

Meeting note

Project name A12 Chelmsford to A120 Widening

File reference TR010060

Status Draft

Author The Planning Inspectorate

Date 15 September 2021

Meeting with National Highways (the Applicant)

Venue Microsoft Teams

Meeting objectives Project update

Circulation All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Programme Update

The Applicant updated the Inspectorate on key events since the last project update meeting on 19 May 2021.

The Applicant explained that the statutory consultation had closed on 16 August 2021 and the Applicant was now conducting ongoing analysis of the feedback they had received. The Applicant noted the additional value of being able to conduct six in-person public events, alongside six webinars and two engagement van events.

Amongst the responses from local authorities (LA), the Applicant highlighted common themes. Most notably, LA comments centred on the integration of the new junctions proposed by the scheme with the local road network. Furthermore, the Applicant explained that the local highway authority (Essex County Council) had raised concerns regarding resources during the consultation period. The Inspectorate enquired whether LAs had been satisfied with the level of information shared by the Applicant to inform engagement about the scheme. The Applicant responded that it believed it had fulfilled its duties in this respect. The applicant noted that there continues to be a significant level of engagement with all stakeholders.

The Applicant explained that discussions were ongoing with Essex County Council over a Planning Performance Agreement.

Further targeted consultation

The Applicant identified some areas in which further targeted consultation was likely to be required.

The Applicant explained that five potential corridors had been identified with the utility owner, Cadent. Further targeted consultation would establish how the diversion would be brought forward in the application. The Inspectorate queried the potential for the gas mains diversion to meet the threshold for a Nationally Significant Infrastructure Project (NSIP) in the Planning Act 2008. The Applicant explained that three of the potential corridors would meet this threshold. The Applicant acknowledged that if the route brought forward in the application caused the diversion to constitute an NSIP in its own right, other National Policy Statements would be engaged, and the Applicant would address them appropriately within its application.

The Applicant queried whether the draft Energy National Policy Statements (NPS) should be given due consideration in drafting the application. The Inspectorate advised official guidance on transitional arrangements could be found on page 11 of the [Planning for New Energy Infrastructure](#) document. The Inspectorate further drew attention to recently published guidance establishing the process for decision-making in cases where transport Development Consent Orders (DCO) include energy elements above the PA2008 thresholds.

The Applicant also highlighted the possibility of further targeted consultation dealing with discrete elements of scheme design and impacts on existing pinch points on the local road network.

Submission of documents

In the light of planned targeted consultation(s), the Inspectorate queried whether the planned application submission date of March 2022 had changed. The Applicant advised that it would have a greater understanding in the coming weeks if a March submission was still achievable and would update the Inspectorate in this respect promptly.

The Applicant queried whether draft documents could be submitted in tranches instead of in a single submission. The Inspectorate advised this was acceptable but consideration must be taken in ensuring tranches of documents included all documents from a related field of the application eg the draft DCO and draft plans must be provided in the same tranche so they can be read against each other.

The Applicant queried on what timescales they could expect to receive responses from draft documents. The Inspectorate clarified that the official guidance was 6 weeks but advised that there was potential scope to provide responses in a quicker timeframe depending on the format and composition of the submission(s).

The Applicant queried what approach it should take around biodiversity net gain (BNG), particularly whether it would be required to demonstrate a 10% net gain.

The Inspectorate advised that BNG is not yet a legal requirement and that for NSIPs, this requirement is expected to be introduced over the next two to three years. The Applicant should ensure that as a minimum, its approach to BNG meets the applicable legal requirements at the point the DCO application is made (noting the transitional arrangements for the Energy NPSs as referenced above) as that is what would be tested at the acceptance stage. The Applicant is advised to make a clear distinction in its application documents between what constitutes mitigation for a significant adverse effect that should be legally secured and what is simply enhancement over and above this.

Any other business

The Inspectorate queried whether the Applicant envisaged any potential issues with the recent name change from Highways England to National Highways. The Applicant advised it was conscious of potential confusion amongst consultees and would ensure future engagement with consultees included information to make them aware of the change.