

28th August 2022

Planning Policy
Causeway House Braintree
Essex CM7 9HB



By email only

Dear Ms Allen,

Planning Act 2008 (as amended) – Section 55 Application by National Highways for an Order Granting Development Consent for the A12 Chelmsford to A120 Widening Scheme Adequacy of consultation request

Thank you for contacting Braintree District Council (the Council) in regard to this application for a Development Consent Order (DCO).

The Council is a statutory consultee as one of the local authorities for the purposes of Section 43(1) of the Act. The Council's view is that the applicant, National Highways, has met the legal requirements of sections 42, 47 and 48 of the Planning Act 2008 and this should not impede the acceptance of the application for DCO under Section 55.

Section 42 pertains to the duty to consult, Section 47 pertains to the duty to consult the local community (preparation of the statement of community consultation) and section 48 pertains to the duty to publicise.

The Council can confirm that it was contacted by the applicant to comment on the Statement of Community Consultation (SoCC) whilst it was being prepared. This included an initial discussion during a workshop meeting in November 2020 and follow up meeting, including a presentation. A statutory consultation on the draft SoCC was held between the 29th January and 1st March 2021. The Council provided feedback comments before the 28 day time limit, on the 25th February 2021, and these were taken into account. The SoCC was published on the 22nd June 2021.

The Council is also satisfied that the duty to publicise at Section 48 has been met as the proposed DCO application was issued to The Essex Chronicle, Braintree and Witham Times and the Essex County Standard which provide print news coverage in the local area.

Other Concerns

While the Council finds no issues with the applicant complying with the duties of the Planning Act 2008, it would like to express its concerns about the sharing of information in regard to a number of areas of concern that Braintree District Council

and the highways authority Essex County Council continue to have regarding the scheme

Since the statutory consultation, significant engagement between National Highways, Essex County Council and other stakeholders on the project has taken place. Additional data has been shared with the main parties and draft versions of some DCO submissions documents have also been shared. Whilst we recognise and thank National Highways for sharing extra documentation this has taken some time and showed that additional work had been carried out by National Highways which had not been fully explained.

As it is not a highway authority, the District Council does not have specific transport specialists in house and has been reliant on its relationship with Essex County Council and its specialists to consider the very detailed and specialist nature of some of the work which has been produced and provides updates on its contents and implications. We understand that it has been necessary for Essex County Council officers to have detailed conversations with the National Highways team to understand that information. However this level of engagement has not been possible for most other consultees and therefore this raises the concern that changes to scheme impacts since the consultations won't be readily understood by stakeholders that have not had the same level of dialogue with National Highways.

We know that some of the concerns outlined above are shared with other stakeholders and resident groups with particular interests in the scheme, not least concerns around the time it has taken National Highways to provide information requested, the lack of reasoning provided for changes to datasets and the way in which some of the information has been presented.

We would note that as expected for a scheme of this scale, there are numerous examples of where National Highways have made changes to the proposed scheme since the first non-statutory consultation was undertaken in 2017 and in many cases these changes have been in response to feedback received. These changes are set out in section 7.4 of the Consultation Report.

The fact that changes have been made as a result of consultation is of course welcomed, and Braintree District Council supports many of the changes made. We do consider however that in some cases the changes proposed do not go far enough to address the issue in question, and moreover we believe that in most cases the changes made are relatively minor in nature and National Highways have to date not agreed to any of the more substantive changes that have been requested by stakeholders including Braintree District Council. This similarly applies to the detail of some proposals like detrunking which have arisen later in the process and views on which have been sought briefly, but no major changes implemented. There is a concern that National Highways have opted not to address legitimate concerns held by stakeholders on aspects of the scheme that are most in need of change whether it be because of cost, need for additional land-take or impact on programme. If this DCO application is accepted then Braintree District Council will of course continue to put forward its views on changes which it considers necessary to make the impacts of the scheme on local networks, environments and the community acceptable.

We will continue to work with National Highways and others on preparing Statements of Common Ground and we hope that some of the outstanding issues may be resolved prior to the conclusion of the DCO process.

Yours Sincerely

A solid black rectangular box used to redact the signature of the councillor.

**Councillor G Spray
Cabinet Member for Planning and Infrastructure
Braintree District Council**