

The logo for Ashfords, featuring the word "ashfords" in a white, lowercase, sans-serif font. The background of the entire page is a complex geometric pattern of overlapping triangles and polygons in various shades of teal, green, and blue, creating a sense of depth and movement.

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**Summary of Oral Submissions -
Messing & Inworth Action
Group Limited**

Ashfords LLP

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The following are summaries of the oral submissions made by Stephen Humphreys of Ashfords LLP - on behalf of Messing and Inworth Action Group Limited (MIAG) - at the A12 DCO Preliminary Meeting and Open Floor Hearing on 12 January 2023.

Preliminary Meeting

Item 3 – Initial assessment of principal issues

Under Item 18 of Annex C appended to the Rule 6 letter, MIAG considers that ongoing responsibilities in respect of the maintenance and operation of local roads affected by the proposal should be clarified by the Applicant.

MIAG considers that this should include arrangements in place or proposed between the Applicant and the Local Highways Authority on any future apportionment of responsibility and costings/funding (both within and outside of the DCO process). Clarity is needed on where responsibility for the road network in the vicinity of all new works will lie.

Item 4 – Draft examination timetable

From the draft examination timetable it looks as though the issues relating to the scheme will be considered on a thematic basis across the whole length of the scheme.

Can the Panel please clarify whether it will approach the consideration of the principal issues on a thematic basis (e.g. air quality across the whole scheme and covering all locations) or a geographical basis (e.g. by reference to issues experienced at relevant new junctions or communities)? MIAG considers that it is

important that all issues relevant to and deriving from the proposed new junction 24 are considered in the context of the communities based in this area.

Item 5 – Procedural Decisions

MIAG requested in writing that a **Statement of Common Ground** is progressed with it by NH. NH has agreed to this request and has confirmed that it will send a first draft to MIAG.

In terms of **accompanied / unaccompanied site visits**, MIAG would be grateful if the Panel could visit the locations of **(i)** Hinds Bridge (located to the north of the existing A12 on the B1023), **(ii)** the village of Inworth and **(iii)** the road from the Inworth Road (B1023) running towards the village of Messing, known as Kelvedon Road. All locations are publicly accessible.

In terms of point (i) the bridge leading from the A12 towards the villages of Kelvedon/Feering is a very narrow road bridge which experiences frequent accidents. The Applicant is not proposing to undertake works to this bridge because (we understand) it is a bridge with complicated issues of responsibility and the engineering works to it would be expensive.

Points (ii) and (iii) are vital to MIAG because they will put into context the issues and concerns that MIAG and others have in respect of the impacts of the scheme on the villages of Inworth and Messing. In addition, these visits will put into context the swept path analysis undertaken by the Applicant and put into context access issues for vehicle types including HGVs predicted to travel through Messing.

Open Floor Hearing 1

MIAG has been formed exclusively to deal with the issues arising from the proposed A12 scheme – principally at the new proposed J24. MIAG is made up of and is supported by a number of concerned residents who live in the villages of Messing and Inworth.

On behalf of MIAG, we note the following concerns with the proposal put forward by NH. This list is not exhaustive. MIAG intends to submit a full written representation to the Examination before the relevant deadline determined under Rule 8.

MIAG does not object to the overall proposal. MIAG's main concerns relate to NH's approach to the development of the new Junction 24 and the impacts of the proposal in and around the villages of Messing and Inworth. These concerns can be summarised by the following points:

1. It is agreed that there will be significant impacts from the new J24 proposal on the villages of Messing and Inworth. There are 5 communities along the length of the A12 where significant impacts are predicted out of a total 23 communities. M&I are two of these 5. On the current modelling NH predicts increases in traffic flow in Inworth to be between 32% and 42% and much higher in Messing – between 140% and 252%. In addition, both will experience significant noise impacts (discussed further below).
2. In spite of these figures, MIAG has concern with the modelling of the anticipated traffic conditions resulting from the proposal and the assessed impacts on the local road network (a point which is supported by Tiptree PC). MIAG has concern with the assessments in NH's Transport Assessment (APP/7.2) and the Combined Modelling and Appraisal Report (APP/7.3) – including their appendices.

MIAG has employed Transport Planning Associates (TPA) to review this detail and analyse the methodology used. Their findings will be submitted to the Examination in due course.

An example of the concerns MIAG has in respect of the methodology and the modelling:

- the model was revised by NH between the pre-application consultation stage and submission of the DCO application and this modelling has resulted in a significant reduction in the forecast flows through Inworth and Messing (even though they are still considered to be significant increases under the revised modelling). A number of model inputs have been changed, resulting in these reductions, which MIAG dispute;
- the 'coding' of certain roads in the traffic model appears to downplay the likely impacts from the scheme and there are discrepancies in the rationale behind the methodology changes implemented between consultation and submission of the DCO in respect to the Inworth Road;
- little consideration is given to the likelihood of speed exceedances on Inworth Road that currently exist and are likely to exist following the introduction of the new J24 and the road improvement measures that are proposed to be implemented in Inworth. MIAG also have concern with the simulations run in respect of the works in Inworth which, again, do not account for speed exceedances;
- no consideration is given to the fact that both existing junctions 23 and 24 are to be closed and the new J24 will attract the majority of displaced traffic. No detail is given on the current usage of these existing junctions and how this is accounted for in the predicted flows on Inworth Road once the Scheme is in place. Clearly condensing traffic from two junctions into one (both of which currently serve Kelvedon, Feering and Tiptree) and drawing traffic from closed direct accesses onto the A12 (like Easthorpe Rd) will create much greater use of a proposed single junction 24 and it is not clear how this has been factored into the modelling. Given that the current AM peak traffic southbound between junction 23 and 22 and PM peak northbound between junctions 22 and 23 are shown to be

at above 85% capacity (which is “close to or beyond capacity”) this demonstrates that the current use of junction 23 in particular is significant and this use will transfer to the new J24.

- Given the lack of data relating to current use it is assumed that this has not been factored into the input data for the relevant modelling.
- MIAG considers there are inconsistencies in the traffic count data and traffic modelling;
- the deficiencies in the approach to the assessment result in inadequate mitigation being proposed as part of the Scheme.

MIAG is in the process of analysing the traffic flow and junction use information submitted by NH in more detail and will outline its specific concerns to Examination through its written representation so that the points can be addressed by the Applicant.

3. MIAG also has concern with how NH has assessed highway safety – particularly on the Inworth Road towards Tiptree and on Kelvedon Rd, between the Inworth Road and the B1022 (towards Messing) as a result of the new junction 24.

Kelvedon Rd

The roads between Inworth and Messing are characterised by narrow lanes, with few passing places, blind bends and narrow junctions.

The route between Messing and Inworth, known as Kelvedon Road, is a rat run and this route is expected to worsen with more traffic attracted towards a new junction (24) on the A12 – particularly from Tiptree. MIAG is extremely concerned that NH has not properly modelled these impacts (as noted above) in terms of traffic flows, anticipated junction use and road safety on users on the highways.

NH proposes no mitigation works in Messing or on any of the roads leading to and from Messing despite the predicted increases in traffic flows in Messing and the likely impacts on the local road networks (and other highway users) which NH acknowledges will result in significant adverse impacts.

Inworth Rd

The proposed mitigation measures in Inworth are considered by MIAG to be insufficient (passing places, slight road widening) and, again, are based on modelling which makes a number of assumptions that MIAG do not agree with. The classification of Inworth Road by NH in the methodology and the approach to traffic flows – which have resulted in the level of mitigation proposed by NH – is disputed by MIAG.

One of MIAG's concern is that alleviating pinch points will simply remove the physical constraints which currently support a reduction in speeds on this section of the road and will result in increased speed exceedances. (Most vehicles speed along this section of road). NH has not taken this into account in its modelling. NH is not proposing to amend the speed limit through Inworth (currently 30mph) nor are they proposing additional street lighting to improve visibility.

NH has opted for a proposed passing distance of 6.1m on the carriageway which MIAG does not consider wide enough given the likely speed exceedances and nature of the road (including use by cyclists). Moreover, this distance appears to run contrary to its own methodology when considering the expected traffic flow rates through Inworth.

Inadequate WCH measures are proposed in Inworth and the proposals offer limited benefits to the community.

Inworth Rd is a dangerous road and the data submitted by NH demonstrates that there have been a number of serious collisions on it.

4. Main Alternative

The rationale and explanation used by National Highways to dismiss the proposed Inworth Bypass (known as the Main Alternative) is not agreed between NH and MIAG. MIAG is of course disappointed that the bypass suggested by MIAG (and initially supported by Essex County Council) does not form part of the DCO proposal. However, the rationale for its exclusion is one based not – in MIAG's view – on legitimate anticipated impacts from the proposal but one based solely on cost.

When the rationale behind discounting the Main Alternative is considered (in particular against the RIS objectives) MIAG considers a number of the scores attributed to the objectives is not well reasoned and results in a disproportionate negative scoring to the Main Alternative.

MIAG fails to see how a small diversionary route around the village of Inworth supports NH's assertion that it will considerably worsen traffic in Tiptree and elsewhere. MIAG considers that the attractiveness of the new junction 24 to drivers (with or without the Main Alternative) will be the same in both situations. Inworth Road will in both scenarios be a feeder road (as acknowledged in para 3.3.20 of the Case for the Scheme) taking the majority of the traffic from existing junctions 23 and 24. Indeed, the whole rationale for locating junction 24 in its current proposed location is to support and improve connectivity to and from Kelvedon, Feering and Tiptree. MIAG considers that new junction 24 will be attractive to drivers with or without the Main Alternative and so the impacts it notes will be experienced on other locations is misunderstood. MIAG considers that the Main Alternative has not been properly reasoned out of the scheme.

5. MIAG has concern with the design of the B1023 Inworth Road Roundabout, including its adherence to design standards. This point will be picked up in more detail in MIAG's written representation.

6. Flooding on the local roads is a concern for MIAG and details of this were provided to NH as part of the consultation exercise prior to submission of the scheme. Both Inworth Road and Kelvedon Road experience surface water flooding. These impacts need to be addressed by NH as part of the scheme.

7. Noise and vibration is a significant concern to the residents of Messing and Inworth. NH anticipates exceedances at properties in the locality of Messing and Inworth. Despite this, no mitigation is proposed by NH to counter the anticipated effects.

To put this into context – 74 properties along Kelvedon Rd, through Messing and then Harborough Rd are expected to experience a major (+5dB(a)) noise impact i.e. a significant adverse effect and 4 properties in Inworth will experience a significant adverse effect from the scheme where absolute noise levels are expected to be above the significant observed adverse effect level (SOAEL) (re: Figure 12.5 in Chapter 12 of the ES (APP/6.1).

NH's position to date is that the effects "are what they are" and residents will have to put up with them. No mitigation is proposed. This is an unacceptable position to take and NH should have engaged better with residents to provide a package of measures and assurances to alleviate these impacts and concerns generally.

It is worth noting that NH's noise assessments are based on modelled traffic flows and assumptions which MIAG considers to be flawed as previously noted. As such, it is likely that the impacts of noise and vibration as assessed by NH could alter (potentially for the worse) once it considers the discrepancies in the data-set / assessment approach that MIAG will highlight in its written representation.

8. Severance – human health / population issues. NH acknowledges that the scheme will create severance in Inworth. However, NH's assessment of these impacts concludes that the impacts on

human health is not significant as a result of the scheme on the residents of Messing and Inworth. MIAG disagrees with this appraisal and considers the reasoning for the conclusion unsound. MIAG considers that the impacts of the scheme and the inevitable increase in traffic flows will result in significant impacts which warrant mitigation.

9. MIAG would like to see ongoing monitoring and mitigation measures, secured through / embedded in the DCO, to ensure that in the event the impacts anticipated by NH are greater than expected (during construction and operation) that there is a fund or ability to call on measures to be employed by NH (or ECC as agent) to counter unforeseen issues.

10. MIAG has concern in respect of the clarity behind the decision making process resulting in the current J24 proposal being brought forward. The optioneering rationale for junction 24 is not clear in the application documentation and it is suggested that NH releases its benefits/dis-benefits analysis detailing the approach to the proposed junction 24 alignment together with the detail of the alternative routes/locations analysed.

END