

A12 Chelmsford to A120 Widening Scheme

Chelmsford City Council

Unique reference: 20033066

ExQ1 - Responses to Written Questions

Abbreviations used:

CCC Chelmsford City Council
CoCC Colchester City Council
MDC Maldon District Council
BDC Braintree District Council
ECC Essex County Council
NE Natural England

LIR Chelmsford City Council Local Impact Report dated February 2023
dSoCG Draft Statement of Common Ground
dDCO Draft Development Consent Order

ExQ	Respondent	Question	Chelmsford City Council response
2. Air Quality and Emissions			
2.0.1	CoCC, CCC, MDC, BDC, ECC	Has the Applicant's Construction Dust Assessment, as set out in Section 6.9 of ES Chapter 6 [APP-073], had regard to the latest guidance and is the method used by the Applicant acceptable? Are the LPAs satisfied with the Applicant's proposed mitigation in relation to dust as outlined in the Dust Management Plan, Appendix E to EMP [APP-189]? If not, please explain why.	The Dust Management Plan complies with the latest guidance and CCC is satisfied with the proposed control measures.

2.0.4	CoCC, CCC, MDC, BDC, ECC	Has Table 6.5 of ES Chapter 6 [APP-073] identified all the key relevant local policies that relate to air quality? If not, please identify those that are missing	Yes. Table 6.5 of ES Chapter 6 identifies the key relevant local policies that relate to air quality.
2.0.5	CCC	Are the Council satisfied with the approach taken by the Applicant to AQMAs within Chelmsford? If not, please explain why not?	CCC is satisfied with the approach taken by the applicant in relation to AQMAs within Chelmsford. However, CCC is not satisfied with the proposed lack of mitigation set out in relation to modelled exceedances with are outside the AQMA. CCC has provided a full and substantive response to Air Quality within its Local Impact Report paragraphs 6.31 – 6.39 refer.
3. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))			
3.0.1	NE, CoCC, CCC, MDC, BDC, ECC	In relation to Applicant's approach toward biodiversity net gain, are the parties satisfied with this approach and the Applicant's conclusion? If not, please explain why	Defer to ECC. See Local Impact Report.
3.0.2	NE, CoCC, CCC, MDC, BDC, ECC	Has ES Chapter 8: Biodiversity [APP-076], identified all relevant legislation and policy, in particular local policy? If not, please identify which elements are missing and how this relates to the proposed development.	Yes in relation to Chelmsford Local Planning Policy. For non-local planning policy, defer to ECC. See Local Impact Report.
3.0.3	NE, CoCC, CCC, MDC, BDC, ECC	In terms of ES Chapter 8: Biodiversity [APP-076] and its Assessment Methodology, including scope, approach, assessment of significance,	Defer to ECC. See Local Impact Report.

		assumptions and limitations and study area, do the parties consider the approach and conclusions to be robust? If not, please explain why and what is required.	
3.0.4	NE, CoCC, CCC, MDC, BDC, ECC	Are the parties satisfied with Applicant's approach towards mitigation of impact upon protected species? If not, please explain why	Defer to ECC. See Local Impact Report.
3.0.5	The Applicant NE, CoCC, CCC, MDC, BDC, ECC	Paragraph 9.10.26 of ES Chapter 9 [APP-076] states 'Impacts to Whetmead LNR and LWS would be offset through creation of habitats within the proposed scheme. Due to ground conditions, there is limited scope for additional planting to improve the existing LNR/LWS or to restore or improve the condition of formerly wet habitats within the site.' Please explain in more detail and in particular, identify where within the proposed scheme will the impact be offset. Are the parties satisfied with the Applicant's approach?	Defer to ECC.
6.1 Requirements			
6.1.1.	The Applicant	In relation to 1. Interpretation, should this include a definition of the 'authorised development', 'relevant planning authority' and the 'highway authority', given they are used extensively throughout the Requirements?	In accordance with standard DCO drafting processes, CCC would request that definitions are provided for clarity.
6.1.2	The Applicant	Requirements 3 and 4. Are there other bodies, such as Natural England, Environment Agency and Historic England and/or local groups that should be consulted, along with those already identified? If so, please amend as necessary, if not please explain. Please clarify how long the parties would be given to review and comment on the documents?	CCC requests that all relevant consultees including those mentioned are named. CCC suggest that Essex County Council (Highways and Local Lead Flood Authority) are consulted where appropriate.

			Consideration of the appropriate timescales will be given within the CCC's response to the dSoCG/ dDCO.
6.1.4	The Applicant	Requirement 7. Should (5) also include for consultation with the County Archaeologist?	CCC considers the County Archaeologist should be consulted on this requirement.
6.1.5	The Applicant	Requirement 11. In relation to (2), should the Environment Agency be included as a consultee?	CCC considers the Environment Agency should be consulted on this requirement.
6.1.7	The Applicant	Requirement 13. In relation to (5), should this also include provision for mitigation measures to be maintained and managed?	CCC request that mitigation measures are maintained and managed in accordance with a scheme of works that has been agreed within the Noise and Vibration Management Plan that forms part of the Environmental Management Plan.
8. Geology and Soils			
8.0.1	CoCC, CCC, MDC, BDC, ECC	In relation to best and most versatile land, are the LPAs satisfied with the approach and conclusions taken by the application with regards to unsurveyed agricultural land? If not, please explain why.	CCC's response is set out within its Local Impact Report paragraphs 6.145- 6.151 refer. Overall, the proposal would lead to the loss of about 72.4 hectares (39% of the site boundary) of Best and Most Versatile Agricultural Lane. This would be broken up in Grade 2 (11.4 hectares) and 3a (61.1 hectares). The loss of this amount of BMV land would be significant and would be of high magnitude and could not be

			<p>mitigated or offset elsewhere. Some of the Grade 2 land would be within Chelmsford City.</p> <p>In relation to unsurveyed land, CCC acknowledges that the amount of Best and Most Versatile land could be more than that suggested by the Agricultural Land Survey.</p> <p>In spite of this, the loss of 39% of surveyed BMV land is significant and weighs against the proposals as National and Local Planning policies seek to protect this finite resource.</p> <p>The removal of productive agricultural land is a material consideration, but this must be balanced against the benefit of the proposal in easing congestion and improving the highways network.</p> <p>Requirements relating to the appliance of Soil Handling Management Plan appended to the Environmental Management Plan could ensure the protection and conservation of soil resources on site during operation during the operation of the development.</p>
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			On balance, it is considered that these measures are likely to outweigh the loss of Best and Most Versatile Agricultural Land (surveyed or not), particularly when considered in the wider context of the benefit of the proposal in its totality. In this context, CCC does not therefore, object to the loss of agricultural land in principle.
9. Good Design			
9.0.1	The Applicant	Re Design & Access statement [APP- 268]. It would be helpful to have a note explaining how the dDCO will secure compliance with each of the design principles. Para 4.1.3 states that this is one of a number of documents but a further explanation of how they relate to each other would assist	<p>CCC has raised substantive objections to the design and aesthetics of Paynes Lane WCH bridge and does not agree with the design principles that relate to it.</p> <p>These concerns are set out within CCC's Local Impact Report paragraphs 6.62 – 6.89 refer.</p> <p>Requirement 10 of the dDCO states that the detailed design of the development must accord with:</p> <p>“(a) the preliminary scheme design shown on the works plans and the engineering drawings and sections; and (b) the principles set out in the environmental masterplan, (c) unless otherwise agreed in writing by the Secretary</p>

			<p><i>of State following consultation with the relevant local 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.”</i></p> <p>The effect of the requirement as currently worded means that the proposal will need to be constructed in accordance with the certificated plans and documents that form part of the dDCO.</p> <p>Given CCC’s substantive concerns regarding the design and aesthetics of the bridge as stated within the LIR, CCC’s position is that further consideration should be given to the design principles / requirement wording to enable National Highways to amend the proposals to respond to CCC’s concerns.</p> <p>CCC wish to be consulted on further reiterations on the design of the bridge and will work in</p>
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			collaboration with National Highways through the dSoCG/ dDCO to address these concerns.
9.0.2	The Applicant	Please show how the design principles referenced in the Design & Access Statement [App268] will be translated into physical form, by providing indicative examples for eg. bridges, fences, noise barriers etc.	CCC requests that further details (plans and elevations) are provided of the physical form of these features and that the Host Authorities and other interested parties are consulted on them.
9.0.3	The Applicant	Re Design Principles [APP-280]: STR.05 Value for money – “Cost effectiveness will be weighed against aesthetic value, safety and other design principles discussed in this chapter.” The Applicant may wish to add that the weight to be placed upon the different factors will vary according to the quality and existing aesthetic qualities of various locations with regard to the preservation and enhancement of the local landscape character. It would be useful to indicate locations where other considerations are likely to outweigh those relating to cost.	CCC notes the need for National Highways to deliver a scheme that delivers good value for money. However, in accordance with paragraphs 6.79 of the LIR, CCC notes that the, the design and aesthetics of the bridge represents a significant opportunity to deliver a structure that adds to the character of the Garden Community, reconnection of heritage assets and provides a distinctive gateway into Chelmsford. CCC would therefore encourage a greater degree of ambition with regards to the bridge design. There is also an opportunity to recognise and celebrate the historic connection between the two Grade

			<p>l listed heritage assets of Boreham House and New Hall which the new bridge will reconnect.</p> <p>CCC wish to be consulted on further reiterations on the design of the bridge and will work in collaboration with National Highways through the dSoCG/ dDCO to address these concerns.</p>
11. Historic Environment			
11.0.1	The Applicant Historic England Local Authorities	There are a number of archaeological remains, in and close to the Order Limits, which would be adversely affected by the construction of the Proposed Development. In addition, please provide more detailed justification for concluding moderate adverse residual effects from the Proposed Development on the archaeological remains [APP-074]. Historic England and LAs to comment. Applicant – what consideration has been given to the effect of the Proposed Development on all these remains combined? Are parties satisfied with the approach, scope and conclusions of the archaeological assessment, and proposed mitigation?	<p>Defer to ECC.</p> <p>See also Local Impact Report.</p>
15. Noise and Vibration			
15.01.1	CoCC, CCC, MDC, BDC, ECC	ES Chapter 12: Noise and Vibration [APP-079], does table 12.4 reflect the latest and most relevant development plan policies? If not, please identify those that are missing.	CCC can confirm the table reflects the latest and most relevant development plan policies.
15.0.2	CoCC, CCC, MDC, BDC, ECC	Are the LPAs satisfied with the Applicant's identified methodology as set out in 12.5 of ES	CCC is satisfied with the proposed methodology.

		Chapter 12: Noise and Vibration [APP-079]? If not, please explain why. In particular, do the parties have any views on the Applicant's use, approach and conclusions with regards to the use of SOAEL and LOAEL?	
15.0.3	CoCC, CCC, MDC, BDC, ECC	Paragraph 12.5.24 of ES Chapter 12: Noise and Vibration [APP-079]? identifies the Applicant's consideration of significant effects from construction activities. Are the parties satisfied with this approach as set out? If not, please explain why	CCC is satisfied with the approach.
15.04.4	The Applicant	Please explain and justify why only the south bound side of the existing A12 between J19 and existing J20a is to be surfaced with better noise reducing surface. Would provision of such a surface on both sides deliver further noise reduction?	CCC would wish for both sides of the A12 between J19 and J20a to be surfaced with a better noise reducing surface to deliver improved and enhanced noise reduction to Boreham residents. See paragraph 6.48 of the Local Impact Report.
15.04.05	The Applicant	Paragraph 12.10.19 of ES Chapter 12: Noise and Vibration [APP-079] refers to discounting the insertion of noise barrier alongside proposed development by Boreham. Please provide further detail and justification for this decision. How would these barriers perform in comparison to the identified mitigation measures?	CCC wishes for further consideration to be given to the introduction of a noise / air quality barrier along the A12 roadside frontage. CCC considers that it is premature to discount the environmental effects of introducing a noise and air quality barrier along the A12 roadside frontage. The management of the mitigation to

			<p>achieve noise reduction, whilst not causing harmful environmental impacts is a sensitive balancing act. However, there is likely to be an appropriate scheme of mitigation that reduces noise impacts whilst complying with environmental legislation. Measures for this mitigation should be included within the proposal.</p> <p>Paragraph 6.49 of the Local Impact Report refers.</p>
15.0.08	The Applicant	Please clarify what part of the proposed development is causing the significant noise effect at the 28 dwellings along Main Road as identified in paragraph 12.11.31 of ES Chapter 12: Noise and Vibration [APP-079]?	<p>CCC considers that mitigation should be provided for the 28 dwellings along Main Road and has provided a substantive response to noise and vibration within paragraphs 6.40 - 6.49 of its Local Impact Report.</p> <p>CCC will work in collaboration with National Highways through the dSoCG/dDCO to address these concerns</p>
18. Water Environment			
18.0.1	EA, CoCC, CCC, MDC, BDC, ECC	Are the parties content with the Applicant's Flood Risk Assessment (FRA) and drainage proposals as detailed in Appendix 14.5 [APP-162] and Appendix 14.6 [14.6] of ES Chapter 14: Road drainage and the water environment [APP-081]?	Defer to ECC.

		If not, please explain why and what additional information is required.	
18.0.2	EA, CoCC, CCC, MDC, BDC, ECC	ES Chapter 14: Road drainage and the water environment [APP-081], do the parties agree that section 14.8, baseline conditions, is an accurate assessment of the current situation? If not, why not	Defer to ECC.