Improvements to existing highway and installation of signage and associated works.	All works
4/1b	Temporary traffic management. Improvements to existing highway and installation of signage and associated works.	All works
4/1c	Improvements to existing highway and installation of signage and associated works.	Work No. 12
4/1d	Temporary traffic management. Improvements to existing highway and installation of signage and associated works.	Work No. 12
4/2a	Access and working area for utility diversion works.	Work No. U22
4/2b	Access and working area for utility diversion works.	Work No. U22
4/3a	Temporary traffic management. Improvements to existing highway and installation of signage and associated works.	Work No. 12
4/3b	Access and working area for utility diversion works.	Work No. U22
4/3c	Temporary traffic management. Improvements to existing highway and installation of signage and associated works.	All works
4/4a	Access and working area. Improvements to existing highway and installation of signage and associated works.	Work No. 9 Work No. 10 Work No. 12 Work No. 18(b)
4/5a	Improvements to existing highway and installation of signage and associated works. Access and working area for utility diversion works.	Work No. U21 Work No. U22 Work No. 12
4/5b	Ecology Mitigation. Access and working area. Improvements to existing highway and installation of signage and associated works.	Work No. 9 Work No. 10 Work No. 12 Work No. 18(b)

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
4/9b	Access and working area. Ecology Mitigation.	Work No. 9 Work No. 10 Work No. 18(b)
5/2b	Access and working area for utility diversion works.	Work No. U22 Work No. U22A Work No. U35
5/2c	Access and working area for utility diversion works.	Work No. U22 Work No. U22A Work No. U35
5/2f	Access and working area for utility diversion works.	Work No. U22 Work No. U27 Work No. U28 Work No. U35 Work No. U36
5/2h	Access and working area for utility diversion works	Work No. U22 Work No. U27 Work No. U28 Work No. U35 Work No. U36
5/2j	To maintain access to properties (Moorings) during demolition and construction of Bury Lane bridge structure. Access and working area for utility diversion works.	Work No. 9 Work No. U27 Work No. U28 Work No. U29 Work No. U36
5/2k	Access and working area for utility diversion works.	Work No. U22 Work No. U35
5/2l	Access and working area for utility diversion works.	Work No. U22 Work No. U35
5/2m	Access and working area for utility diversion works.	Work No. U22 Work No. U35
5/2n	Access and working area for utility diversion works.	Work No. U22 Work No. U35
5/2o	Access and working area for utility diversion works.	Work No. U22 Work No. U30 Work No. U31 Work No. U33 Work No. U35
5/2r	Access and working area for utility diversion works.	Work No. U22 Work No. U35
5/2s	Access and working area for utility diversion works.	Work No. U22 Work No. U35

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
5/2t	Access and working area for utility diversion works.	Work No. U22 Work No. U35 Work No. U37
5/6a	Access and working area for utility diversion works. Temporary access to property.	Work No. 9 Work No. 10 Work No. U22 Work No. U22A Work No. U23 Work No. U24 Work No. U26 Work No. U27 Work No. U28 Work No. U29 Work No. U35 Work No. U36 Work No. T10 Work No. T12
5/6c	Access and working area for utility diversion works.	Work No. U22 Work No. U30 Work No. U31 Work No. U33 Work No. U35 Work No. T9
5/6d	Access to temporary car park. Access for bus shuttle service. To maintain access to properties adjoining Station Road. Access and working area for utility diversion works.	Work No. 10 Work No. T9
5/6e	Installation of traffic signs Access and working area.	Work No. 18(a)
5/12f	Access to temporary car park. Access for bus shuttle service.	Work No. 9 Work No. 10
5/12g	Access to properties adjoining Station Road. Access to temporary car park. Access for bus shuttle service.	Work No. T13 Work No. 9 Work No. 10
5/12i	Laydown areas, storage, access and working space.	Work No. 8(b) Work No. 9
5/16a	Construction compound including material storage, laydown areas, temporary buildings, welfare facilities storage of plant and construction access. Access and working area for utility diversion works.	Work No. U23 Work No. U25 Work No. 12(a) All Works

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
5/20a	Temporary road. Access and diversion route for properties to the north of the A12 in Hatfield Peverel	Work No. T8 Work No. 9 Work No. 10
5/21a	Construction compound including material storage, laydown areas, temporary buildings, welfare facilities storage of plant and construction access. Temporary access to adjoining land. Working area for the construction of retaining structure works.	Work No. 9 All Works
5/25a	Temporary access to adjoining land.	Work No. T10 Work No. 9
5/27a	Access and working area to construct temporary footbridge. Temporary path. Access and working area for utility diversion works.	Work No. T9 Work No. 10 Work No. U30 Work No. U31 Work No. U33
5/27b	Access and working area to construct temporary footbridge. Temporary path. Access and working area for utility diversion works.	Work No. T11 Work No. 10
5/28a	Access and working area to construct temporary footbridge. Temporary path. Access and working area for utility diversion works.	Work No. U22A Work No. U30 Work No. U31 Work No. U33 Work No. T9 Work No. T11
5/29a	Access and working area to construct temporary footbridge. Temporary path. Access and working area for utility diversion works.	Work No. U22 Work No. U22A Work No. U30 Work No. U31 Work No. U33 Work No. T9
5/30a	Access and working area for construction of retaining structures on adjoining land.	Work No. 10
5/34a	Temporary access to adjoining land. Access and working area for construction of retaining structures on adjoining land.	Work No. T12 Work No. 10
5/35a	Temporary car park. Access to temporary car park. Access for bus shuttle service.	Work No. T13 Work No. 9 Work No. 10 Work No. 18

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
5/35d	Temporary car park.	Work No. T13 Work No. 9 Work No. 10 Work No. 18
5/36b	Temporary access. Access and working area for construction of temporary soil storage bunds and soil storage area. Temporary construction area for off-line construction of Hatfield Peverel bridge superstructures.	Work No. T7 Work No. 9 Work No. 10 Work No. 18(b) All works in respect of bunds
5/38a	Construction compound including material storage, laydown areas, temporary buildings, welfare facilities, storage of plant and construction access.	Work No. 10 Work No. 12(a) All works
5/38b	Access and working area for construction of retaining structures on adjoining land.	Work No. 10
6/11a	Temporary car park. Temporary roads. Temporary path and footway diversion routes. Construction compound including material storage, laydown areas, temporary buildings, welfare facilities, storage of plant and construction access. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. T13 Work No. T14 Work No. 18 All works
6/12a	Temporary roads. Temporary path and footway diversion routes. Construction compound including material storage, laydown areas, temporary buildings, welfare facilities, storage of plant and construction access. Construction of temporary soil storage bunds and soil storage area during construction works. Access and working area for repositioning private irrigation pipe.	Work No. U41A Work No. T13 Work No. T14 Work No. T16 All works.
6/12e	Temporary works and associated with the excavation of a borrow pit including, access routes, temporary diversion of private rights of way, water management, soil storage and material processing. Maintenance of access to adjoining land.	Work No. T17 Work No. 17 All works
6/12f	Temporary roads. Temporary path and footway diversion routes. Construction compound including material storage, laydown areas, temporary buildings, welfare facilities, storage of plant and construction access. Construction of temporary soil storage bunds and soil storage area during construction works.	Work No. T14 Work No. T18 All works

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6/12h	Temporary roads. Temporary path and footway diversion routes. Construction compound including material storage, laydown areas, temporary buildings, welfare facilities, storage of plant and construction access. Construction of temporary soil storage bunds and soil storage area during construction works.	Work No. T14 Work No. T16 All works
6/15a	Temporary roads. Temporary path and footway diversion routes.	Work No. T14 All works
6/15d	Temporary roads. Temporary path and footway diversion routes.	Work No. T14 All works
6/18b	Temporary roads. Construction of temporary soil storage bunds and soil storage area during construction works.	Work No. T15 Work No. 23(a)
6/18d	Access and working area for construction of drainage infrastructure. Access and working area for construction of a maintenance access track to drainage infrastructure.	Work No. 23(a) Work No. 23(b)
6/18f	Construction compound including material storage, laydown areas, temporary buildings, welfare facilities, temporary pond, storage of plant and construction access.	Work No. 12(b) Work No. 18(a) All works
6/20c	Construction compound including material storage, laydown areas, temporary buildings, welfare facilities, storage of plant and construction access. Haul road and construction access. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. T20 All works
7/4b	Access and working area.	Work No. 25 Work No. 29(a) Work No. 29(b)
7/4c	Access and working area for utility diversion works.	Work No. U44 Work No. U56
7/8a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
7/8b	Access and working area for utility diversion works.	Work No. U44 Work No. U54 Work No. U56
7/8c	Access and working area for utility diversion works.	Work No. U44 Work No. U56

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
7/10b	Haul road and construction access. Temporary works and associated with the excavation of a borrow pit including, access routes, temporary diversion of private rights of way, water management, soil storage and material processing. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. T20 Work No. T21 All works
7/10g	Construction compound including material storage, laydown areas, temporary buildings, welfare facilities, storage of plant and construction access. Haul road and construction access.	Work No. T23 All works
7/10h	Access and working area for works on adjoining land.	Work No. 25 Work No. 29(a) Work No. 29(b)
7/10l	Haul road and construction access.	Work No. T23 All works
7/12a	Access and working area for utility diversion works.	Work No. U44 Work No. U54 Work No. U56
7/13a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for construction of drainage infrastructure. Access and working area for the construction of a retaining structure.	Work No. 12(c) All works
7/16a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for utility diversion works. Access and working area for the construction of a retaining structure.	Work No. U54 Work No. U56 Work No. 12(c) All works
7/16b	Temporary traffic management and recovery area.	Work No. T22 All works
7/16c	Temporary traffic management and recovery area.	Work No. T22 All works
7/16g	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for utility diversion works. Access and working area for construction of drainage infrastructure.	Work No. U54 Work No. U56 Work No. 12(c) All works

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7/17a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for utility diversion works. Access and working area for construction of drainage infrastructure.	Work No. U54 Work No. U56 Work No. 12(c) All works
7/17b	Temporary traffic management and recovery area.	Work No. T22 All works
7/17c	Access and working area for utility diversion works.	Work No. U44 Work No. U56 Work No. 27
7/18a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
7/19b	Temporary traffic management and recovery area	Work No. T22 All works
7/19c	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 12(c) All works
7/19d	Temporary haul road. Access for construction of northern abutment, northern ramps and approach for Gershwin Boulevard Bridge.	Work No. T24 Work No. 27
7/21a	Ecology Mitigation	All works
7/21d	Temporary haul road.	Work No. T23 All works
8/11	Access and working area for construction of drainage infrastructure. Access and working area for construction of a retaining structure.	Work No. 12(c)
8/1o	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Temporary haul road.	Work No. T23 Work No. 12(c) All works
8/2a	Access, storage and working area for the construction of a retaining structure. Access and working area for utility diversion works.	Work No. U60 Work No. U61 Work No. U62 Work No. 24

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
8/2d	Access, storage and working area for the construction of a retaining structure. Access and working area for utility diversion works. Temporary haul road.	Work No. U22A Work No. U49 Work No. U51 Work No. U60 Work No. U62 Work No. U64 Work No. U71 Work No. T23 All works
8/7a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/8a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/9a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/9b	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/10a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/10b	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/10c	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/11a	Temporary haul road. Access for construction of northern abutment, approaches and northern ramps for Gershwin Boulevard Bridge. Temporary storage, laydown areas, access and working space to facilitate the construction of Gershwin Boulevard Bridge.	Work No. T24 Work No. 27
8/11c	Temporary haul road. Access for construction of northern abutment, approaches and northern ramps for Gershwin Boulevard Bridge. Temporary storage, laydown areas, access and working space to facilitate the construction of Gershwin Boulevard Bridge.	Work No. T24 Work No. 12 Work No. 27
8/11v	Temporary haul road and bridge over the River Brain. Access and working area for construction activities at Brain Bridge structure. Temporary storage, laydown areas, access and working space.	Work No. T25 Work No. 24(e) All works

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8/11aj	Temporary haul road.	Work No. T24 Work No. 27
8/11am	Access for construction of northern abutment, approaches and northern ramps for Gershwin Boulevard Bridge. Temporary storage, laydown areas, access and working area to facilitate the construction of Gershwin Boulevard Bridge.	Work No. 12(c) Work No. 27
8/12a	Access and working area for utility diversion works.	Work No. U59
8/12b	Temporary haul road. Access for construction of northern abutment approaches and northern ramps for Gershwin Boulevard Bridge.	Work No.27 Work No. T24
8/13a	Access for construction of northern abutment approaches and northern ramps for Gershwin Boulevard Bridge. Temporary haul road.	Work No. 27 Work No. T24
8/13c	Access, storage and working area for the construction of a retaining structure. Access and working area for construction activities at Brain Bridge structure. Temporary haul road including temporary bridge over the River Brain.	Work No. 12(c) Work No. 24(e) Work No. T25
8/15a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/16a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/19d	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Temporary haul road.	Work No. T23 Work No. 12(c) All works
8/21a	Access and working area for utility diversion works.	Work No. U60 Work No. U61 Work No. U62
8/21c	Access and working area for utility diversion works.	Work No. U44 Work No. U56

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8/21d	Access, storage and working area for the construction of a retaining structure. Access and working area for utility diversion works. Temporary haul road. Temporary path and footway diversion routes.	Work No. U22A Work No. U49 Work No. U51 Work No. U60 Work No. U62 Work No. U64 Work No. U71 Work No. T23 All works
8/21h	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/23c	Temporary haul road. Access, storage and working area for the construction of a retaining structure. Temporary storage, laydown areas, access and working space to facilitate the construction of Oliver's Bridge.	Work No. T23 Work No. 12(c) Work No. 24(c) All works
8/25d	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/28a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
8/29a	Access, storage and working area for the construction of a retaining structure. Access storage and working area for construction activities at Brain Bridge structure. Temporary haul road including a temporary bridge over the River Brain.	Work No. 12(c) Work No. 24(e) Work No. T25 All works
8/30a	Temporary haul road including a temporary bridge over the River Brain. Access, storage and working area for the construction of a retaining structure. Access, storage and working area for the reconstruction of Brain Bridge.	Work No. T25 Work No. 12(c) Work No. 24(e)
8/30b	Access, storage and working area for the construction of a retaining structure.	Work No. 12(c)
8/31b	Access, storage and working area for the construction of a retaining structure.	Work No. 12(c)

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8/41d	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Temporary haul road.	Work No. T23 Work No. 12(c) All works
8/42a	Access, storage and working area for the construction of a retaining structure. Temporary storage, laydown areas, access and working space to facilitate the construction of Oliver's Bridge.	Work No. 12(c) Work No. 24(c)
8/47i	Temporary haul road and bridge over the River Brain. Access and working area for construction activities at Brain Bridge structure. Temporary storage, laydown areas, access and working space. Access, storage and working area for the construction of a retaining structure.	Work No. T25 Work No. 24(e) All works
8/68a	Access and working area for construction of drainage infrastructure. Access, storage and working area for the construction of a retaining structure.	Work No. 12(c)
8/68b	Access and working area for construction of drainage infrastructure. Access, storage and working area for the construction of a retaining structure.	Work No. 12(c)
8/68d	Access and working area for construction of drainage infrastructure. Access, storage and working area for the construction of a retaining structure. Access and working area for utility diversion works.	Work No. U60 Work No. U61 Work No. U62
9/4a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
9/5a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
9/6a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
9/6b	Access and working area for utility diversion works.	Work No. U44 Work No. U56
9/6c	Access and working area for utility diversion works.	Work No. U44 Work No. U56
9/7a	Access and working area for utility diversion works.	Work No. U44 Work No. U56
9/8b	Access and working area for utility diversion works.	Work No. U44

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		Work No. U56
9/8d	Access and working area for utility diversion works.	Work No. U44 Work No. U56
9/13c	Temporary haul road.	Work No. T26 All works
10/5a	Access and working area for utility diversion works.	Work No. U22A Work No. U44 Work No. U49 Work No. U56 Work No. U76 Work No. U77
10/8c	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for utility diversion works.	Work No. U22A Work No. U44 Work No. U49 Work No. U56 Work No. 24(a) Work No. 24(b) Work No. 32(c) All works
10/8e	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for utility diversion works.	Work No. U22A Work No. U44 Work No. U49 Work No. U56 Work No. U76 Work No. U95 Work No. 24(a) Work No. 24(b) All works
10/11b	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for utility diversion works. Temporary path and footway diversion routes.	Work No. U81 Work No. U84A All works
10/12c	Temporary path and footway diversion routes. Access and working area for utility diversion works.	Work No. U85 Work No. U85A Work No. 32(c)
10/12d	Temporary path and footway diversion routes. Access and working area for utility diversion works.	Work No. U85 Work No. U85B Work No. 32(c)
10/12e	Temporary path and footway diversion routes. Access and working area for utility diversion works.	Work No. U85A Work No. 32(c)

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
10/20b	Construction compound including material storage, laydown areas, temporary buildings, welfare facilities storage of plant and construction access.	Work No. T29 All works
10/20d	Temporary path and footway diversion routes. Access and working area for construction of drainage infrastructure. Access and working area for the construction of a new roundabout. Access and working area for the construction of Farm access. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 37(a)
10/21a	Access and working area for construction of modifications to existing bell mouth.	Work No. 32(c)
11/2a	Installation of traffic signs. Access and working area for installation of traffic signs.	Work No. 37(a)
11/4a	Ecology Mitigation Temporary path and footway diversion routes. Access and working area for construction of drainage infrastructure. Access and working area for the construction of a new roundabout. Access and working area for the construction of farm access. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 37(a) All works
11/4e	Temporary works associated with Borrow Pit excavation, maintenance and decommissioning.	Work No. 48 All works
11/4l	Access and working area for construction of drainage infrastructure.	Work No. 46(a)
11/5a	Temporary path and footway diversion routes.	Work No. 37(a)
11/5b	Ecology Mitigation	All works
11/7a	Temporary road.	Work No. T30 All works
11/12a	Temporary road.	Work No. T30 All works
11/24a	Installation of traffic signs	All works
11/24b	Installation of traffic signs	All works
12/1j	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 45(a)

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
12/2c	Access and working area for utility diversion works.	Work No. U124A Work No. U128 Work No. U128A
12/5b	Temporary haul road. Access and working area for construction of drainage infrastructure. Access and working area for construction of local access road into Kelvedon. Temporary storage, laydown areas, access and working space to facilitate the construction of Sniveller's Lane Bridge. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. T34 All works
12/6b	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for utility diversion works. Access and working are for the construction of an upgraded access into Essex County Fire & Rescue Centre.	Work No. U111A Work No. U111B Work No. 52 All works
12/6e	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for utility diversion works. Access and working are for the construction of an upgraded access into Essex County Fire & Rescue Centre.	Work No. U111A Work No. U111B Work No. 52 All works
12/9b	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 52 All works
12/13a	Access and working area for construction of drainage infrastructure.	Work No. 45(a)
12/14a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for construction of drainage infrastructure.	Work No. 45(a) All works

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12/19b	Access and working area for construction of drainage infrastructure. Access and working area for construction of local access road. Temporary storage, laydown areas, access and working space to facilitate the construction of Sniveller's Lane Bridge. Access and working area for utility diversion works. Temporary works and associated with the excavation of a borrow pit including, access routes, temporary diversion of private rights of way, water management, soil storage and material processing. Temporary haul road.	Work No. U123 Work No. U124 Work No. T32 Work No. T34 All works
12/19c	Access and working area for utility diversion works.	Work No. U124A Work No. U128 Work No. U128A
12/28a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 45(a)
13/1f	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 45(a)
13/1h	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 54(b) Work No. 55(a) All works
13/5b	Temporary haul road. Access and working area for the construction of the realigned Highfield Lane.	Work No. T37 All works
13/8b	Access and working area for utility diversion works.	Work No. U124A Work No. U128A
13/8c	Access and working area for the construction of the realigned Highfield Lane. Access and working area for utility diversion works. Temporary haul road.	Work No. U134 Work No. U139 Work No. T37 All works
13/11c	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Temporary haul road. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. T38 All works
13/13b	Temporary haul road. Access and working area for the construction of the realigned Highfield Lane.	Work No. T37

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13/14l	Temporary path and footway diversion routes. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 60A Work No. 61(d) Work No. 62(a) All works
14/3b	Temporary haul road. Access and working area for construction of a maintenance access track to drainage infrastructure. Access and working area for utility diversion works.	Work No. U142 Work No. T43 All works
14/3d	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Temporary haul road. Temporary path and footway diversion routes.	Work No. T39 Work No. 59 All works
14/3f	Temporary haul road. Access and working area for construction of drainage infrastructure. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. T39 All works
14/3l	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works. Access and working area for construction of a maintenance access track to drainage infrastructure.	Work No. 69(a) Work No. 69(b) All works
14/5a	Access and working area for maintenance of existing watercourse.	Work No. 67(b) Work No. 68(a)
14/5c	Access and working area for construction of access track.	Work No. 79(c)
14/5e	Access and working area for construction of drainage infrastructure. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 66(a) Work No. 66(b)
14/5f	Access and working area for construction of drainage infrastructure. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 66(a) Work No. 66(b)

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
14/6a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for maintenance of existing watercourse.	Work No. 67(b) Work No. 68(a) All works
14/8a	Access and working area for maintenance of existing watercourse.	Work No. 67(b) Work No. 68(a)
14/9a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access, storage and working area for the construction of a retaining structure. Temporary storage, laydown areas, access and working space to facilitate the construction of Park Bridge.	Work No. 45(a) Work No. 45(b) All works
14/12a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for construction of access track.	Work No. 79(c) All works
14/24a	Access, storage and working area for the construction of a retaining structure. Temporary storage, laydown areas, access and working space to facilitate the construction of Park Bridge.	Work No. 45(a) Work No. 45(f) Work No. 65(b)
15/4a	Installation of traffic signs. Access and working area for utility diversion works.	Work No. 74(c) Work No. U124A Work No. U128A
15/4b	Installation of traffic signs. Access and working area for the construction works at traffic sign locations.	Work No. 82(a)
15/7a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for construction of access track.	Work No. 79(c) All works
15/8a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for construction of access track.	Work No. 79(c) All works
15/8c	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works. Access and working area for construction of access track.	Work No. 79(c)

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15/8e	Access and working area for construction of drainage infrastructure. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 66(a) Work No. 66(b)
16/5c	Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 68(a)
16/5d	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access to properties.	Work No. 68(a) All works
16/5f	Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 68(a) Work No. 88(b) All works
16/5g	Temporary road. Compound and traffic management and recovery yard. Access and working area for repositioning private irrigation pipe. Access and working area for utility diversion works.	Work No. U167B Work No. U167C Work No. T48 Work No. T49 All works
16/5h	Access and working area for construction of temporary soil storage bunds and soil storage area during construction works. Temporary storage, laydown areas, access and working space to facilitate construction of Easthorpe Road Bridge.	Work No. 68(a) Work No. 88(a) Work No. 88(c) Work No. 99(b) All works
16/5k	Access and working area for construction of temporary soil storage bunds and soil storage area during construction works. Temporary storage, laydown areas, access and working space to facilitate construction of Easthorpe Road Bridge.	Work No. 68(a) Work No. 88(a) Work No. 88(c) Work No. 99(b) All works
17/3a	Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 68(a)
17/3b	Access and working area for construction of temporary soil storage bunds and soil storage area during construction works. Temporary storage, laydown areas, access and working space to facilitate construction of Easthorpe Road Bridge.	Work No. 68(a) Work No. 88(c) Work No. 99(a) Work No. 99(b) All works
18/11	Access and working area for utility diversion works.	Work No. U185 Work No. U186 Work No. U187 Work No. U191 Work No. U192

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
18/2a	Access and working area for utility diversion works.	Work No. U185 Work No. U186 Work No. U187 Work No. U191 Work No. U192
18/3e	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 104 All works
18/6a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for construction of temporary soil storage bunds and soil storage area during construction works. Temporary storage, laydown areas, access and working space to facilitate the construction of Potts Green Bridge.	Work No. 68(a) Work No. 100 All works
18/6d	Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 68(a) Work No. 68(b) Work No. 101
18/6e	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for construction of drainage infrastructure.	Work No. 101 Work No. 102(c) All works
18/6i	Temporary path and footway diversion routes. Temporary storage, laydown areas, access and working space to facilitate the construction of Potts Green Bridge.	Work No. 100
18/8a	Temporary storage, laydown areas, access and working space to facilitate the construction of Potts Green Bridge.	Work No. 100
18/13c	Access and working area for construction of temporary soil storage bunds and soil storage area during construction works.	Work No. 68(a) Work No. 68(b)
18/13e	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 68(b) All works
18/18b	Construction compound including material storage, laydown areas, temporary buildings, welfare facilities storage of plant and construction access.	Work No. T52 All works
18/20c	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 104 All works
19/1g	Compound and traffic management and recovery yard.	Work No. T54 All works

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
19/2f	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 104 All works
19/6b	Access and working area for utility diversion works.	Work No. U202 Work No. U203 Work No. U206 Work No. U207
19/6c	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant.	Work No. 112 All works
19/17a	Ecology Mitigation. Access to works.	All works
20/2a	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access and working area for utility diversion works.	Work No. U147A Work No. U147B Work No. U147C Work No. 122 All works
20/7a	Access and working area for widening B1023 Kelvedon Road. Access and working area to allow for vegetation clearance to enable the construction of the permanent works.	Work No. 122
20/8a	Access and working area for widening B1023 Kelvedon Road. Access and working area to allow for vegetation clearance to enable the construction of the permanent works.	Work No. 122
20/9b	Construction material storage, construction access, laydown areas, welfare facilities, working area and storage of plant. Access / working room for construction of drainage infrastructure.	All Works
20/13a	Access and working area for widening B1023 Kelvedon Road. Access and working area to allow for vegetation clearance to enable the construction of the permanent works.	Work No. 122
21/1a	Access and working area for utility diversion works.	Work No. U124A Work No. U128A

SCHEDULE 8

Article 45

SPECIAL CATEGORY LAND

PART 1

SPECIAL CATEGORY LAND FOR WHICH REPLACEMENT LAND IS PROVIDED

<i>Sheet of Special Category Land Plan</i>	<i>Plot reference number shown on Special Category Land Plans and in the book of reference</i>
7	7/16d, 7/16f, 7/17d, 7,19g, 7/19h
8	8/6h, 8/6i, 8/11b, 8/11d, 8/11r, 8/11s 8/12d, 8/13b, 8/14a, 8/47a, 8/47f, 8/47k, 8/47m, 8/47o, 8/47p
9	9/8c, 9/8e, 9/10d, 9/11a
10	10/8d
19	19/2g, 19/2h, 19/4d, 19/4e, 19/7a, 19/7c 19/17b

PART 2

SPECIAL CATEGORY (RIGHTS) LAND FOR WHICH REPLACEMENT LAND IS PROVIDED

<i>Sheet of Special Category Land Plan</i>	<i>Plot reference number shown on Special Category Land Plans and in the book of reference</i>
8	8/6j, 8/6m, 8/27a, 8/47c, 8/47d

PART 3

SPECIAL CATEGORY (RIGHTS) LAND FOR WHICH REPLACEMENT LAND IS NOT PROVIDED

<i>Sheet of Special Category Land Plan</i>	<i>Plot reference number shown on Special Category Land Plans and in the book of reference</i>
1	1/11g, 1/14a
7	7/16e
8	8/3a, 8/6b, 8/6d, 8/6k 8/11f, 8/11g, 8/11u 8/11al 8/47b, 8/47e, 8/47j, 8/47l, 8/47n
9	9/10e, 9/11b
10	10/8a

PART 4
REPLACEMENT LAND

<i>Sheet of Special Category Land Plan</i>	<i>Plot reference number shown on Special Category Land Plans and in the book of reference</i>
8	8/1d, 8/1n, 8/17b, 8/19b, 8/33f, 8/33g, 8/33i, 8/33m, 8/41b 8/43d, 8/43e, 8/44c, 8/45e, 8/45f
9	9/1a, 9/1o, 9/1q
10	10/1b, 10/1k, 10/1l, 10/1n, 10/1o, 10/1s, 10/2c, 10/2f, 10/3b, 10/3d, 10/4b, 10/20g
18	18/1u
19	19/18d

SCHEDULE 9

Article 46

HEDGEROWS AND TREES

The hedgerow reference numbers in the table below are taken from the Hedgerow Survey Report at Appendix 9.7 of Chapter 9: Biodiversity of the Environmental Statement, the Supplementary Hedgerow Survey Report and the Supplementary Botanical Survey Report.

The location of the hedgerows is shown on the Retained and Removed Vegetation Plans, on the Figures at Annex A of the Hedgerow Survey Report (Sheets 1 to 27), on Figure 1 at Appendix A of the Supplementary Hedgerow Survey Report, and on Figure 2 at Appendix A of the Supplementary Botanical Survey Report.

PART 1

REMOVAL OF IMPORTANT HEDGEROWS

<i>(1)</i> <i>Reference No. (Location of hedgerow)</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
Supplementary Hedgerow Survey Report – Sheet 1, Retained and Removed Vegetation Plans – Sheet 20		
I2 (East of B1023, north-east of Inworth)	Partial removal	Work No. 117
I3 (East of B1023, north-east of Inworth)	Partial removal	Work No. 122
I4 (East of B1023, north-east of Inworth)	Partial removal	Work Nos. 117 and 122
I6 (East of B1023, north-east of Inworth)	Full removal	Work No. 122
I7 (East of B1023, north of Well Cottage, Inworth)	Partial removal	Work Nos. 117 and 122
I8 (West of B1023, south of All Saints Church)	Full removal	Work Nos. 122 and 114
I10 (West of B1023, north of Windmill Hill)	Partial removal	Work No. 114
I12 (East of B1023 and Marlborough Lodge)	Full removal	Work No. 122

I13 (East of B1023, south-east of Marlborough Lodge)	Partial removal	Work No. 120
I14 (West of B1023, south of Marlborough Lodge)	Partial removal	Work No. 113
I15 (West of B1023, south-west of Marlborough Lodge)	Partial removal	Work No. 113
I16 (West of B1023, south of Marlborough Lodge)	Partial removal	Work No. 113
I17 (East of B1023, south-east of Marlborough Lodge)	Partial removal	Work No. 122
Hedgerow Survey Report – Sheet 2, Retained and Removed Vegetation Plans – Sheet 1		
335 (West of Boreham House)	Partial removal	Work Nos. 2(b) and 3(b)
Hedgerow Survey Report – Sheets 9, 10, 11, 12 and 13 Retained and Removed Vegetation Plans – Sheet 6		
8275 (South-east of The Vineyards)	Partial removal	Work No. 18(b)
263 (East of hedgerow 2963)	Partial removal	Work Nos. 12(a), 12(b), 16, 18(b), and 18(e)
9263 (Parallel to hedgerow 8265)	Partial removal	Work Nos. 12(a), 12(b), 14(a), and 18(b)
271 (South of hedgerow 264)	Partial removal	Work Nos. 12(b) and 18(f)
259 (South-west of Kingswood Gateway)	Partial removal	Work Nos. 18(e) and 20
257 (Along length of A12)	Full removal	Work Nos. 12(a), 12(b), and 18(a)
9275 (east of The Vineyards)	Full removal	Work Nos. T14, T16
Hedgerow Survey Report – Sheet 11, Retained and Removed Vegetation Plans – Sheets 6 and 7		
247 (North of Latneys)	Full removal	Work No. 12(c)
Hedgerow Survey Report – Sheets 12 and 13, Retained and Removed Vegetation Plans – Sheet 7		
244 (North of Latneys)	Partial removal	Work Nos. 12(c) and 21(a)
230 (South-west of Dengie Farm)	Partial removal	Work No. 26
219 (South-east of Dengie Farm)	Partial removal	Work No. 26
256 (South-west of Kingswood Gateway)	Partial removal	Work Nos. 18(c) and 18(e)
23001 (South-west of Dengie Farm)	Partial removal	Work No. 26
211 (Along Howbridge Hall Road)	Partial removal	Work Nos. 25 and 29(b)
Hedgerow Survey Report – Sheet 16, Retained and Removed Vegetation Plans – Sheet 8		
209 (North-west of Benton Hall)	Partial removal	Work Nos. 12(c), 24(f), and 28(b)
206 (North-west of Benton Hall)	Partial removal	Work No. U96
205 (North of Benton Hall)	Full removal	Work No. U96
Hedgerow Survey Report – Sheet 17, Retained and Removed Vegetation Plans – Sheets 10 and 11		
200 (Along Gas Governor,	Partial removal	Work Nos. 24(b) and

north-west of Coleman's Cottage)		32(d)
199 (Along hedgerow 200)	Partial removal	Work No. 32(d)
195 (North of Little Braxted Lane)	Partial removal	Work Nos. 24(b) and 32(d)
194 (North of hedgerow 195)	Partial removal	Work Nos. 24(a), 24(b), and 32(d)
192 (North of hedgerow 194)	Partial removal	Work Nos. 24(a), 24(b), and 32(d)
187 (South of Burghey Brook Cottages)	Full removal	Work Nos. 24(a) and 24(b)
186 (South of hedgerow 187)	Partial removal	Work Nos. 24(b) and 32(a)
185 (East of hedgerow 187)	Full removal	Work Nos. 24(a) and 24(b)
Hedgerow Survey Report – Sheets 17 and 18, Retained and Removed Vegetation Plans – Sheet 11		
175 (West of Garden Cottage)	Full removal	Work No. 37(e)
168 (South of Rivenhall Bridge)	Partial removal	Work Nos. 24(g), 42(a), and 42(b)
167 (East of Rivenhall Bridge)	Partial removal	Work No. 24(g)
171 (North-east of hedgerow 166)	Partial removal	Work No. 48
170 (East of Rivenhall End)	Full removal	Work No. 24(g)
163 (East of hedgerow 164)	Partial removal	Work No. 41(b)
Hedgerow Survey Report – Sheet 18, Retained and Removed Vegetation Plans – Sheet 12		
158 (Along Sniveller's Lane)	Partial removal	Work Nos. 24(g), 39(c), and 47
157 (Along Sniveller's Lane)	Partial removal	Work Nos. 24(g), 39(c), and 47
8161 (East of hedgerow 9166)	Full removal	Work Nos. 24(g) and 39(c)
9166 (North of Essex County Fire and Rescue Service Headquarters)	Full removal	Work No. 39(c)
160 (West of Sniveller's Lane)	Full removal	Work Nos. 24(g) and 39(c)
159 (Along Sniveller's Lane)	Full removal	Work Nos. 24(g), 39(c), and 53
156 (East of Sniveller's Lane)	Partial removal	Work Nos. 39(c) and 47
9161 (North of hedgerow 8161)	Full removal	Work Nos. 39(c) and 48
Hedgerow Survey Report – Sheets 19 and 20, Retained and Removed Vegetation Plans – Sheet 13		
103 (North-east of Ewell Hall)	Partial removal	Work No. 58
133 (South-west of Bridgefoot House)	Partial removal	Work No. 55(a)
134 (West of Maldon Road)	Partial removal	Work No. 45(a)
135 (East of hedgerow 136)	Partial removal	Work No. 55(c)
Hedgerow Survey Report – Sheet 20, Retained and Removed Vegetation Plans – Sheet 13		
130 (South-west of Koorbaes Cottages)	Partial removal	Work No. 61(a)
Hedgerow Survey Report – Sheets 20 and 21, Retained and Removed Vegetation Plans – Sheet 14		

86 (Along B1023)	Full removal	Work No. 122
94 (West of Inworth Hall)	Full removal	Work No. 59
88 (West of Inworth Hall)	Partial removal	Work Nos. 74(a) and 59
84 (Along B1023) (Unable to be surveyed)	Partial removal	Work Nos. 74(c) and 122
83 (Along B1023) (Unable to be surveyed)	Partial removal	Work Nos. 74(c) and 122
85 (Along B1023)	Partial removal	Work No. 116
95 (Opposite hedgerow 994)	Partial removal	Work No. 45(b)
78 (South of Domsey Brook)	Partial removal	Work No. 67(b)
994 (West of Inworth Hall)	Partial removal	Work Nos. 45(b), 75, and 76(a)
Hedgerow Survey Report – Sheet 22 and 23, Retained and Removed Vegetation Plans – Sheet 15		
71 (North-west of Prested Hall)	Partial removal	Work Nos. 68(a) and 78(a)
67 (Along the western side of the driveway to Prested Hall)	Partial removal	Work No. 68(a)
64 (Along the eastern side of the driveway to Prested Hall)	Partial removal	Work No. 68(a)
63 (South of Prested Hall Farm)	Partial removal	Work No. 68(a)
68 (Along the western side of the driveway to Prested Hall)	Partial removal	Work No. 79(a)
66 (Along the eastern side of the driveway to Prested Hall)	Partial removal	Work No. 87(b)
59 (East of Prested Hall Farm)	Partial removal	Work Nos. 68(a) and 91(c)
57 (South-east of Travelodge Colchester Feering)	Partial removal	Work No. 68(a)
70 (Along London Road east of Feering)	Partial removal	Work No. 82(c)
69 (Along New Lane)	Partial removal	Work No. 82(d)
Hedgerow Survey Report – Sheet 24, Retained and Removed Vegetation Plans – Sheet 16		
51 (Along the southern side of Easthorpe Road, south-east of Little Domsey)	Partial removal	Work Nos. 68(a) and 91(b)
54 (Along the southern side of Easthorpe Road, south-west of Little Domsey)	Partial removal	Work Nos. 68(a), 88(d), and 91(b)
52 (Along the northern side of Easthorpe Road)	Partial removal	Work Nos. 68(a), 88(d), and 91(b)
46 (Along the southern side of Easthorpe Road, north-west of Badcock's Farm)	Partial removal	Work Nos. 88(c) and 91(b)
48 (Along the northern side of Easthorpe Road, north-west of Badcock's Farm)	Partial removal	Work Nos. 88(c) and 91(b)
Hedgerow Survey Report – Sheets 24 and 25, Retained and Removed Vegetation Plans – Sheet 17		
45 (South of Domsey Brook, east of the A12)	Partial removal	Work Nos. 68(a) and 99(b)
941 (Along the southern branch of Domsey Brook south of the	Partial removal	Work No. 68(a)

A12)		
942 (Along Domsey Brook, south of the A12)	Partial removal	Work No. 68(a)
32 (North-east of Easthorpegreen Farm)	Partial removal	Work No. 94(d)
35 (Along southern side of the A12, north-east of Easthorpegreen Farm)	Partial removal	Work No. 94(b)
38 (Along the western side of the access track to Easthorpegreen Farm)	Partial removal	Work No. 68(a)
39 (Along the eastern side of the access track to Easthorpegreen Farm)	Partial removal	Work No. 68(a)
37 (North-east of Easthorpegreen Farm)	Partial removal	Work No. 97
36 (North-east of Easthorpegreen Farm)	Partial removal	Work Nos. 68(a), 93(a), 93(b), 94(d), and 97
34 (North-east of Easthorpegreen Farm)	Partial removal	Work Nos. 94(c), 94(d), and 97
33 (North-east of Easthorpegreen Farm)	Partial removal	Work No. 94(d)
30 (North-east of Easthorpegreen Farm)	Partial removal	Work Nos. 68(a) and 95
27 (South-west of Wishingwell Farm)	Partial removal	Work No. 96(a)
Hedgerow Survey Report – Sheet 26, Retained and Removed Vegetation Plans – Sheet 18		
24 (North of Damyon’s Farm)	Partial removal	Work No. 68(a)
9 (North-west of Marks Tey Hall)	Partial removal	Work No. 105(c)
23 (North-east of Damyon’s Farm)	Partial removal	Work Nos. 68(a) and 100
20 (South of Potts Green)	Partial removal	Work Nos. 68(a) and 100
16 (East of Shell petrol station)	Partial removal	Work No. 68(a)
26 (West of Damyon’s Farm)	Partial removal	Work Nos. 68(a) and 94(d)
Hedgerow Survey Report – Sheet 27, Retained and Removed Vegetation Plans – Sheet 19		
5 (North side of London Road, Copford)	Partial Removal	Works Nos. 110(b), U202 and U203

PART 2

REMOVAL OF OTHER HEDGEROWS

<i>(1)</i> <i>Reference No. (Location of hedgerow)</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
Supplementary Hedgerow Survey Report – Sheet 1, Retained and Removed Vegetation Plans – Sheets 8 and 9		
001 (east of River Blackwater)	Partial removal	Work No. U69
002 (east of River Blackwater)	Partial removal	Work No. U69
Hedgerow Survey Report – Sheet 2, Retained and Removed Vegetation Plans – Sheet 1		
337 (East of the A12)	Full removal	Work No. 2(b)

Hedgerow Survey Report – Sheet 3, Retained and Removed Vegetation Plans – Sheet 2		
327 (North-east of Police House)	Partial removal	Work No. 6(b)
Hedgerow Survey Report – Sheets 9, 10 and 11, Retained and Removed Vegetation Plans – Sheet 6		
9265 (North-east of Lawrence Court)	Full removal	Work Nos. 12(a) and 12(b)
8265 (Perpendicular to hedgerow 9265)	Full removal	Work Nos. 12(b), 14(a), and 18(b)
264 (Along length of A12)	Full removal	Work No. 12(a)
9259 (South-west of Kingswood Gateway)	Full removal	Work Nos. 12(b) and 18(c)
270 (South of hedgerow 264)	Full removal	Work Nos. 12(a), 12(b), and 18(a)
9270 (South of hedgerow 9265)	Full removal	Work No. 18(f)
8270 (North of hedgerow 9270)	Full removal	Work No. 18(f)
Hedgerow Survey Report – Sheet 13, Retained and Removed Vegetation Plans – Sheet 7		
226 (South of Gershwin Boulevard)	Full removal	Work No. 12(c)
Hedgerow Survey Report – Sheet 17, Retained and Removed Vegetation Plans – Sheet 10		
193 (South-east of Rosewood Business Park)	Partial removal	Work Nos. 32(a), 32(b), and 32(c)
188 (North of hedgerow 193)	Full removal	Work No. 32(c)
180 (South of Pond Farm)	Full removal	Work No. T29
Hedgerow Survey Report – Sheets 17 and 18, Retained and Removed Vegetation Plans – Sheet 11		
9167 (North-east of Rivenhall Bridge)	Partial removal	Work No. 39(b)
166 (North of hedgerow 9167)	Full removal	Work Nos. 39(a) and 39(b)
164 (West of Essex County Fire and Rescue Service Headquarters)	Full removal	Work Nos. 24(g), 39(a), and 39(c)
176 (South of hedgerow 178)	Full removal	Work Nos. 37(a), 37(b), and 38(b)
Hedgerow Survey Report – Sheet 18 and 19, Retained and Removed Vegetation Plans – Sheet 12		
139 (East of hedgerow 144)	Full removal	Work Nos. 45(a) and 50(a)
144 (North-east of Crabbs Lane)	Partial removal	Work Nos. 39(c) and 49
Hedgerow Survey Report – Sheets 19 and 20, Retained and Removed Vegetation Plans – Sheet 13		
129 (South-west of Koorbaes Cottages) (Unable to be surveyed)	Partial removal	Work No. 60(a)
Hedgerow Survey Report – Sheet 24, Retained and Removed Vegetation Plans – Sheet 16		
47 (Between the A12 and Easthorpe Road)	Partial removal	Work Nos. 68(a), 89(b), and 99(b)
53 (Along the A12, west and east of Domsey Chase)	Partial removal	Work No. 88(b)
Hedgerow Survey Report – Sheet 26, Retained and Removed Vegetation Plans – Sheet 18		
11 (Along the southern side of the A12 west of Marks Tey Hall)	Partial removal	Work Nos. 102(b) and 102(c)

The location of the trees subject to Tree Preservation Orders is shown on the Retained and Removed Vegetation Plans.

PART 3

TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1)</i> <i>Reference and description from confirmed Tree Preservation Order</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
Retained and Removed Vegetation Plans – Sheet 1		
Trees within Chelmer and Blackwater Navigation Conservation Area including damson, blackthorn and willow	Potential pruning and lopping of branches and roots, and/or felling adjacent to Chelmer and Blackwater Navigation	Work No. 2a
Retained and Removed Vegetation Plans – Sheet 2		
TPO/2002/080 Boreham House Main Road Boreham Chelmsford Essex, CM3 3HY T26 – 1 no. Horse Chestnut	Potential pruning and lopping of branches and roots, and/or felling	Work No. 1d
TPO/2014/001 Land North West of Milmead Cottages, Paynes Lane Boreham, Chelmsford, Essex, CM3 3HH A1 – Trees of whatever species on land east of The Generals, Main Road, Boreham* <i>*Verified location. Species include Lime, Elm, Horse Chestnut, Oak and Ash</i>	Potential pruning and lopping of branches and roots, and/or felling adjacent to Main Road (B1137)	Work No. 1d
Retained and Removed Vegetation Plans – Sheet 8		
Maldon District Council TPO 07/22 Blue Mills, Blue Mills Hill, Wickham Bishops, CM8 3LH	Felling, pruning and lopping of branches	Work U69

SCHEDULE 10

Article 56

DISAPPLICATION AND MODIFICATION OF BYELAWS

Byelaws

<i>(1)</i> <i>Title</i>	<i>(2)</i> <i>Byelaw to be disapplied or altered</i>
Byelaws made by Essex County Council under Section 41 of the Countryside Act 1968, with respect to country parks	Byelaw 2 (Climbing) Byelaw 3 (Removal of Structures) Byelaw 4 (Erection of Structures) Byelaw 5 (Walking on Grass) Byelaw 6(1) Protection of Wildlife -the words “take or disturb any animal” in Byelaw 6(1) are disapplied Byelaw 7 (Removal of Substances) – the council’s consent is required to

	Byelaw 10 (Vehicles) Byelaw 11 (Overnight Parking) Byelaw 17 (Watercourses) Byelaw 21 (Noise)
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)

SCHEDULE 11

Articles 42 and 59

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and the utility undertaker concerned.

2. In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the utility undertaker in question to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a), belonging to or maintained by that utility undertaker;
- (b) in that case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter within the meaning of Part 1 of the Gas Act 1986(b) for the purposes of gas supply;
- (c) in the case of water undertaker, mains, pipes or other apparatus belonging to or maintained by that utility undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the utility undertaker under the Water Industry Act 1991(c); and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4)(d) (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104 (agreement to adopt sewers, drains or sewage disposal works at future date) of that Act(e),

(a) 1989 c. 29. The definition of “electrical plant” (in section 64) was amended by section 108 of, and paragraphs 24 and 38(1) and (3) of Schedule 6 to, the Utilities Act 2000 (c. 27).

(b) 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45), and was further amended by sections 3(2) and 76 of, and paragraphs 1 and 4 of Schedule 6, and Schedule 8 to, the Utilities Act 2000 (c. 27), sections 149(1) and (5) and 197(9) of, and part 1 of Schedule 23 to, the Energy Act 2004 (c. 20) and S.I. 2011/2704.

(c) 1991 c. 56.

(d) 1991 c. 56. Section 102(4) was amended by section 96(1)(c) of the Water Act 2003 (c. 37) and section 56 of, and paragraph 90 of Schedule 7 to, the Water Act 2014 (c. 21).

(e) Section 104 was amended by sections 96(4) and 101(2) of, and Part 3 of Schedule 9 to, the Water Act 2003; section 42(3) of the Flood and Water Management Act 2010 (c. 29); and sections 11(1) and (2) and 56 of, and paragraphs 2 and 91 of Schedule 7 to, the Water Act 2014.

and includes a sludge main, disposal main (within the meaning of section 219(a) (general interpretation) of that Act or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works,

and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land;

“plan” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed; and

“utility undertaker” means—

- (e) any licence holder within the meaning of Part 1 (electricity supply) of the Electricity Act 1989;
- (f) a gas transporter within the meaning of Part 1 (gas supply) of the Gas Act 1986;
- (g) a water undertaker within the meaning of the Water Industry Act 1991; and
- (h) a sewerage undertaker within the meaning of Part 1 (preliminary) of the Water Industry Act 1991,

for the area of the authorised development, and in relation to any apparatus, means the utility undertaker to whom it belongs or by whom it is maintained.

On street apparatus

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the utility undertaker are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act.

Apparatus in stopped up streets

4.—(1) Where any street is stopped up under article 20 (permanent stopping up and restriction of use of streets and private means of access), any utility undertaker whose apparatus is in the street has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to the utility undertaker legal easements reasonably satisfactory to the utility undertaker in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of the utility undertaker to require the removal of that apparatus under paragraph 7 or the power of the undertaker to carry out works under paragraph 9.

(2) Regardless of the temporary alteration, diversion, prohibition and restriction of the use of streets under the powers conferred by article 19 (temporary alteration, diversion, prohibition and restriction of the use of streets), a utility undertaker is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

Protective works to buildings

5. The undertaker, in the case of the powers conferred by article 25 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

(a) There are amendments to section 219 which are not relevant to this Order.

Acquisition of land

6. Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.

Removal of apparatus

7.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that the utility undertaker's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of a utility undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the utility undertaker in question in accordance with sub-paragraphs (2) to (7).

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to the utility undertaker in question 28 days' written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order a utility undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3) afford to the utility undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, the utility undertaker in question must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the utility undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 62 (arbitration).

(5) The utility undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 62 (arbitration), and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the undertaker gives notice in writing to the utility undertaker in question that the undertaker desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the undertaker, that work, instead of being executed by the utility undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the utility undertaker.

(7) Nothing in sub-paragraph (6) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

Facilities and rights for alternative apparatus

8.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the

undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 62 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the utility undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to that utility undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus

9.—(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 7(2), the undertaker must submit to the utility undertaker in question a plan of the works to be executed.

(2) Those works must be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the utility undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the utility undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a utility undertaker under sub-paragraph (2) are to be made within a period of 21 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(4) If a utility undertaker, in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3 and 6 to 8 apply as if the removal of the apparatus had been required by the undertaker under paragraph 7(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the utility undertaker in question notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (3) in so far as is reasonably practicable in the circumstances.

(7) In relation to works which will or may be situated on, over, under or within 10 metres measured in any direction of any electricity apparatus, or involve embankment works within 10 metres of any electricity apparatus, the plan to be submitted to the utility undertaker under sub-paragraph (1) must be detailed, include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which they are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal;
- (d) the position of all electricity apparatus; and
- (e) by way of detailed drawings, every alteration proposed to be made to such apparatus.

Expenses and costs

10.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to a utility undertaker all expenses reasonably incurred by that utility undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any

new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph 7(2).

(2) The value of any apparatus removed under the provisions of this Part of this Schedule must be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 62 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the utility undertaker in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus must not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole must be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to a utility undertaker in respect of works by virtue of sub-paragraph (1), if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.

11.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraphs 5 or 7(2) any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of a utility undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any utility undertaker, the undertaker must—

- (a) bear and pay the cost reasonably incurred by that utility undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that utility undertaker for any other expenses, loss, damages, penalty or costs incurred by the utility undertaker,

by reason or in consequence of any such damage or interruption.

(2) The fact that any act or thing may have been done by a utility undertaker on behalf of the undertaker or in accordance with a plan approved by a utility undertaker or in accordance with any requirement of a utility undertaker or under its supervision does not, subject to subparagraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1).

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of a utility undertaker, its officers, servants, contractors or agents.

(4) A utility undertaker must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of the undertaker and, if such

consent is withheld, has the sole conduct of any settlement or compromise of any proceedings necessary to resist the claim or demand.

Cooperation

12. Where in consequence of the proposed construction of any part of the authorised development, the undertaker or a utility undertaker requires the removal of apparatus under paragraph 7(2) or a utility undertaker makes requirements for the protection or alteration of apparatus under paragraph 9, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the utility undertaker's undertaking and each utility undertaker must use its best endeavours to co-operate with the undertaker for that purpose.

13. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and a utility undertaker in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

PART 2

FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

14. For the protection of any operator, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the operator.

15. In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003(a);

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 (electronic communications, networks and services) of Part 2 (networks, services and the radio spectrum) of the 2003 Act(b);

“electronic communications code network” means—

(a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 (application of the electronic communications code) of the 2003 Act; and

(b) an electronic communications network which the undertaker is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;

“infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7(2) (infrastructure system) of that code; an

“operator” means the operator of an electronic communications code network.

16. The exercise of the powers conferred by article 42 (statutory undertakers) is subject to Part 10 (undertakers' works affecting electronic communications apparatus) of the electronic communications code.

(a) 2003 c. 21.

(b) See section 106 of the 2003 Act, which was amended by section 4(4) to (9) of the Digital Economy Act 2017 (c. 30). See also Schedule 3A to the 2003 Act, which was inserted by section 4 of, and Schedule 1 to, the Digital Economy Act 2017.

17.—(1) Subject to sub-paragraphs (2) to (4), if as the result of the authorised development or its construction, or of any subsidence resulting from the authorised development—

- (a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development), or other property of an operator; or
- (b) there is any interruption in the supply of the service provided by an operator, the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other expenses, loss, damages, penalty or costs incurred by it, by reason, or in consequence of, any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 62 (arbitration).

(5) This Part of this Schedule does not apply to—

- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or
- (b) any damages, or any interruptions, caused by electro-magnetic interference arising from the construction or use of the authorised development.

(6) Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

PART 3

FOR THE PROTECTION OF ANGLIAN WATER

Application

18. For the protection of Anglian Water, the following provisions have effect, unless otherwise agreed in writing between the undertaker and Anglian Water.

Interpretation

19. In this part of this Schedule –

“1991 Act” means the New Roads and Street Works Act 1991;

“alternative apparatus” means alternative apparatus adequate to enable Anglian Water to fulfil its statutory functions in a manner no less efficient than previously;

“Anglian Water” means Anglian Water Services Limited (company number 02366656), whose registered office is Lancaster House, Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire, PE29 6YJ;

“apparatus” means—

- (a) any works, mains, pipes or other apparatus belonging to or maintained by Anglian Water for the purposes of water supply and sewerage;

- (b) any drain or works vested in Anglian Water under The Water Industry Act 1991,
- (c) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104 (agreements to adopt sewer, drain or sewage disposal works, at future date) of that Act; and
- (d) includes a sludge main, disposal main or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus

and for the purpose of this definition, where words are defined by section 219 (general interpretation) of the Water Industry Act 1991 they shall be taken to have the same meaning. “functions” includes powers and duties

“in” in a context referring to apparatus or alternative apparatus in land, includes a reference to apparatus or alternative apparatus under, over or upon land;

“plan” includes all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed.

On street apparatus

20. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and Anglian Water are regulated by the provisions of Part 3 of the 1991 Act.

Schedule of apparatus

21.—(1) Before commencement of any work set out in Schedule 1 to divert any apparatus the undertaker will provide Anglian Water with a schedule of apparatus which will be diverted as part of the authorised development setting out for each piece of apparatus whether those works are to be undertaken under this Schedule or under the 1991 Act and, where a diversion is to be carried out partly under this Schedule and partly under the 1991 Act, details of which part of the diversion is to be carried out under which power.

(2) The undertaker may from time to time provide to Anglian Water amendments to the schedule referred to in sub-paragraph (1).

(3) No amendment may be submitted under sub-paragraph (2) in respect of apparatus which is to be diverted as part of a work set out in Schedule 1, or which comprises such a work, after that work has commenced.

Apparatus in stopped up streets

22.—(1) Where any street is stopped up under article 20 (permanent stopping up and restriction of use of streets and private means of access), where Anglian Water has apparatus in the street or accessed by virtue of that street, it has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Anglian Water legal easements reasonably satisfactory to Anglian Water in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of Anglian Water to require the removal of that apparatus under paragraph 25 or the power of the undertaker to carry out works under paragraph 27.

(2) Regardless of the temporary alteration, diversion or prohibition of the use of or restriction of the use of any highway under the powers conferred by article 19 (temporary alteration, diversion, prohibition and restriction of the use of streets), Anglian Water is at liberty at all times to take all necessary access across any such altered, diverted, prohibited or restricted highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the alteration, diversion or prohibition of use of or restriction of use was in that highway.

Protective works to buildings

23. The undertaker, in the case of the powers conferred by article 25 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

Acquisition of land

24. Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.

Removal of apparatus

25.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that Anglian Water's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of Anglian Water to maintain that apparatus in that land must not (without the prior written consent of Anglian Water) be extinguished, until—

- (a) alternative apparatus has been constructed and is in operation to the reasonable satisfaction of Anglian Water in accordance with sub-paragraphs (2) to (8); and
- (b) facilities and rights have been secured for that alternative apparatus in accordance with paragraph 26.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to Anglian Water 28 days' written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order an undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to Anglian Water the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed Anglian Water must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between Anglian Water and the undertaker or in default of agreement settled by arbitration in accordance with article 62 (arbitration).

(5) Anglian Water must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 62 (arbitration), and after the grant to Anglian Water of any such facilities and rights as are referred to in sub-paragraphs (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if Anglian Water gives notice in writing to the undertaker that it desires the undertaker to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the undertaker, or to the extent that Anglian Water fails to proceed with that work in accordance with sub-paragraph (5) or the undertaker and Anglian Water otherwise agree, that work, instead of being executed by Anglian Water, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of Anglian Water.

(7) Notice under sub-paragraph (6) that Anglian Water desires the undertaker to execute any work, or part of any work, must be given within 14 days of agreement under sub-paragraph (4) or, in default of agreement, within 14 days of the date of settlement by arbitration under sub-paragraph (4).

(8) If Anglian Water fails either reasonably to approve, or to provide reasons for its failure to approve along with an indication of what would be required to make acceptable, any proposed details relating to required removal works under sub-paragraph (2) within 28 days of receiving a notice of the required works from the undertaker, then such details are deemed to have been approved. For the avoidance of doubt, any such “deemed consent” does not extend to the actual undertaking of the removal works, which shall remain the sole responsibility of Anglian Water or its contractors.

(9) Whenever alternative apparatus is to be or is being substituted for existing apparatus, the undertaker shall, before taking or requiring any further step in such substitution works, use best endeavours to comply with Anglian Water’s reasonable requests for a reasonable period of time to enable Anglian Water to—

- (a) make network contingency arrangements; or
- (b) bring such matters as it may consider reasonably necessary to the attention of end users of the utility in question.

Facilities and rights for alternative apparatus

26.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to Anglian Water facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and Anglian Water or in default of agreement settled by arbitration in accordance with article 62 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to Anglian Water than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to Anglian Water as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

(3) Such facilities and rights as are set out in this paragraph are deemed to include any statutory permits granted to the undertaker in respect of the apparatus in question, whether under the Environmental Permitting Regulations 2010(a) or other legislation.

Retained apparatus

27.—(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus (or any means of access to it) the removal of which has not been required by the undertaker under paragraph 25(2), the undertaker must submit to Anglian Water a plan of the works to be executed.

(2) Those works must be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by Anglian Water for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and Anglian Water is entitled to watch and inspect the execution of those works.

(a) S.I. 2010/675, to which there are amendments but none are relevant to these regulations.

(3) Any requirements made by Anglian Water under sub-paragraph (2) must be made within a period of 21 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(4) If Anglian Water, in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, sub-paragraphs (1) to (3) and (6) to (7) apply as if the removal of the apparatus had been required by the undertaker under paragraph 25(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case must give to Anglian Water notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (3) in so far as is reasonably practicable in the circumstances and will keep the impact of those emergency works on Anglian Water's apparatus, on the operation of its water and sewerage network and on end-users of the services Anglian Water provides to a minimum.

(7) For the purposes of sub-paragraph (1), works are deemed to be in land near Anglian Water's apparatus (where it is a pipe) if those works fall within the following distances measured from the medial line of such apparatus:

- (a) 2.25 metres where the diameter of the pipe is less than 150 millimetres;
- (b) 3 metres where the diameter of the pipe is between 150 and 450 millimetres;
- (c) 4.5 metres where the diameter of the pipe is between 451 and 750 millimetres; and
- (d) 6 metres where the diameter of the pipe exceeds 750 millimetres.

Expenses and costs

28.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to Anglian Water all expenses reasonably incurred by Anglian Water in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in this Part of the Schedule.

(2) There must be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 62 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to Anglian Water by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to Anglian Water in respect of works by virtue of sub-paragraph (1), if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on Anglian Water any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.

29.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraphs 23 or 25(2), or by reason of any subsidence resulting from such development or works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of Anglian Water, or there is any interruption in any service provided, or in the supply of any goods, by Anglian Water, the undertaker must—

- (a) bear and pay the cost reasonably incurred by Anglian Water in making good such damage or restoring the supply; and
- (b) make reasonable compensation to Anglian Water for any other expenses, loss, damages, penalty or costs incurred by the undertaker, by reason or in consequence of any such damage or interruption.

(2) The fact that any act or thing may have been done by Anglian Water on behalf of the undertaker or in accordance with a plan approved by Anglian Water or in accordance with any requirement of Anglian Water or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1) unless Anglian Water fails to carry out and execute the works properly with due care and attention and in a skilful and professional like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of Anglian Water, its officers, servants, contractors or agents.

(4) Anglian Water must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made, without the consent of the undertaker (such consent not to be unreasonably withheld or delayed) who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

Cooperation

30. Where in consequence of the proposed construction of any of the authorised development, the undertaker or Anglian Water requires the removal of apparatus under paragraph 25(2) or Anglian Water makes requirements for the protection or alteration of apparatus under paragraph 27, the undertaker must use all reasonable endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of Anglian Water's undertaking and Anglian Water must use all reasonable endeavours to co-operate with the undertaker for that purpose.

31. Where the undertaker identifies any apparatus which may belong to or be maintainable by Anglian Water but which does not appear on any statutory map kept for the purpose by Anglian Water, it shall inform Anglian Water of the existence and location of the apparatus as soon as reasonably practicable.

32. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and Anglian Water in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

33. Any time period in which an action must be taken in this part of the Schedule may be amended by written agreement between the undertaker and Anglian Water.

PART 4

FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC

Application

34.—(1) For the protection of National Grid as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and National Grid.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Grid, where the benefit of this Order is transferred or granted to another person under article 12 (consent to transfer benefit of Order)—

- (a) any agreement of the type mentioned in sub-paragraph (1) has effect as if it had been made between National Grid and the transferee or grantee (as the case may be); and
- (b) written notice of the transfer or grant must be given to National Grid on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Grid (but see paragraph 44(3)(b)).

Interpretation

35. In this Part of this Schedule—

“1991 Act” means the New Roads and Street Works Act 1991;

“alternative apparatus” means appropriate alternative apparatus to the reasonable satisfaction of National Grid to enable National Grid to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any electric lines or electrical plant as defined in the Electricity Act 1989, belonging to or maintained by National Grid together with any replacement apparatus and such other apparatus constructed pursuant to the Order that becomes operational apparatus of National Grid for the purposes of transmission, distribution or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

- (a) “authorised works” has the same meaning as is given to the term “authorised development” in article 2(1) of this Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;
- (b) “commence” and “commencement” in paragraph 43 and 44 of this Part of this Schedule includes any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment,

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by National Grid (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

“maintain” and “maintenance” includes the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Grid including construct, use, repair, alter, inspect, renew or remove the apparatus;

“National Grid” means National Grid Electricity Transmission Plc (company number 02366977), whose registered office is 1-3 Strand, London, WC2N 5EH or any successor as a licence holder within the meaning of Part 1 of the Electricity Act ;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

“specified works” means any of the authorised works or activities undertaken in association with the authorised works which:

- (c) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under paragraph 40(2) or otherwise; or
- (d) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 40(2) or otherwise.

36. Except for paragraphs 37 (apparatus in stopped up streets), 42 (retained apparatus: protection), 43 (expenses) and 44 (indemnity) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Grid, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Grid are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus of National Grid in stopped up streets

37.—(1) Where any street is stopped up under article 20 (permanent stopping up and restriction of use of streets and private means of access), if National Grid has any apparatus in the street or accessed via that street National Grid has the same rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to National Grid, or procure the granting to National Grid of, legal easements reasonably satisfactory to National Grid in respect of such apparatus and access to it prior to the stopping up of any such street but nothing in this paragraph affects any right of the undertaker or National Grid to require the removal of that apparatus under paragraph 40 or the power of the undertaker, subject to compliance with this subparagraph, to carry out works under paragraph 42.

(2) Notwithstanding the temporary alteration, diversion or restriction of any highway under the powers of article 19 (temporary alteration, diversion, prohibition and restriction of use of streets), National Grid will be at liberty at all times to take all necessary access across any such stopped up street and to execute and do all such works and things in, upon or under any such street as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the alteration, diversion or restriction was in that street.

Protective works to buildings

38. The undertaker must exercise the powers conferred by article 25 (protective work to buildings) so as not to obstruct or render less convenient the access to any apparatus without the written consent of National Grid (such consent not to be unreasonably withheld)

Acquisition of land

39.—(1) Regardless of any provision in this Order or anything shown on the land plans, the undertaker may not acquire any interest in land or apparatus or override any easement or other interest of National Grid otherwise than by agreement.

(2) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between National Grid and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Grid or affect the provisions of any enactment or agreement regulating the relations between National Grid and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as National Grid reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Grid and the undertaker acting reasonably and which must be no less favourable on the whole to National Grid unless otherwise agreed by National Grid, and it will be the responsibility of the undertaker to procure and secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(3) The undertaker and National Grid agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation or removal of apparatus (including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Grid or other enactments relied upon by National Grid as of right or other use in relation to the apparatus, then the provisions in this Schedule prevail.

(4) Any agreement or consent granted by National Grid under paragraph 42 or any other paragraph of this Part of this Schedule, is not to be taken to constitute agreement under sub-paragraph (1).

Removal of apparatus

40.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Grid to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of National Grid in accordance with sub-paragraph (2) to (5).

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Grid advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order National Grid reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to National Grid to its reasonable satisfaction (taking into account paragraph 41(1)) the necessary facilities and rights—

- (a) for the construction of alternative apparatus in other land of, or secured by, the undertaker; and
- (b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, National Grid must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances in an endeavour to obtain the necessary facilities and rights in the land in which the alternative

apparatus is to be constructed save that this obligation does not extend to the requirement for National Grid to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between National Grid and the undertaker.

(5) National Grid must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the grant to National Grid of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

41.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for National Grid facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and National Grid and must be no less favourable on the whole to National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by National Grid.

(2) If the facilities and rights to be afforded by the undertaker under paragraph (1) above in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the matter may be referred to arbitration in accordance with paragraph 48 (Arbitration) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to National Grid as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of electricity undertaker

42.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to National Grid a plan of the works to be executed and seek from National Grid details of the underground extent of their electricity tower foundations.

(2) In relation to works which will or may be situated on, over, under or within (i) 15 metres measured in any direction of any apparatus, or (ii) involve embankment works within 15 metres of any apparatus, the plan to be submitted to National Grid under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;
- (f) any intended maintenance regimes; and
- (g) an assessment of risks of rise of earth issues.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more electricity towers, the plan to be submitted under sub-paragraph (1) must, in addition to the matters set out in sub-paragraph (2), include a method statement describing—

- (a) details of any cable trench design including route, dimensions, clearance to pylon foundations;
 - (b) demonstration that pylon foundations will not be affected prior to, during and post construction;
 - (c) details of load bearing capacities of trenches;
 - (d) details of any cable installation methodology including access arrangements, jointing bays and backfill methodology;
 - (e) a written management plan for high voltage hazard during construction and ongoing maintenance of any cable route;
 - (f) written details of the operations and maintenance regime for any cable, including frequency and method of access;
 - (g) assessment of earth rise potential if reasonably required by National Grid's engineers; and
 - (h) evidence that trench bearing capacity is to be designed to support overhead line construction traffic of up to 26 tonnes in weight.
- (4) The undertaker must not commence any works to which sub-paragraphs (2) or (3) apply until National Grid has given written approval of the plan so submitted.
- (5) Any approval of National Grid required under sub-paragraphs (4)—
- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (6) or (8); and,
 - (b) must not be unreasonably withheld.
- (6) In relation to any work to which sub-paragraphs (2) or (3) apply, National Grid may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage, for the provision of protective works or for the purpose of providing or securing proper and convenient means of access to any apparatus.
- (7) Works executed under sub-paragraphs (2) or (3) must be executed in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub-paragraph (6), as approved or as amended from time to time by agreement between the undertaker and National Grid and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (6) or (8) by National Grid for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Grid will be entitled to watch and inspect the execution of those works.
- (8) Where under sub-paragraph (6) National Grid requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to National Grid's satisfaction prior to the commencement of any specified works for which protective works are required and National Grid must give notice of its requirement for such works within 42 days of the date of submission of a plan pursuant to this paragraph (except in an emergency).
- (9) If National Grid in accordance with sub-paragraphs (6) or (8) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 34 to 36 and 39 to 41 apply as if the removal of the apparatus had been required by the undertaker under paragraph 40(2).
- (10) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.
- (11) The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to National Grid notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraphs (6), (7) and (8) insofar as is reasonably practicable in the circumstances.

(12) In sub-paragraph (11) “emergency works” means works whose execution at the time when they are executed is required in order to put an end to or to prevent the occurrence of circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.

Expenses

43.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to National Grid within 30 days of receipt of an itemised invoice or claim from National Grid all charges, costs and expenses reasonably anticipated within the following three months or reasonably and properly incurred by National Grid in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by National Grid in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by National Grid as a consequence of National Grid;
 - (i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 40(3); or
 - (ii) exercising any compulsory purchase powers in the Order transferred to or benefitting National Grid;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no written diversion agreement is otherwise in place;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 48 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to National Grid by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to National Grid in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on National Grid any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

44.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use, maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of National Grid, or there is any interruption in any service provided, or in the supply of any goods, by National Grid, or National Grid becomes liable to pay any amount to any third party, the undertaker will—

- (a) bear and pay on demand accompanied by an invoice or claim from National Grid the cost reasonably and properly incurred by National Grid in making good such damage or restoring the supply; and
- (b) indemnify National Grid for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Grid, by reason or in consequence of any such damage or interruption or National Grid becoming liable to any third party as aforesaid other than arising from any default of National Grid.

(2) The fact that any act or thing may have been done by National Grid on behalf of the undertaker or in accordance with a plan approved by National Grid or in accordance with any requirement of National Grid or under its supervision will not (unless sub-paragraph (3) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless National Grid fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of-

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of National Grid, its officers, servants, contractors or agents;
- (b) any part of the authorised works carried out by National Grid in the exercise of any functions conferred by this Order pursuant to a grant or transfer under article 12 (consent to transfer benefit of Order).

(4) National Grid must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

(5) National Grid must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

(6) National Grid must use its reasonable endeavours to mitigate and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies where it is within National Grid's reasonable ability and control to do so and which expressly excludes any obligation to mitigate liability arising from third parties which is outside of National Grid's control and if reasonably requested to do so by the undertaker National Grid must provide an explanation of how the claim has been minimised, where relevant.

Enactments and agreements

45. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and National Grid in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

46.—(1) Where in consequence of the proposed construction of any part of the authorised works, the undertaker or National Grid requires the removal of apparatus under paragraph 40(2) or National Grid makes requirements for the protection or alteration of apparatus under paragraph 42(9), the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and taking into account the need to ensure the safe and efficient operation of National Grid's undertaking and National Grid must use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever the undertaker's or National Grid's consent, agreement or approval is required in relation to plans, documents or other information submitted under this schedule, or agreement is required to be reached between the parties under this schedule, it must not be unreasonably withheld or delayed.

Access

47. If in consequence of the agreement reached in accordance with paragraph 39(1) or the powers granted under this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable National Grid to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

48. Save for differences or disputes arising under paragraph 40(2), 40(4) and 41(1), any difference or dispute arising between the undertaker and National Grid under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and National Grid, be determined by arbitration in accordance with article 62 (arbitration).

Notices

49. Notwithstanding article 61 (service of notices), any plans submitted to National Grid by the undertaker pursuant to paragraph 42 must be sent to <https://lsbud.co.uk/> and National Grid Plant Protection at plantprotection@nationalgrid.com or such other address as National Grid may from time to time appoint instead for that purpose and notify to the undertaker in writing.

PART 5
FOR THE PROTECTION OF CADENT AS GAS UNDERTAKER

Application

50. For the protection of Cadent the following provisions will, unless otherwise agreed in writing between the undertaker and Cadent, have effect.

Interpretation

51. In this Part of this Schedule—

“alternative apparatus” means appropriate alternative apparatus to the reasonable satisfaction of Cadent to enable Cadent to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any gas mains, pipes, pressure governors, ventilators, cathodic protections, cables or other apparatus belonging to or maintained by Cadent for the purposes of Cadent’s undertaking together with any replacement apparatus and such other apparatus constructed pursuant to this Order that becomes operational apparatus of Cadent for the purposes of Cadent’s undertaking and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“Cadent” means Cadent Gas Limited (company number 10080864), whose registered office is at Pilot Way, Ansty, Coventry, CV7 9JU, and includes its successors in title or any successor as a gas transporter within the meaning of Part 1 (introductory) of the Gas Act 1986;

“Cadent’s undertaking” means the rights, duties and obligations of Cadent Gas Limited as a public gas transporter within the meaning of Section 7 (licensing of public gas transporters)(a) of the Gas Act 1986 (as amended by the Gas Act 1995);

“commence” has the same meaning as in Paragraph 1 of Part 1 of Schedule 2 (Requirements) of this Order and “commencement” shall be construed to have the same meaning save that for the purposes of this Part of this Schedule the terms “commence” and “commencement” include any below ground surveys, monitoring, work operations, remedial work in respect of any contamination or other adverse ground conditions, the receipt and erection of construction plant and equipment, and non-intrusive investigations for the purpose of assessing ground conditions;

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the undertaker and Cadent acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“facilities and rights” for construction and for maintenance include any appropriate working areas required to reasonably and safely undertake that construction or maintenance, and any necessary rights of access;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by Cadent (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, requires the undertaker to submit for Cadent’s approval a ground mitigation scheme;

“ground subsidence event” means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

“maintain” and “maintenance” for the purposes of this Part of this Schedule have effect as if Cadent’s existing apparatus was authorised development and as if the term maintain includes protect and use, improve, landscape, preserve, decommission, refurbish or replace;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

“rights” includes restrictive covenants and, in relation to decommissioned apparatus, the surrender of rights, release of liabilities and transfer of decommissioned apparatus; and

“specified works” means any of the authorised development or activities (including maintenance) undertaken in association with the authorised development which—

- (a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under sub-paragraph 40(2) (removal of apparatus) or otherwise; or
- (b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under sub-paragraph 56(2) (removal of apparatus) or otherwise.

On Street apparatus

52.—(1) This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and Cadent are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act, except for—

- (a) Paragraphs 53 (apparatus of Cadent in stopped up streets), 58(2) (retained apparatus: protection of Cadent), 59 (expenses) and 60 (indemnity); and
- (b) where sub-paragraph (2) applies, paragraphs 56 (removal of apparatus) and 57 (facilities and rights for alternative apparatus).

(2) This sub-paragraph applies where any apparatus is diverted from an alignment within the existing adopted public highway but not wholly replaced within the existing adopted public highway, notwithstanding that any diversion may be carried out under the provisions of Part 3 of the 1991 Act.

(3) Paragraph 59 (expenses) does not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by the undertaker and Cadent in such proportions as may be prescribed by any such regulations.

Apparatus of Cadent in stopped up streets

53.—(1) Where any street is stopped up under article 20 (permanent stopping up and restriction of use of streets and private means of access), if Cadent has any apparatus in the street or accessed via that street Cadent is entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Cadent, or procure the granting to Cadent of, legal easements reasonably satisfactory to Cadent in respect of such apparatus and access to it prior to the stopping up of any such street or highway, but nothing in this paragraph shall affect any right of the undertaker or of Cadent to require the removal of that apparatus under paragraph 56 (removal of apparatus).

(2) Notwithstanding the temporary alteration, diversion or restriction of use of any street under the powers of article 19 (temporary alteration, diversion, prohibition and restriction of use of

streets), Cadent will be at liberty at all times to take all necessary access across any such street and to execute and do all such works and things in, upon or under any such street as it would have been entitled to do immediately before such temporary alteration, diversion or restriction of use in respect of any apparatus which at the time of the stopping up or diversion was in that street.

Protective works to buildings

54. The undertaker must exercise the powers conferred by article 25 (protective work to buildings) so as not to obstruct or render less convenient the access to any apparatus without the written consent of Cadent (such consent not to be unreasonably withheld or delayed).

Acquisition of land

55.—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not appropriate or acquire any interest in land or appropriate, acquire, extinguish, interfere with or override any easement or other interest in land of Cadent otherwise than by agreement.

(2) As a condition of agreement between the parties in sub-paragraph (1), prior to the carrying out or maintenance of any part of the authorised development (or in such other timeframe as may be agreed between Cadent and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of Cadent or affect the provisions of any enactment or agreement regulating the relations between Cadent and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as Cadent reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between Cadent and the undertaker acting reasonably and which must be no less favourable on the whole to Cadent unless otherwise agreed by Cadent, and it will be the responsibility of the undertaker to procure or secure the consent to and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised development or maintenance thereof.

(3) Where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation or removal of apparatus, including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by Cadent and other enactments relied upon by Cadent as of right or other use in relation to the apparatus, then the provisions in this Schedule prevail.

(4) Any agreement or consent granted by Cadent under paragraph 58 (retained apparatus: protection of Cadent) or any other paragraph of this Part of this Schedule, is not to be taken to constitute agreement under sub-paragraph (1).

(5) As a condition of an agreement under sub-paragraph (1) that involves de-commissioned apparatus being left in situ the undertaker must accept a surrender of any existing easement or other interest of Cadent in such decommissioned apparatus and release Cadent from all liabilities in respect of such de-commissioned apparatus from the date of such surrender.

(6) Where an undertaker acquires land which is subject to any Cadent right or interest (including, without limitation, easements and agreements relating to rights or other interests) and the provisions of paragraph 56 (removal of apparatus) do not apply, the undertaker must, unless Cadent agrees otherwise—

- (a) retain any notice of Cadent's easement, right or other interest on the title to the relevant land when registering the undertaker's title to such acquired land; and
- (b) (where no such notice of Cadent's easement, right or other interest exists in relation to such acquired land or any such notice is registered only on the Land Charges Register) include (with its application to register title to the undertaker's interest in such acquired land at the Land Registry) a notice of Cadent's easement, right or other interest in relation to such acquired land.

Removal of apparatus

56.—(1) If, in the exercise of the powers conferred by this Order, including pursuant to any agreement reached in accordance with paragraph 55 (acquisition of land), the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be decommissioned or removed under this Part of this Schedule and any right of Cadent to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, is in operation, and the facilities and rights referred to in sub-paragraph (2) have been provided, to the reasonable satisfaction of Cadent and in accordance with sub-paragraphs (2) to (5) inclusive.

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to Cadent advance written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order Cadent reasonably needs to move or remove any of its apparatus) the undertaker must afford to Cadent to its satisfaction (taking into account paragraph 57(1) (facilities and rights for alternative apparatus)) the necessary facilities and rights—

- (a) for the construction of alternative apparatus; and
- (b) subsequently for the maintenance of that apparatus.

(3) If the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, Cadent must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances in an endeavour to assist the undertaker in obtaining the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation does not extend to the requirement for Cadent to use its compulsory purchase powers to this end unless it (in its absolute discretion) elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between Cadent and the undertaker.

(5) Cadent must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the prior grant to Cadent of such facilities and rights as are referred to in sub-paragraph (2) or (3), then proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to decommission or remove any apparatus required by the undertaker to be decommissioned or removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

57.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for Cadent facilities and rights in land for the access to, construction and maintenance of alternative apparatus in substitution for apparatus to be decommissioned or removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and Cadent and must be no less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed unless otherwise agreed by Cadent.

(2) If the facilities and rights to be afforded by the undertaker and agreed with Cadent under sub-paragraph (1) in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed, then the terms and conditions to which those facilities and rights are subject in the matter may be referred to arbitration in accordance with paragraph 64 (arbitration) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to Cadent as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of Cadent

58.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to Cadent a plan and, if reasonably required by Cadent, a ground monitoring scheme in respect of those works.

(2) The plan to be submitted to Cadent under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant etc.;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and
- (f) any intended maintenance regimes.

(3) The undertaker must not commence any specified works until Cadent has given written approval of the plan so submitted (and the ground monitoring scheme if required).

(4) Any approval of Cadent given under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (5); and
- (b) must not be unreasonably withheld or delayed and Cadent must meaningfully engage with the undertaker within 28 days of the date of submission of the plan under sub-paragraph (1).

(5) Cadent may require such modifications to be made to the plan as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(6) Specified works must only be executed in accordance with—

- (a) the plan submitted under sub-paragraph (1) (and ground monitoring scheme if required), as approved or as amended from time to time by agreement between the undertaker and Cadent; and
- (b) all conditions imposed under sub-paragraph (4)(a), and Cadent will be entitled to watch and inspect the execution of those works.

(7) Where Cadent requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to Cadent's satisfaction prior to the commencement of any specified works (or any relevant part thereof) for which protective works are required prior to commencement.

(8) If Cadent, in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 50 to 52 and 55 to 57 apply as if the removal of the apparatus had been required by the undertaker under sub-paragraph 56(1) (removal of apparatus).

(9) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan (and ground monitoring scheme if required), instead of the plan previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new plan (and ground monitoring scheme if required).

(10) As soon as reasonably practicable after any ground subsidence event attributable to the authorised development (including such an event attributable to its maintenance)—

- (a) the undertaker must implement an appropriate ground mitigation scheme; and

- (b) Cadent retains the right to carry out any further necessary protective works for the safeguarding of its apparatus and can recover any such costs in line with paragraph 59 (expenses).

(11) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to Cadent notice as soon as is reasonably practicable and a plan of those works and must comply with the conditions imposed under sub-paragraph (4)(a) insofar as is reasonably practicable in the circumstances.

(12) In this paragraph, “emergency works” means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.

Expenses

59.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to Cadent on demand, all charges, costs and expenses reasonably anticipated or reasonably incurred by Cadent in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised development including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by Cadent in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs (including professional fees) incurred by Cadent as a consequence of Cadent—
 - (i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 56(1) (removal of apparatus) if it elects to do so; or
 - (ii) exercising any compulsory purchase powers under this Order transferred to or benefitting Cadent;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule;
- (g) any watching brief pursuant to sub-paragraph 58(6) (retained apparatus: protection of Cadent).

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 64 (arbitration) to be

necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to Cadent by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances (or it would be unlawful due to a statutory or regulatory change) to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to Cadent in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on Cadent any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

60.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works authorised by this Part of this Schedule (including without limitation relocation, diversion, decommissioning, construction and maintenance of apparatus or alternative apparatus) or in consequence of the construction, use, maintenance or failure of any of the authorised development (including works carried out under article 25 (protective work to buildings)) by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by the undertaker) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development) or property of Cadent, or there is any interruption in any service provided, or in the supply of any goods, by Cadent, or Cadent becomes liable to pay any amount to any third party, the undertaker will—

- (a) bear and pay on demand accompanied by an invoice or claim from Cadent, the cost reasonably incurred by Cadent in making good such damage or restoring the supply; and
- (b) indemnify Cadent for any other expenses, loss, demands, proceedings, damages, claims, penalty, compensation or costs properly incurred by, paid by or recovered from Cadent, by reason or in consequence of any such damage or interruption or Cadent becoming liable to any third party as aforesaid other than arising from any default of Cadent.

(2) The fact that any act or thing may have been done by Cadent on behalf of the undertaker or in accordance with a plan approved by Cadent or in accordance with any requirement of Cadent or under its supervision including under any watching brief will not (unless sub-paragraph (3) applies) excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless Cadent fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of—

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of Cadent, its officers, servants, contractors or agents; and

- (b) any part of the authorised development carried out by Cadent in the exercise of any functions conferred by this Order pursuant to a grant or transfer under article 12 (consent to transfer benefit of the Order).
- (c) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable at the commencement of the relevant works referred to in sub-paragraph (1).

(4) Cadent must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

Enactments and agreements

61. Except where this Part of this Schedule provides otherwise or by agreement in writing between Cadent and the undertaker, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and Cadent in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

62.—(1) Where in consequence of the proposed construction of any part of the authorised development, the undertaker or Cadent requires the removal of apparatus under paragraph 56(2) (removal of apparatus) or Cadent makes requirements for the protection or alteration of apparatus under paragraph 58 (retained apparatus: protection of Cadent), the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of Cadent's undertaking and Cadent must use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever Cadent's consent, agreement or approval is required in relation to plans, documents or other information submitted by Cadent or the taking of action by Cadent, it must not be unreasonably withheld or delayed.

Access

63. If in consequence of any agreement reached in accordance with paragraph 55(1) (acquisition of land) or the powers conferred by this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative rights and means of access to such apparatus as will enable Cadent to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

64. Save for differences or disputes arising under paragraph 56(2) and 56(4) (removal of apparatus) and 58(11) (retained apparatus: protection of Cadent) any difference or dispute arising between the undertaker and Cadent under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and Cadent, be determined by arbitration in accordance with article 62 (arbitration).

Notices

65. Notwithstanding article 61 (service of notices) any plans submitted to Cadent by the undertaker pursuant to paragraph 58(1) (retained apparatus: protection of Cadent) must be sent by email to Cadent Gas Limited Plant Protection at plantprotection@cadentgas.com as well as by post to Plant Protection, Cadent Gas Limited, Brick Kiln Street, Hinckley, Leicestershire, LE10

ONA, or such other address as Cadent may from time to time appoint instead for that purpose and notify to the undertaker in writing.

PART 6

FOR THE PROTECTION OF RAILWAY INTERESTS

66. The provisions of this Part of this Schedule have effect, unless otherwise agreed in writing between the undertaker and Network Rail and, in the case of paragraph 80 of this Part of this Schedule any other person on whom rights or obligations are conferred by that paragraph.

67. In this Part of this Schedule—

“asset protection agreement” means an agreement to regulate the construction and maintenance of the specified work in a form prescribed from time to time by Network Rail;

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer appointed by Network Rail for the purposes of this Order;

“network licence” means the network licence, as the same is amended from time to time, granted to Network Rail Infrastructure Limited by the Secretary of State in exercise of their powers under section 8 (licences) of the Railways Act 1993;

“Network Rail” means Network Rail Infrastructure Limited (company number 02904587, whose registered office is at Waterloo General Office, London, United Kingdom, SE1 8SW) and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited and any successor to Network Rail Infrastructure Limited’s railway undertaking;

“plans” includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property;

“protective works” means any works specified by the engineer under paragraph 70(4);

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

“railway property” means any railway belonging to Network Rail and-

- (a) any station, land, works, apparatus and equipment belonging to Network Rail or connected with any such railway; and
- (b) any easement or other property interest held or used by Network Rail or a tenant or licensee of Network Rail for the purposes of such railway or works, apparatus or equipment;

“regulatory consents” means any consent or approval required under:

- (c) the Railways Act 1993;
- (d) the network licence; and/or
- (e) any other relevant statutory or regulatory provisions;

by either the Office of Rail and Road or the Secretary of State for Transport or any other competent body including change procedures and any other consents, approvals of any access or beneficiary that may be required in relation to the authorised development;

“specified work” means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway

property and, for the avoidance of doubt, includes the maintenance of such works under the powers conferred by article 6 (construction and maintenance of authorised development) in respect of such works.

68.—(1) Where under this Part of this Schedule Network Rail is required to give its consent or approval in respect of any matter, that consent or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail must—

- (a) co-operate with the undertaker with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and
- (b) use their reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order.

69.—(1) The undertaker must not exercise the powers conferred by—

- (a) article 5 (development consent etc. granted by the Order);
- (b) article 6 (maintenance of authorised development);
- (c) article 24 (discharge of water);
- (d) article 26 (authority to survey and investigate the land);
- (e) article 27 (compulsory acquisition of land);
- (f) article 30 (compulsory acquisition of rights and imposition of restrictive covenants);
- (g) article 31 (private rights over land);
- (h) article 38 (acquisition of subsoil or airspace only);
- (i) article 40 (temporary use of land for carrying out the authorised development);
- (j) article 41 (temporary use of land for maintaining the authorised development);
- (k) article 42 (statutory undertakers);
- (l) article 46 (felling or lopping of trees and removal of hedgerows);
- (m) article 47 (trees subject to tree preservation orders);
- (n) the powers conferred by section 11(3) (power of entry) of the 1965 Act;
- (o) the powers conferred by section 203 (power to override easements and rights) of the Housing and Planning Act 2016;
- (p) the powers conferred by section 172 (right to enter and survey land) of the Housing and Planning Act 2016;
- (q) any powers under in respect of the temporary possession of land under the Neighbourhood Planning Act 2017,

in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.

(2) The undertaker must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail.

(3) The undertaker must not exercise the powers conferred by sections 271 or 272 of the 1990 Act, article 42 (statutory undertakers), or article 31 (private rights over land), in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail.

(4) The undertaker must not under the powers of this Order acquire or use or acquire new rights over, or seek to impose any restrictive covenants over, any railway property, or extinguish any

existing rights of Network Rail in respect of any third party property, except with the consent of Network Rail.

(5) The undertaker must not under the powers of this Order do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway.

(6) Where Network Rail is asked to give its consent pursuant to this paragraph, such consent must not be unreasonably withheld but may be given subject to reasonable conditions, but it is not unreasonable to withhold consent for reasons of operational or railway safety (such matters to be in Network Rail's absolute discretion).

(7) The undertaker must enter into an asset protection agreement prior to the carrying out of any specified work.

70.—(1) The undertaker must before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to Network Rail the engineer has not intimated their disapproval of those plans and the grounds of such disapproval the undertaker may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker. If by the expiry of the further 28 days the engineer has not intimated approval or disapproval, the engineer shall be deemed to have approved the plans as submitted.

(3) If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), Network Rail gives notice to the undertaker that Network Rail desires itself to construct any part of a specified work which in the opinion of the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker desires such part of the specified work to be constructed, Network Rail must construct it without unnecessary delay on behalf of and to the reasonable satisfaction of the undertaker in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertaker.

(4) When signifying their approval of the plans the engineer may specify any protective works (whether temporary or permanent) which in the engineer's opinion should be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using the same (including any relocation de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified works), and such protective works as may be reasonably necessary for those purposes must be constructed by Network Rail or by the undertaker, if Network Rail so desires, and such protective works must be carried out at the expense of the undertaker in either case without unnecessary delay and the undertaker must not commence the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed to their reasonable satisfaction.

71.—(1) Any specified work and any protective works to be constructed by virtue of paragraph 70(3) must, when commenced, be constructed—

- (a) without unnecessary delay in accordance with the plans approved or deemed to have been approved or settled under paragraph 70(1);
- (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little damage as is possible to railway property; and

(d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property.

(2) If any damage to railway property or any such interference or obstruction shall be caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker must, notwithstanding any such approval, make good such damage and must pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may sustain by reason of any such damage, interference or obstruction.

(3) Nothing in this Part of this Schedule imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.

72. The undertaker must—

- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and
- (b) supply the engineer with all such information as they may reasonably require with regard to a specified work or the method of constructing it.

73. Network Rail must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this Part of this Schedule during their construction and must supply the undertaker with such information as it may reasonably require with regard to such works or the method of constructing them.

74.—(1) If any permanent or temporary alterations or additions to railway property are reasonably necessary in consequence of the construction or completion of a specified work, or during a period of 24 months after the completion of that work, in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail, such alterations and additions may be carried out by Network Rail and if Network Rail gives to the undertaker 56 days' notice (or in the event of an emergency or safety critical issue such notice as is reasonable in the circumstances) of its intention to carry out such alterations or additions (which must be specified in the notice), the undertaker must pay to Network Rail the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If during the construction of a specified work or a protective work by the undertaker, Network Rail gives notice to the undertaker that Network Rail desires itself to construct that part of the specified work or a protective work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker decides that part of the specified work or a protective work is to be constructed, Network Rail must assume construction of that part of the specified work or a protective work and the undertaker must, notwithstanding any such approval of a specified work under paragraph 5(3), pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work or a protective work.

(3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 75(a) provide such details of the formula by which those sums have been calculated as the undertaker may reasonably require.

(4) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving must be set off against any sum payable by the undertaker to Network Rail under this paragraph.

75. The undertaker must repay to Network Rail all reasonable fees, costs, charges and expenses reasonably incurred by Network Rail—

- (a) in constructing any part of a specified work on behalf of the undertaker under the provisions of paragraph 70(3) or in constructing any protective works under the provisions of paragraph 70(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works;
- (b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work or a protective work;
- (c) in respect of the employment or procurement of the services of any inspectors, signallers, watch-persons and other persons whom it shall be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work or a protective work;
- (d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of a specified work or a protective work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and
- (e) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work or a protective work.

76.—(1) In this paragraph-

“EMI” means, subject to sub-paragraph (2), electromagnetic interference with Network Rail apparatus generated by the operation of the authorised development where such interference is of a level which adversely affects the safe operation of Network Rail’s apparatus; and

“Network Rail’s apparatus” means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by Network Rail for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications.

(2) This paragraph applies to EMI only to the extent that such EMI is not attributable to any change to Network Rail’s apparatus carried out after approval of plans under paragraph 70(1) for the relevant part of the authorised development giving rise to EMI (unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change).

(3) Subject to sub-paragraph (5), the undertaker must in the design and construction of the authorised development take all measures necessary to prevent EMI and must establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

(4) In order to facilitate the undertaker’s compliance with sub-paragraph (3)—

- (a) the undertaker must consult with Network Rail as early as reasonably practicable to identify all Network Rail’s apparatus which may be at risk of EMI, and thereafter must continue to consult with Network Rail (both before and after formal submission of plans under paragraph 70(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;
- (b) Network Rail must make available to the undertaker all information in the possession of Network Rail reasonably requested by the undertaker in respect of Network Rail’s apparatus identified pursuant to sub-paragraph (a); and
- (c) Network Rail must allow the undertaker reasonable facilities for the inspection of Network Rail’s apparatus identified pursuant to sub-paragraph (a).

(5) In any case where it is established that EMI can only reasonably be prevented by modifications to Network Rail’s apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail’s apparatus, but the means of prevention and the method of their execution must be selected in the reasonable discretion of Network Rail, and in relation to such modifications paragraph 70(1) has effect subject to this sub-paragraph.

(6) Prior to the commencement of operation of the authorised development the undertaker shall test the use of the authorised development in a manner that shall first have been agreed with Network Rail and if, notwithstanding any measures adopted pursuant to sub-paragraph (3), the testing of the authorised development causes EMI then the undertaker must immediately upon receipt of notification by Network Rail of such EMI either in writing or communicated orally (such oral communication to be confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertaker's apparatus causing such EMI until all measures necessary have been taken to remedy such EMI by way of modification to the source of such EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (5)) to Network Rail's apparatus.

(7) In the event of EMI having occurred –

- (a) the undertaker must afford reasonable facilities to Network Rail for access to the undertaker's apparatus in the investigation of such EMI;
- (b) Network Rail must afford reasonable facilities to the undertaker for access to Network Rail's apparatus in the investigation of such EMI;
- (c) Network Rail must make available to the undertaker any additional material information in its possession reasonably requested by the undertaker in respect of Network Rail's apparatus or such EMI; and

(8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to subparagraphs (5) or (6)—

- (a) Network Rail must allow the undertaker reasonable facilities for the inspection of the relevant part of Network Rail's apparatus;
- (b) any modifications to Network Rail's apparatus approved pursuant to those subparagraphs must be carried out and completed by the undertaker in accordance with paragraph 71.

(9) To the extent that it would not otherwise do so, the indemnity in paragraph 80(1) applies to the costs and expenses reasonably incurred or losses suffered by Network Rail through the implementation of the provisions of this paragraph (including costs incurred in connection with the consideration of proposals, approval of plans, supervision and inspection of works and facilitating access to Network Rail's apparatus) or in consequence of any EMI to which subparagraph (6) applies.

(10) For the purpose of paragraph 75(a) any modifications to Network Rail's apparatus under this paragraph shall be deemed to be protective works referred to in that paragraph.

(11) In relation to any dispute arising under this paragraph the reference in article 62 (Arbitration) to the Institution of Civil Engineers shall be read as a reference to the Institution of Engineering and Technology.

77. If at any time after the completion of a specified work or a protective work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work or a protective work appears to be such as adversely affects the operation of railway property, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work or a protective work in such state of maintenance as not adversely to affect railway property.

78. The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work or a protective work in the vicinity of any railway belonging to Network Rail unless it has first consulted Network Rail and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.

79. Any additional expenses which Network Rail may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work or a protective work must, provided that not less than 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to Network Rail.

80.—(1) The undertaker must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule (subject to article 35 (no double recovery)) which may be occasioned to or reasonably incurred by Network Rail—

- (a) by reason of the construction, maintenance or operation of a specified work or a protective work or the failure thereof; or
- (b) by reason of any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work or a protective work;
- (c) by reason of any act or omission of the undertaker or any person in its employ or of its contractors or others whilst accessing to or egressing from the authorised development;
- (d) in respect of any damage caused to or additional maintenance required to, railway property or any such interference or obstruction or delay to the operation of the railway as a result of access to or egress from the authorised development by the undertaker or any person in its employ or of its contractors or others;
- (e) in respect of costs incurred by Network Rail in complying with any railway operational procedures or obtaining any regulatory consents which procedures are required to be followed or consents obtained to facilitate the carrying out or operation of the authorised development;

and the undertaker must indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or a protective work or any such failure, act or omission: and the fact that any act or thing may have been done by Network Rail on behalf of the undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the engineer’s supervision shall not (if it was done without negligence on the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under the provisions of this sub-paragraph.

(2) Network Rail must -

- (a) give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of such a claim or demand is to be made without the prior written consent of the undertaker.

(3) In no circumstances is the undertaker liable to Network Rail under sub-paragraph (1) for any indirect or consequential loss that was not in the reasonable contemplation of the parties at the time of making the Order.

(4) Subject to the terms of any agreement between Network Rail and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, Network Rail must promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (3) which relates to the relevant costs of that train operator.

(5) The obligation under sub-paragraph (3) to pay Network Rail the relevant costs shall, in the event of default, be enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub paragraph (4).

(6) In this paragraph—

“the relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any specified work including but not limited to any restriction of the use of Network Rail’s railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in subparagraph (1); and

“train operator” means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.

81. Network Rail must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part of this Schedule (including the amount of the relevant costs mentioned in paragraph 80) and with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or

claim made or to be made pursuant to this Part of this Schedule (including any claim relating to those relevant costs).

82. In the assessment of any sums payable to Network Rail under this Part of this Schedule there must not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this Part of this Schedule or increasing the sums so payable.

83. The undertaker and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the undertaker of—

- (a) any railway property shown on the works and land plans and described in the book of reference;
- (b) any lands, works or other property held in connection with any such railway property; and
- (c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property or any lands, works or other property referred to in this paragraph.

84. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part I of the Railways Act 1993.

85. The undertaker must give written notice to Network Rail if any application is proposed to be made by the undertaker for the Secretary of State's consent, under article 12 (consent to transfer benefit of Order) of this Order and any such notice must be given no later than 28 days before any such application is made and must describe or give (as appropriate)—

- (a) the nature of the application to be made;
- (b) the extent of the geographical area to which the application relates; and
- (c) the name and address of the person acting for the Secretary of State to whom the application is to be made.

86. The undertaker must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article 60 (certification of documents, etc.) , provide a set of those plans to Network Rail in a format specified by Network Rail.

87. In relation to any dispute arising under this part of this Schedule (except for those disputes referred to in paragraph 76(11)) the provisions of article 62 (Arbitration) shall not apply and any such dispute, unless otherwise provided for, must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) to the President of the Institution of Civil Engineers.

SCHEDULE 12

Articles 2 and 60

DOCUMENTS TO BE CERTIFIED

<i>(1)</i> <i>Document</i>	<i>(2)</i> <i>Reference number</i>	<i>(3)</i> <i>Version</i>
Book of Reference	TR010060/APP/4.3	Rev 5
Classification of roads plans	TR010060/APP/2.4	P02
Design Principles	TR010060/APP/7.10	Rev 5
De-trunking and stopping up plans	TR010060/APP/2.10	P02
Environmental masterplan	TR010060/APP/6.2	Rev 3
Environmental Statement	TR010060/APP/6.1-6.3	
Environmental Statement Addendum	TR010060/EXAM/10.12	Rev 1

Errata to the Environmental Statement	TR010060/EXAM/6.1/9.65	Rev 2
First Iteration EMP	TR010060/APP/6.5	Rev 2
Flood Risk Assessment	TR010060/APP/6.3	Rev 1
Flood Risk Assessment Addendum	TR010060/EXAM/10.16	Rev 1
Highway engineering sections drawings	TR010060/APP/2.11	P02
Land plans	TR010060/APP/2.7	Rev 5
Outline construction traffic management plan	TR010060/APP/7.7	Rev 5
Permanent works plans	TR010060/APP/2.2.1	P03
Pre-commencement plan	TR010060/EXAM/9.57	Rev 1
Revocation of existing traffic orders plans	TR010060/APP/2.3.3	P02
Retained and removed vegetation plans	TR010060/APP/2.14	Rev 3
Special category land plans	TR010060/APP/2.5	Rev 3
Surface Water Drainage Strategy Addendum	TR010060/EXAM/10.17	Rev 1
Streets, rights of way and access plans	TR010060/APP/2.6	P04
Structures engineering drawings and sections	TR010060/APP/2.12	P02
Temporary works plans	TR010060/APP/2.2.3	P03
Traffic regulation measures movement restrictions plans	TR010060/APP/2.3.2	P02
Traffic regulation measures speed limits plans	TR010060/APP/2.3.1	P03
Utility Diversions works plans	TR010060/APP/2.2.2	P03

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises National Highways to undertake works to alter the A12 trunk road between junction 19 (Boreham) and junction 25 (Marks Tey) in Essex and carry out all associated works.

The Order permits National Highways to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.

The Order also makes provision in connection with the maintenance of the authorised development.

A copy of the plans, engineering drawings and sections, book of reference and environmental statement mentioned in this Order and certified in accordance with article 60 (certification of plans, etc.) may be inspected free of charge during working hours at National Highways, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ.