

**MALDON  
DISTRICT  
COUNCIL**



**Maldon District Council**

**LOCAL IMPACT REPORT**

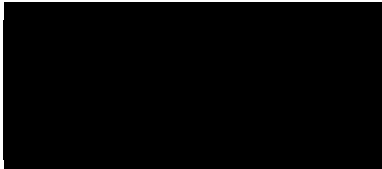
**A12 Chelmsford to A120 Widening Scheme**

**February 2023**

## Local Impact Report

**This Local Impact Report has been prepared by Maldon District Council as a host authority in response to the A12 to A120 Widening Development Consent Order submitted to the Planning Inspectorate by National Highways.**

Signed



Paul Dodson

Director of Strategy, Performance and Governance

On behalf of Maldon District Council

Date: 13 February 2023

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# 1 Terms of Reference

## 1.1 Introduction

- 1.1.1 This report comprises the Local Impact Report (LIR) for Maldon District Council (MDC) for the proposed development by National Highways of the A12 Chelmsford to A120 Widening Scheme; a Nationally Significant Infrastructure Project (NSIP).
- 1.1.2 As set out in the Planning Act 2008, the purpose of the LIR is to provide written details of the likely impact the proposed development (the 'Project') would have on any part of MDC's authority area. The local knowledge and evidence held by Local Authorities is valuable to the NSIP process and can provide further insight to that provided by the applicant in the Development Consent Order (DCO) application.
- 1.1.3 The Council has had regard to the purpose of the LIR as set out in s60(3) of the Planning Act 2008 (as amended), DLUHC Guidance for the Examination of Applications for Development Consent (2015), the Planning Inspectorate's Advice Note One (on Local Impacts Reports) and the Planning Inspectorate's 'Example Documents' in preparation for this LIR.
- 1.1.4 It is noted that the Examining Authority and the Secretary of State must have specific regard to the MDC LIR (as well as others received) when making their recommendation and decision, respectively.

## 1.2 Scope of the Project

- 1.2.1 The 'Project' involves the widening of the A12 between Junction 19 (Boreham Interchange) to Junction 25 (Marks Tey Interchange) and therefore runs through the administrative district areas of Chelmsford City, Braintree District, Maldon District and Colchester City; all within the county of Essex.
- 1.2.2 The description of the development is taken directly from the Applicant's submitted DCO application form and document *1.2 Introduction to the Application* (TR010060/APP/1.2) dated August 2022.

*'The existing A12 between junctions 19 (Boreham interchange) and 25 (Marks Tey interchange) is predominantly a dual two-lane carriageway, with a limited length of three-lane carriageway between junctions 19 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.*

*The proposed scheme involves widening the existing A12 to three lanes throughout in each direction, where it is not already three lanes. This would mainly involve online*

widening of the carriageway, with offline highway 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).'

- 1.2.3 Associated works regarding improved drainage, signage and resurfacing in selected areas are also proposed, along with alterations to the Local Road Network (LRN) within specific areas.
- 1.2.4 This LIR relates to the proposed scheme to widen the A12 but has a particular focus on the Maldon District as appropriate. Due to the nature of the 'Project' and how its junctions serve more than one district, it is necessary to assess the impacts of the section of the scheme that crosses through the Maldon District's administrative boundary as well as the impacts of those sections of the scheme that lie outside the boundary, but which nonetheless have impacts within Maldon District.

*Carriageway*

- 1.2.5 The section of the A12 within the Maldon District is in the most northern part of the district where the A12 crosses the boundary into the district within the parish of Great Braxted. The plans submitted with the DCO show there is to also be a re-alignment of Little Braxted Lane near to its junction with the A12, just inside the Braintree District, and a dedicated arm leading to/from Junction 22 (Colemans Interchange). Little Braxted Lane would be given direct access from the southern roundabout at Junction 22 and leads through into the parish of Little Braxted within the Maldon District. These areas are shown in the maps below adapted from the plans submitted by the Applicant with the DCO.

*Figure 1 - Areas of the Maldon District directly affected by the order limits of the 'Project' (LIR Appendix A)*

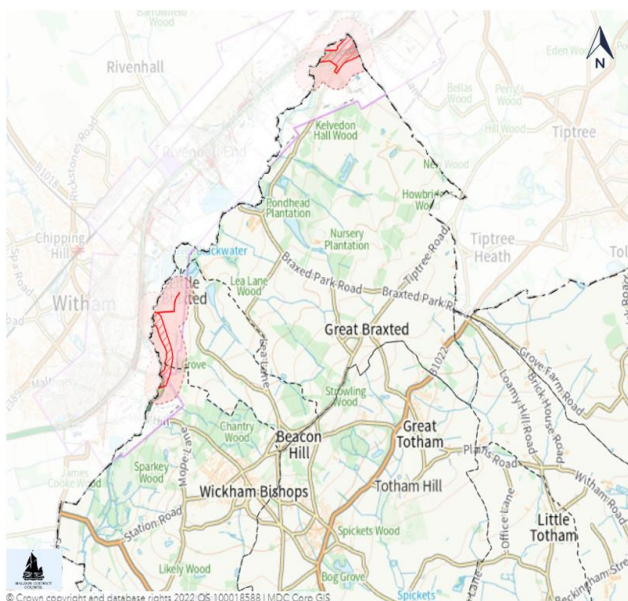
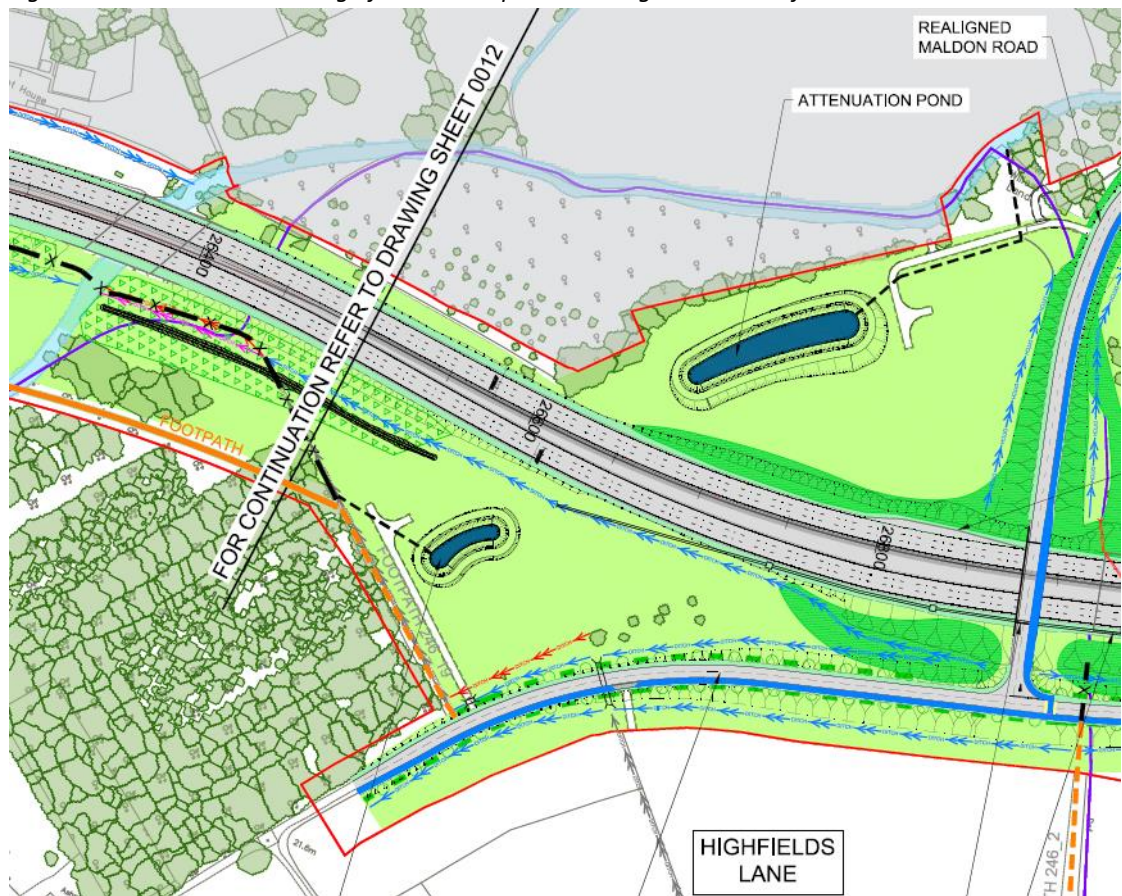




Figure 2: Section 10 – New southern arm linking to Little Braxted Lane



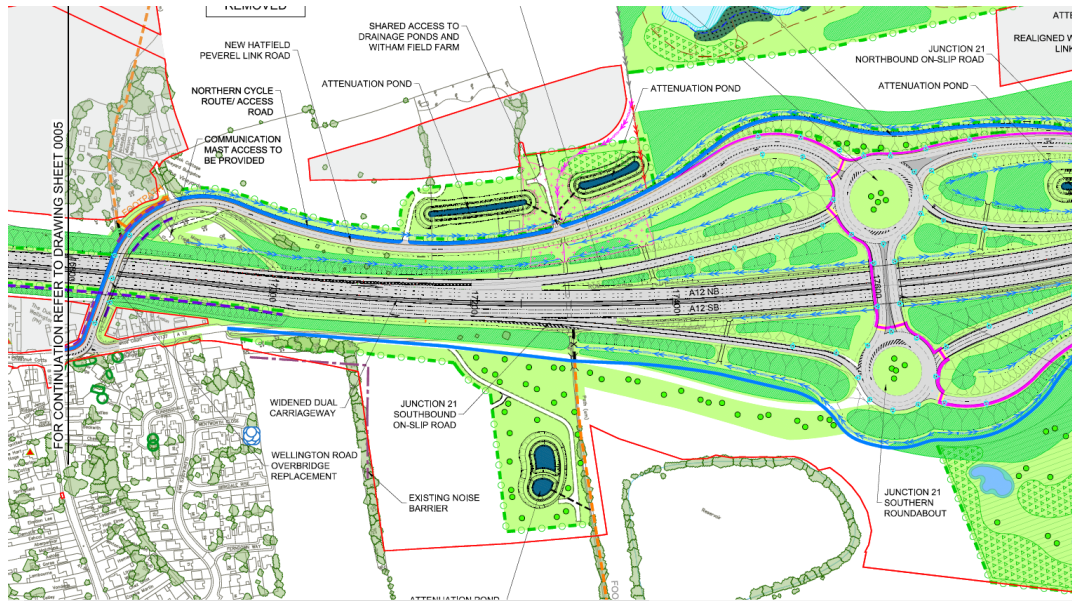
Figure 3: Section 13 – Widening of A12 which passes through the north of the Maldon District



1.2.6 Closure of existing Junctions 20a and 20b (on and off slips in both directions) and the creation of the new Junction 21, east of Hatfield Peverel (in Braintree District) also requires

upgrading of the Duke of Wellington Bridge to 2-way traffic from the new Northern Arm to and from new Junction 21 (Figure 4). Existing Junctions 20a and 20b are the nearest connections to the A12 from the main settlements of Maldon and Heybridge in the Maldon District from the LRN (Maldon Road). The proposed Junction 21 is shown in the plan below and its connection to the LRN via the Duke of Wellington Bridge and the Duke of Wellington mini roundabout onto Maldon Road at the centre of Hatfield Peverel village.

*Figure.4: Section 6 – Existing Duke of Wellington Mini roundabout/Maldon Road junction, upgraded Duke of Wellington Bridge and new northern arm connecting to new Junction 21*



*New Junction 21 east of Hatfield Peverel and closure of existing Junctions 20a and 20b*

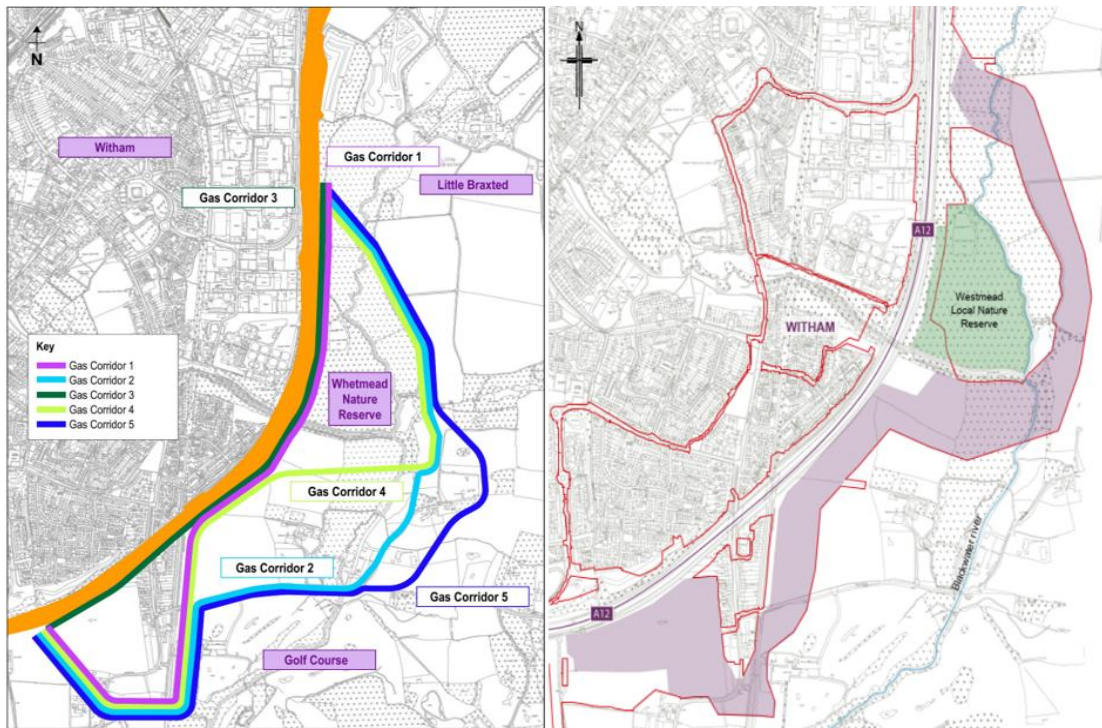
- 1.2.7 Traffic originating from the Maldon District access and exit the Strategic Road Network (SRN) via the Maldon Road/Duke of Wellington mini roundabout in Hatfield Peverel (Braintree District), which is on the Local Road Network (LRN). This mini roundabout operates at Level of Service (LoS) D, a poor level of service which is at capacity at non-peak times and over capacity at peak times for Maldon District residents, businesses and visitors to connect to and from the SRN on the Local Road Network (LRN).

*Gas Main*

- 1.2.8 The DCO application sets out the proposed alteration to the medium-high pressure gas main which currently runs alongside the outer carriageway extent of the A12. The maps below show the selected preferred route of the gas main diversion identified following the Supplementary Public Consultation in November 2021 and subsequent engagement with Cadent, which owns the gas distribution network in the UK. The selected preferred diversion route, Gas Corridor 4, runs through a section of the Maldon District within the parishes of Wickham Bishops and Little Braxted.



Figure 5: Gas Corridor 4 - Cadent Gas Main diversion preferred route



### 1.3 Structure of the Local Impact Report

1.3.1 This LIR highlights the key issues relevant to the Maldon District, the impacts of those issues on the district, including whether they are positive, neutral or negative and assesses the Applicant’s approach to mitigating the issues identified to reduce or remove their impacts. The principal issues in the LIR follow the order of principal issues listed in Annex C of the Rule 6 Letter.

1.3.2 A separate Statement of Common Ground (SoCG) has been prepared with the Applicant; the LIR does not seek to duplicate this. There may however be issues that are relevant to both documents and therefore results in some overlap, which will be cross-referenced for clarity.

## 2 Maldon District Council’s Position

### 2.1 Overview

2.1.1 As stated in the Relevant Representation submitted by the Council on 4 November 2022 [RR-040], 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

2.1.2 It is recognised that the A12 is an important economic link within Essex and Suffolk connecting the main port areas at Harwich, Felixstowe, and Ipswich with London and the motorway network via the M25. The residents and businesses of the Maldon District therefore rely on the A12 road for commuting and reaching commercial markets and connecting business supply chains. Whilst only a small section of the A12 carriageway is actually within the Maldon District; it is the local road network (LRN) that truly connects the residents, businesses, and visitors to A12 junctions that are part of this project. The LRN must therefore work effectively and efficiently with the SRN to maximise the benefits of the Project for the Maldon District community.

## 2.2 The Council's Position

2.2.1 To date, the Council's Relevant Representations have focused on six key issues. These impacts have been consistently raised throughout the Project development stage after the Preferred Route was announced in 2019, through public consultations in June and November 2021, and as stated in the Council's Relevant Representation to PINs (dated 4 November 2022). These issues have, so far, not been positively addressed by the Applicant to the satisfaction of MDC. The key issues which impact on MDC are as follows:

- 1 The LRN to and from the SRN needs an improved connection to reduce existing and future congestion and potential for air quality impacts on the LRN (from Maldon District based/bound traffic) at the Duke of Wellington mini roundabout and its resulting impacts on a neighbouring host authority area in Hatfield Peverel, Braintree District.
- 2 An opportunity has been missed, in respect of the closure of Junctions 20a and 20b for safety reasons, to improve the integration of the LRN with the SRN through the design of the Project which would maximise the benefits of the scheme for the wider community.
- 3 Retaining the Duke of Wellington mini roundabout, which has a poor level of service, but upgrading the Duke of Wellington Bridge to 2-way traffic to connect to and from the proposed new Junction 21, east of Hatfield Peverel, is another missed opportunity to ensure local improvements are part of a design solution to a known congestion hotspot.
- 4 Improvements are needed to LRN connections to the SRN linking existing primary employment sites within the Maldon District through Little Braxted at Junction 22 (Colemans Interchange) and Great Braxted.
- 5 Impact of diverting the Cadent high-pressure gas main on designated landscape and biodiversity sites and the impact of maintaining the gas main on heritage assets within Little Braxted and Wickham Bishops need to be adequately addressed.
- 6 Unknown impacts of construction phases and diversions on the LRN to access alternative A12 junctions through existing Air Quality Management Areas in the Maldon District and Chelmsford City at Market Hill, Maldon and Griffin Hill, Danbury on the A414.

## 3 Description of the Area

### 3.1 Order Limits

- 3.1.1 The works will follow the route of the A12 and will cross the administrative areas of Chelmsford City Council, Braintree District Council, Maldon District Council, Colchester City Council and Essex County Council. The area where the A12 briefly crosses into the boundary of the Maldon District is at the point north of Ashman's Farm, near to Braxted Road. The A12 also has direct links to the local road network (LRN) through Little Braxted Lane to existing Junction 22 (Colemans Interchange) in Little Braxted and at junctions 20a and 20b via Maldon Road, Hatfield Peverel.
- 3.1.2 To the north of the A12 is the Great Eastern Main Line which provides a direct rail connection between London and Norwich from the railway stations of Colchester, Kelvedon, Witham, Hatfield Peverel and Chelmsford. The railway line runs north of the A12 between Junction 19 and Junction 25.

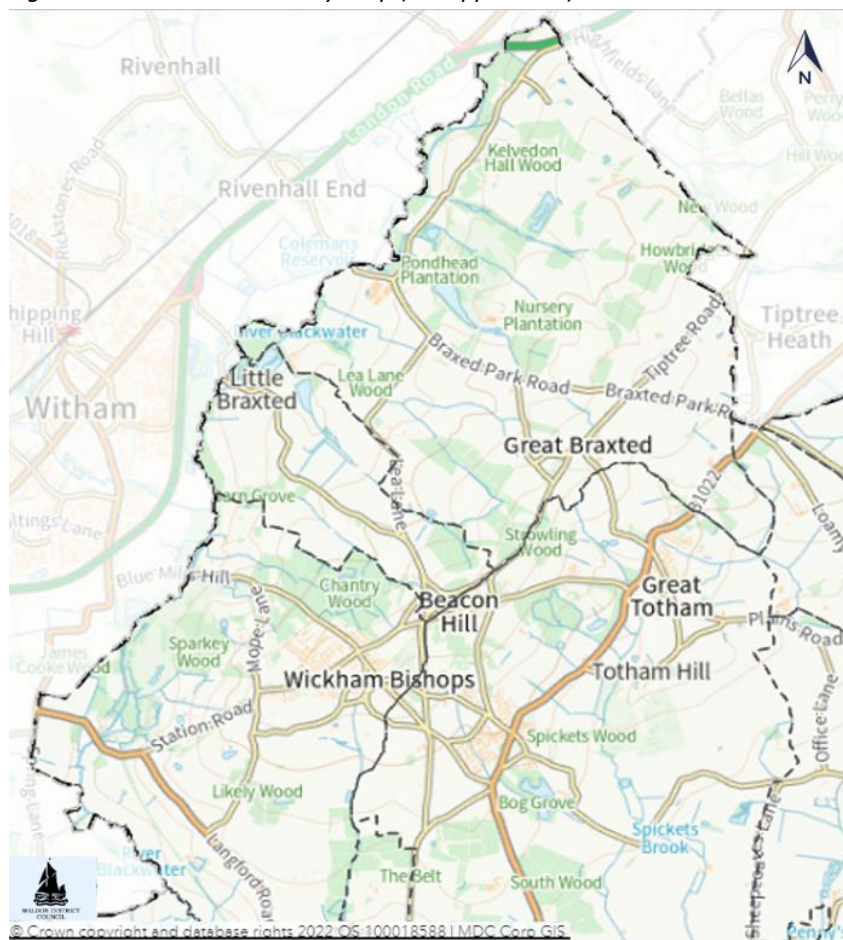
### 3.2 Surrounding Area to Order Limits

- 3.1.3 The Maldon District covers an area of some 36,000 hectares, with a population of 66,600, and is comprised of predominantly rural, estuarine and coastal landscapes and inland waterways. The district is dominated by two estuaries - the Rivers Blackwater and Crouch and their links to the North Sea which form 75 miles of coastline characterised by flat and gently undulating plains.
- 3.1.4 The district is host to significant areas of semi-natural habitats which are influenced by the geology of the land, the landform and tides. This includes woodland, grassland, reed beds, estuary, salt marsh, mudflats and fresh and open water habitats, all of which contribute towards the diverse and unique landscape characters of the district. A significant number of these areas are subject of international, national and local importance and as such have been designated as Ramsar Sites, Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Special Areas of Conservation (SAC), National Nature Reserves (NNR) and Local Wildlife Sites (LoWS).
- 3.1.5 The Maldon District is bordered by the city of Chelmsford to the west, the city of Colchester to the northeast and the district of Braintree to the northwest. Maldon District is located on the coast, surrounded on its east by the North Sea, with the Blackwater Estuary dissecting the land area into two distinct halves. The Crouch Estuary is to the south.
- 3.1.6 The principal town is Maldon, at the head of the Blackwater Estuary. There are three parishes that border the Order Limits of the Project, Wickham Bishops, Little Braxted and Great Braxted.

## 3.2 Defined Settlements

- 3.2.1 Settlements within the defined area of the Project include Springfield, Beaulieu, Boreham, Hatfield Peverel, Witham, Wickham Bishops, Little Braxted, Great Braxted, Kelvedon, Feering and Marks Tey. The parishes of Wickham Bishops, Little Braxted and Great Braxted fall within the Maldon District, whilst the other locations fall within Chelmsford City Council, Colchester City Council and Braintree District.

Figure 6: Settlement Boundary Map (LIR Appendix B)



### *Wickham Bishops*

- 3.2.2 The population of Wickham Bishops parish is 1,900 people (Census 2021) which is set to grow to 2,348 people by 2033.
- 3.2.3 Wickham Bishops is situated in the north of the Maldon District and shares its western boundary with the parish of Witham in Braintree District, as well as Little Braxted to the north-west, Great Braxted to the north-east and Great Totham to the east, which are within the Maldon District.

- 3.2.4 Wickham Bishops is one of the larger rural villages within the Maldon District, it is characterised by fairly dense development within the centre of the village that is surrounded by open green spaces and wooded areas to the outskirts. The main road through Wickham Bishops provides a direct link through to Witham and the SRN.
- 3.2.5 The village is located on Tiptree Ridge, providing an elevated position that enables views over the Blackwater Valley and Blackwater coastal farmlands. The lower parts of the parish form part of the Blackwater Valley that are characterised by watermills on the valley floor.
- 3.2.6 The Wickham Bishops Neighbourhood Plan states the landscape of Wickham Bishops is characterised by ancient woodland, veteran trees, hedgerows and habitats that are important for their *'historic, visual and biodiversity value'* and is a *'key component of the character of this area which distinguishes it from other landscapes in Essex'*. The parish forms part of the Blackwater Trail that consists of over 20 maintained footpaths, permissive routes and bridleways, these routes are shown on the map in LIR Appendix J.

#### *Great Braxted*

- 3.2.7 The parish of Great Braxted is considered to be small rural settlement with a parish population of 380 people (Census 2021). The village is characterised by open farmland and country roads, as well as Braxted Park Road which is a Class III road linking Great Braxted and the surrounding villages to Rivenhall and the SRN.
- 3.2.8 Great Braxted has many listed buildings including Braxted Park, which is a Grade II\* listed building, Registered Park and Garden which is utilised as a popular wedding venue. Additionally, there is also a business park, The Commodity Centre; operated by Commodity Centre UK Ltd with a 30,000 sqm warehouse specialising in commodity supply chain and warehousing solutions for coffee, cocoa, dried fruits and nut goods. Both businesses are located along Braxted Park Road.

#### *Little Braxted*

- 3.2.9 Little Braxted is a relatively small village with a parish population of 180 people (Census 2021). Little Braxted is situated between the parishes of Wickham Bishops and Great Braxted. The parish is characterised by open farmland and narrow country lanes with dwellings positioned close to the road.
- 3.2.10 Within the village there are many listed buildings including the Mill House (Grade II listed) where the River Blackwater passes through the village and the Grade I listed St Nicholas Church with its Monument. The significance of the church does not just originate from its age and architecture but from the C19 wall paintings inside by Rev. E Geldart.
- 3.2.11 The parish contains several businesses which are located within the small business park at Little Braxted Hall behind St Nicholas Church and its access from Little Braxted Lane/Witham



Road. Whilst the lane is narrow (only allowing for one car to pass at a time) it provides access to the SRN for the businesses and residents of Little Braxted and the surrounding area.

### 3.3 Strategic Allocated Housing Sites

3.3.1 The Local Development Plan 2017 (adopted LDP) details the approved strategic sites allocated for housing growth within the Maldon District up until 2029. Maldon District's growth strategy focussed on the settlements of Maldon, Heybridge and Burnham on Crouch. Maldon, as the principal town in the District and Heybridge as the 2<sup>nd</sup> largest settlement were allocated most of the strategic housing growth, in two Garden Suburbs as the nearest settlements to the A12 junctions 20a and 20b at Hatfield Peverel (approx. 4 miles away) and for the nearest rail connection at Hatfield Peverel Railway Station.

3.3.2 Figure 7 below shows the locations of the strategic housing sites in the 'main settlements' (as defined in the adopted LDP) of Maldon and Heybridge in relation to the nearest existing A12 junctions 20a and 20b at Hatfield Peverel on the B1019 via Langford on the Local Road Network.

3.3.3 Figure 8 below shows the locations of the strategic sites in the 'main settlement' (as defined in the adopted LDP) of Burnham on Crouch in relation to the LRN connections to the nearest A12 junctions, if travelling east, via Junctions 20b and 22.

Figure 7: LDP Strategic Sites (orange areas labelled S2a-S2f) in Maldon and Heybridge main settlements in relation to the A12 (shown green) (LIR Appendix C)

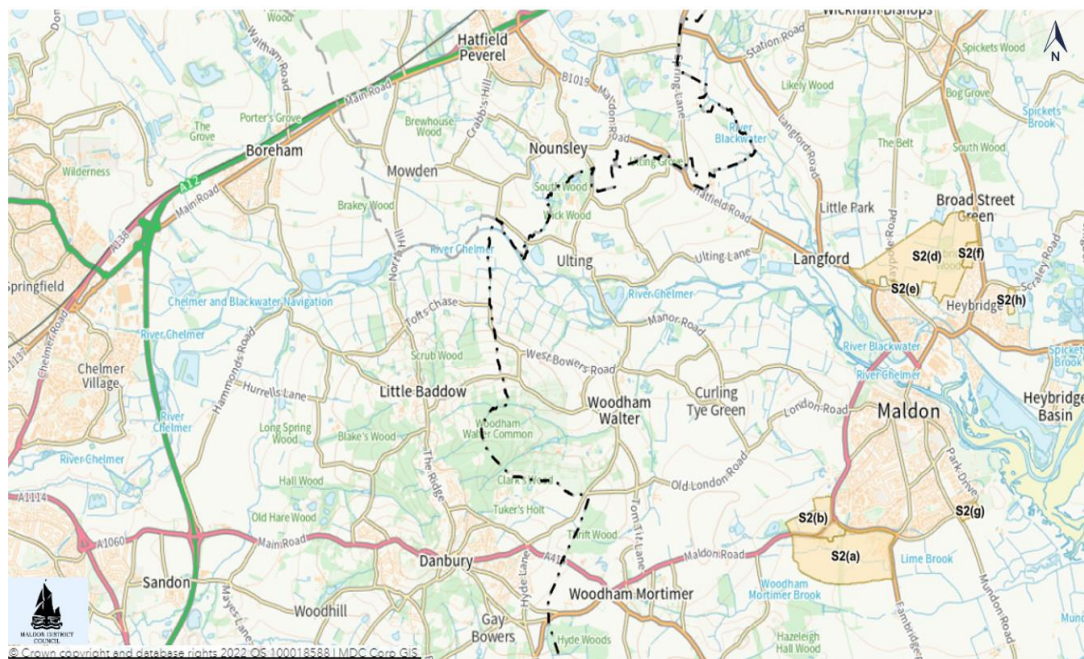
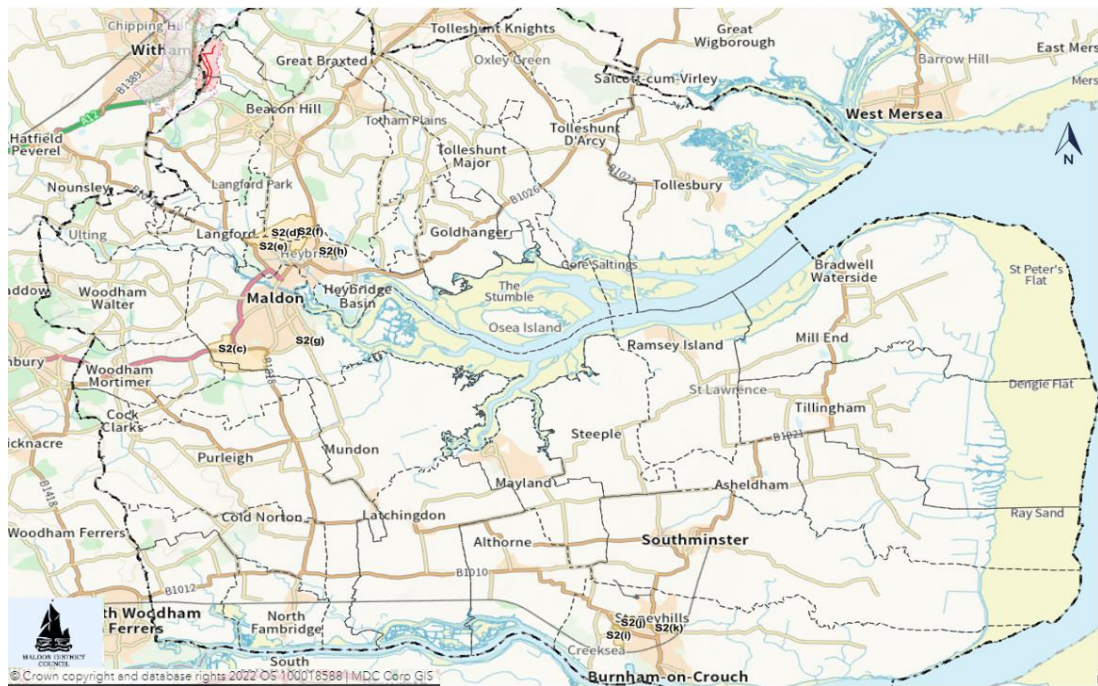


Figure 8: LDP Strategic Sites in Burnham on Crouch (orange area labelled S2i, S2j and S2k) in the Maldon District in relation to the A12 (shown green) (LIR Appendix D)



### 3.4 Local centres and employment

3.4.1 The adopted LDP details the approved allocated employment sites in the Maldon District. The main settlements of Maldon and Heybridge accommodate the district’s largest allocated employment area at The Causeway, Maldon (43.6 hectares). The HGV and LGV traffic rely on the nearest A12 connections at Junctions 20a and 20b via the B1019 at the Maldon Road/Duke of Wellington mini roundabout on the LRN at Hatfield Peverel. The Causeway Regeneration Area is defined in the Maldon & Heybridge Central Area Masterplan SPD, 2017, where attracting investment and delivering identified redevelopment opportunities to increase jobs and skilled employment, rely on efficient transport links to and from the SRN.

3.4.2 NOMIS (ONS data and Inter-departmental Business Register) 2021-22 detail there are 3,515 businesses registered in the district of which 99.9% are SMEs (small to medium enterprises). It is important that the district maintains and improves its connectivity to the A12 as a regional connector for businesses to remain viable and to support local employment.

3.4.3 The major employment sectors (by employment numbers) in the district are:

- 2500 Manufacturing – who need to transport materials in and transport products out
- 2250 Construction – who need to travel for work
- 3500 Wholesale and retail – who rely on deliveries of stock and visitors to the area
- 900 Transport and storage – who rely on the ability to efficiently move materials and products

- 2000 Accommodation and food - who rely on deliveries of stock and visitors to the area
- 600 – Arts and Entertainment - who rely on deliveries of stock and visitors to the area
- Farming and agricultural employment (data not collected by NOMIS)

3.4.4 These existing employers and employees rely on the LRN to connect to the A12 junctions at Hatfield Peverel, Little Braxted and Great Braxted. At least 11,750 jobs are reliant on the LRN to connect to the junctions on the strategic road network.

3.4.5 Additionally, over 4 million visits are made to the district each year, generating £220 million to the local economy and supporting 4,000 jobs reliant on our local road and strategic road connections.

3.4.6 From MDC Non-Domestic Rates (NDR), the relevant employment sites reliant on our nearest connection to the A12 at Hatfield Peverel (Junctions 20a and 20b) are:

- Maldon Town – 952 businesses
- The Causeway - 322 businesses, located Maldon and Heybridge (including Carr’s Flour Mill and Brooks Bros Timber)
- Oval Park - 2 large businesses, located on B1019, Langford (including Maldon Crystal Salt Company and CML Microsystems)
- Ernest Does Agricultural Machinery and Supplies, 1 large Headquarter business located on B1019 Maldon Road in Ulting.

3.4.7 From MDC NDR, the relevant employment sites reliant on connections to the A12 at Junctions 22 and 23 are:

- Little Braxted Hall Business Park, 23 businesses, located in Little Braxted Lane
- The Commodity Centre, 3 large businesses, located in Braxted Park Road
- Beckingham Business Park, 46 businesses, via Braxted Park Road (including DW Clarke)

## 4 Details of the ‘Project’

### 4.1 Overview

4.1.1 The A12 is currently a mix of two and three lane carriageway sections which narrow and widen in both Suffolk and London bound directions to accommodate the differing carriageway widths. The section of carriageway that runs between Junctions 19 and 25 are two lanes in both directions.

- 4.1.2 The 'Project' is to widen the A12 in both directions increasing the width from two lanes to three between Junction 19 at the Boreham Interchange to Junction 25 at the Marks Tey Interchange. The carriageway widening would enable the proposed three lanes to join the existing sections of the A12 that are already three lanes wide in both directions.
- 4.1.3 Whilst the 'Project' would involve online work which widens the existing course of the A12, new sections of carriageway are proposed alongside the existing route (with de-trunking the old alignment) and new junctions will need to be created away from the existing carriageway at Junctions 21, 22 and 24 to allow for improved traffic movements. The works would result in the rationalisation of junctions including the removal of junctions 20a, 20b and 23, the reduction of private accesses onto the route and will result in improvements being made to selected areas of the LRN to allow for access to the proposed new junctions.
- 4.1.4 The widening of the A12 also requires the relocation of a section of the Cadent High Pressure Gas Main that currently runs alongside the London bound carriageway. The proposed diversion route forms part of the DCO for the A12, although as stated in *6.1 Environmental Statement: Chapter 2 – The Proposed Scheme* [APP 069] it is a separate NSIP in its own right.

## 4.2 Construction, Operation and Management

- 4.2.1 The 'Project' is forecast by National Highways to commence in 2024 and would be constructed in several phases allowing traffic access to the A12 during peak weekday times, however the access to the A12 would be limited during off-peak times and at weekends to allow for safe demolition and construction of overhead bridges. Construction compounds would be located at existing junctions 20b and 22, with a satellite compound at Junction 19.
- 4.2.2 Due to there being only a small section of the A12 that passes directly through the Maldon district, which is located north-east of junction 23, works regarding the widening of the carriageways themselves within the Maldon District boundaries are expected to be limited. However, this does not mean the widening of the carriageways would not impact upon the Maldon District because Maldon District residents, businesses and visitors rely wholly on the LRN in neighbouring host authority areas to connect to the SRN.
- 4.2.3 Junctions 20a and 20b in Hatfield Peverel are the nearest A12 junctions (approx. 4 miles away) to the main settlements of Maldon and Heybridge in the Maldon District where the Council's growth strategy is concentrated for both housing and employment. Closure of Junctions 20a and 20b and construction phasing of the proposed development for upgrading the Duke of Wellington Bridge and construction of new Junction 21 will impact on the ability of Maldon District residents, businesses and visitors to access the nearest A12 Junction, especially as access will be limited during off peak times and weekends.



- 4.2.4 The Duke of Wellington mini roundabout/Maldon Road junction in Hatfield Peverel will continue to funnel traffic from the LRN onto the SRN as proposed in the DCO. The junction operates at over 85% capacity at peak times. This junction has been evidenced by the Applicant through transport modelling since 2019 as operating at Level of Service (LoS) F, LoS E during the public consultations in 2021 and the up-to-date modelling at LoS D (*Appendix 3.2: Maldon Road and Hatfield Peverel Bypass Technical Report, of the Environmental Statement [APP-094]*) which applies to the HGVs, LGVs, cars and motorbikes that use it, most of which originate from the Maldon District. Whilst we acknowledge the Duke of Wellington mini roundabout is part of the LRN and managed by Essex County Council, as the Local Highway Authority, it is relied upon by the Applicant in the DCO applications as the conduit to connect to the SRN as existing and to the new Junction 21 via an upgraded Duke of Wellington Bridge (but not the mini roundabout).
- 4.2.5 Little Braxted Lane is a single lane track with passing places, a listed bridge with 2m width restrictions and a weak bridge with 3T limit, that connects directly to the A12 Junction 22 (Colemans Interchange). Little Braxted Lane is relied upon by residents and businesses in the settlements of Little Braxted and Great Braxted to connect directly to and from the A12.
- 4.2.6 The greatest physical impact on the district would be caused by the realignment of the Cadent gas main, via an offline diversion from its current route in the parishes of Wickham Bishops and Little Braxted. It has been clarified through the draft SoCG process with the Applicant that post-installation management of the diverted gas main would seek to utilise an existing gravelled farm track currently accessed via a private five-bar gate, opposite the Grade I Listed Building of St Nicholas Church, on Little Braxted Lane.

### 4.3 Relevant planning history

- 4.3.1 Most of the land within the Order Limits, which in the Maldon District is mainly farmland, woodland and nature reserves, does not have any associated planning history. However, there is a demountable structure located in a layby along the A12 north of Ashman's Farm (Grid Reference TL859176) which is used as a roadside café. The use of the demountable structure as a café was certified as an Existing Lawful Use by MDC under application 00/00055/LDE<sup>1</sup>. The structure would fall within the development area of the project.
- 4.3.2 There is no relevant planning history in relation to the A12 itself however the area surrounding the section of the A12 that passes through the Maldon District has been subject to the following positive applications:
- 00/00055/LDE – Continued use of the land for the siting of a demountable structure for use as a café. (Grid Reference TL 85946 17676)

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<sup>1</sup> <https://cdp.maldon.gov.uk/planning/planning-documents?SDescription=00/00055/LDE>



- 02/00680/TEL – Mobile phone base station comprising of a 15m high monopole, equipment cabin and ancillary development. (Grid Reference TL 85883 17681)
- 03/00302/TEL – 15m timber pole with 3No. antennas, 2No. transmission dishes, equipment cabinet and ancillary development. (Grid Reference TL 85883 17681)

## 5 Relevant Planning Policy

### 5.1 National Planning Policy Framework

5.1.1 The NPPF sets out the Government’s planning policies and how these should be applied to decision-taking and plan making. The sections of the NPPF that would be of relevance to this project are:

- Achieving sustainable development
- Plan-making
- Promoting sustainable transport
- Building a strong, competitive economy
- Making effective use of land
- Achieving well designed places
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

5.1.2 Whilst the NPPF can be of relevance to the development of projects concerning national infrastructure, it does not set out specific policies for NSIP projects. It is noted that sustainability, including good design, is a critical thread that runs through the NPPF.

### 5.2 National Policy Statement for National Networks

5.2.1 National policy pertaining to the design and development of nationally significant infrastructure projects is set out in the National Policy Statements for major infrastructure. The National Policy Statement for National Networks 2014 (NPS) is applicable in the present case.

5.2.2 The NPS *‘sets out the need for the development of nationally significant infrastructure projects (NSIPs) on national road and rail networks in England’*, providing guidance for such developments. It recognises that *‘The national road and rail networks that connect our cities, regions and international gateways play a significant part in supporting economic growth, as well as existing economic activity and productivity and in facilitating passenger, business and leisure journeys across the country. Well-connected and high-performing networks with sufficient capacity are vital to meet the country’s long-term needs and support a prosperous economy.’*

5.2.3 The Government’s vision for strategic networks is outlined in their ‘summary of need’ and is set out below:

*‘The Government will 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. This means:*

- *Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs.*
- *Networks which support and improve journey quality, reliability and safety.*
- *Networks which support the delivery of environmental goals and the move to a low carbon economy.*
- *Networks which join up our communities and link effectively to each other.’*

5.2.4 It is noted the NPS is currently being reviewed however at present no update has been announced.

### 5.3 Local Planning Policy

5.3.1 The Maldon District Local Development Plan (LDP) was adopted in July 2017 and covers the period of 2014-2029. The Local Development Plan is currently under review, in line with the requirement to review plans every 5 years as stated in Section 3(33) of the NPPF.

5.3.2 The LDP policies relevant to the consideration of the DCO application include Strategic Policy S1 which seeks to support growth and innovation through the identification and co-ordination of development, including the provision of infrastructure. Other relevant policies include the following and details of which are included further on in this LIR:

- Strategic Policy S2 - Strategic Growth (16)
- Strategic Policy S3 – Place Shaping (25)
- Strategic Policy S4 – Maldon and Heybridge Strategic Growth (27)
- Strategic Policy S5 – Maldon and Heybridge Central Area
- Policy D3 – Conservation and Heritage Assets (53)
- Policy D5 – Flood Risk and Coastal Management (59)
- Policy E1 – Employment (64)
- Policy N1 – Green Infrastructure Network (100)
- Policy N2 – Natural Environment and Biodiversity (102)
- Policy T1 – Sustainable Transport (108)
- Policy T2 – Accessibility (109)

### 5.4 Local Development Plan Strategic Allocations

5.4.1 The LDP allocated sites within the Maldon District as suitable for residential and employment generating development, with significant housing numbers allocated within the settlements of Maldon and Heybridge.

- 5.4.2 The North Heybridge Garden Suburb (NHGS), located to the north of Heybridge, crosses into the boundary of Great Totham and Langford parishes. Minimum housing numbers allocated on the North Heybridge Garden Suburb are 1,367 residential units split between land parcels: Site S2d (1,138 residential units), S2e (84 residential units) and S2f (145 residential units). The strategic site is under construction with 229 dwellings delivered on the smaller development sites S2e and S2f. The strategic infrastructure is currently being delivered on Site S2d with Reserved Matters Applications approved for Phase 1 (160 residential dwellings of the 1138 allocated) and Phases 2 and 3 under consideration. The Garden Suburb has supporting transport infrastructure planned: the North Heybridge Relief Road connecting to the B1019 as the nearest connection to the A12 at Hatfield Peverel.
- 5.4.3 The South Maldon Garden Suburb (SMGS), located south of Maldon, crosses into the boundary of Hazeleigh parish. Minimum housing numbers allocated on the South Maldon Garden Suburb are 1,428 residential units split between land parcels: Site S2a (1000 residential units), Site S2b (320 residential units) and Site S2c (108 residential units). The strategic site is under construction with 445 delivered on Site S2a to date (9<sup>th</sup> February 2023). The strategic infrastructure is currently being delivered on Site S2a with improvements on the LRN (A414) that connects to the A12 junction 18 at Sandon (approx. 8 miles). The Garden Suburb has supporting transport infrastructure planned; the South Maldon Relief Road connecting to the B1019 via Heybridge Approach (Maldon Bypass) as the nearest connection to the A12 at Hatfield Peverel.
- 5.4.4 The Garden Suburb strategic allocations make provision for an employment land allocation (B1, B2, B8 uses) at SMGS, a new community hospital at SMGS, primary schools on each, a GP surgery at NHGS, a 120-bed care home at NHGS and retail provision on both.
- 5.4.5 The plans for both sites are provided in LIR Appendix E and Appendix F which show the extent of the two sites.

## 5.5 Neighbourhood Plans

- 5.5.1 There are several Parishes within the Maldon District which have Neighbourhood Plans, making up part of the statutory Development Plan for their discrete local areas. Wickham Bishops, Great Totham and Langford and Ulting are relevant due to Langford and Ulting being located on the B1019, Great Totham being the location of strategic housing growth site S2d and Wickham Bishops due to the Cadent Gas Main diversion.
- 5.5.2 The Wickham Bishops Neighbourhood Plan (WBNP), made 30 June 2021, is of most relevance due to the proposed route for the Cadent Gas Main diversion which would cross from Witham, Braintree into Wickham Bishops, Maldon.

- 5.5.3 In May 2019 Wickham Bishops Parish Council commissioned Essex Ecological Services (EECOS) to conduct a Biodiversity Audit of the parish and in November 2019 commissioned a Landscape Character Analysis (LCA) by The Landscape Partnership, details of which are found under section 3.2 of the WBNP with the full documents being available on MDC's website.
- 5.5.4 The WBNP utilises these studies as an evidence base for its policies and refers to important landscape features which distinguish the parish from other areas of Essex, such as its woodland, views over the Blackwater Valley, including lower lying levels within the Blackwater Valley which include watermills on the valley floor and coastal farmlands from the highest part of the parish along Tiptree Ridge. The LCA highlights the importance of these view from public footpaths.
- 5.5.5 The WBNP also highlights the *'diverse and rich wildlife along the Blackwater Valley'* with the Biodiversity Audit (2019) identifying the presence of Otters and Water Voles along the River Blackwater. It is noted the WBNP states *'a large proportion of the Parish is identified as a living landscape by Essex Wildlife Trust'*.
- 5.5.6 The WBNP describes the Blackwater Rail Trail (redundant Branch Line), which runs adjacent to the River Blackwater as a *'linear wildlife-rich trail which comprises of a range of habitats'* and is an *'important wildlife corridor'*. The Plan's Environment Policy *'WBen03 Special Views and Vistas'* states the following:
- 'Development should protect, or where practicable, enhance special views and vistas (as identified within the Parish shown on Map 6) which provide the landscape setting of the village.*
- Any proposed development should respect the key landscape features of the views identified on Map 6.'*
- 5.5.7 The special landscape views and vistas highlighted within Policy WBen03 and Map 6 of the WBNP are shown below in Figure 9a. These views link with the public footpaths shown in Map 8 of the neighbourhood plan.

Figure 9a: Map 6 within the Wickham Bishops Neighbourhood Plan: Special Landscape Views

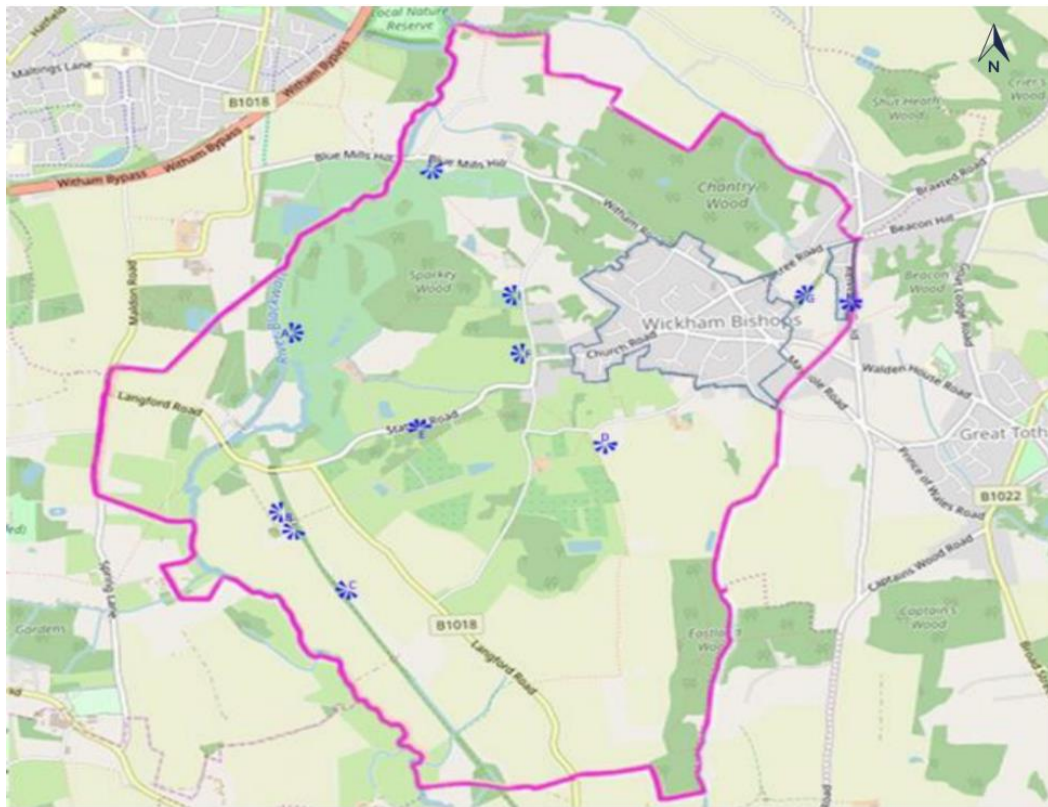
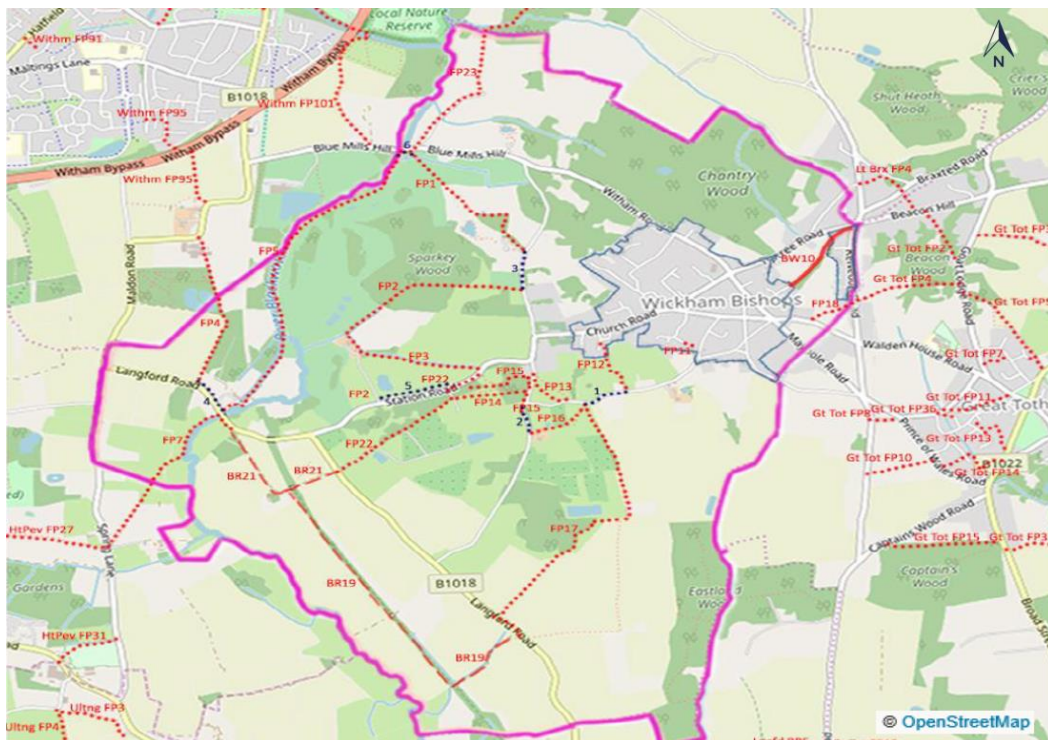


Figure 9b: Map 8 within the Wickham Bishops Neighbourhood Plan: Proposed footpaths and walkable verge network





- 5.5.8 In addition to the above, the Hatfield Peverel Neighbourhood Plan (HPNP) was made on 16 December 2019. Whilst Hatfield Peverel is located within the Braintree District, it provides a direct route through to the SRN for Maldon residents and businesses. It is recognised within the HPNP that Hatfield Peverel *‘currently provides access to the A12 to and from Maldon District’* and there has been an *‘increased volume in traffic flow over the last few years as evidenced by ECC highways surveys and counts.’* It is noted Hatfield Peverel is *‘designated by ECC/Highways England as an emergency route when there is a closure of the A12’.*
- 5.5.9 It is considered by Hatfield Peverel Parish Council that a bypass of Hatfield Peverel is necessary to mitigate the issues caused by traffic within the village, with the Parish Council considering the first key issue for the village is *‘the impact of traffic including vehicle size, volume and speed on the movement of Parish residents.’* The HPNP also highlights concerns regarding noise, congestion, air pollution and damage to local roads due to the size of vehicles that use them. These concerns are carried forward into the section regarding *Facilities and Infrastructure Policy* which states *‘traffic flows through the village in peak hours are consistently high....Highways England consultation on the A12 widening shows main junctions along The Street are unable to meet demand at peak times’.*
- 5.5.10 The above Neighbourhood Plans form part of their district’s respective Local Development Plans and therefore should be given weight when considering development proposals.

## 6 Principal Issues

### 6.1 Overview

- 6.1.1 The sections below detail the adverse impacts of the Project on the community within the Maldon District, which include residents, businesses and visitors. The Council considers the Project would, among other matters, exacerbate the existing consequential impacts of traffic that originates from the Maldon District on the neighbouring parish of Hatfield Peverel in the Braintree District.
- 6.1.2 The following impacts are set out under the ‘Principal Issues’ published by the Examining Authority.

### 6.2 Air Quality and Emissions

- 6.2.1 It has been reported in the Government’s *Clean Air Strategy 2019* that *‘air pollution is a major public health risk ranking alongside cancer, heart disease and obesity. It causes more harm than passive smoking’.* A review published by the World Health Organisation concluded that *‘long-term exposure to air pollution reduces life expectancy by increasing the incidence of lung, heart and circulatory conditions’* (pg24). Road traffic produces pollutants such as nitrogen Dioxide (NO<sub>2</sub>), PM<sub>2.5</sub>, ultrafine particles, black carbon and volatile organic chemicals, which are associated with health issues such as respiratory disease, heart disease

and lung cancer. Air pollution particularly affects those in society that are the most vulnerable – children, the elderly and those with heart and lung conditions.

- 6.2.2 In July 2020 MDC adopted the *Maldon 2020-2025 Air Quality Action Plan* and in February 2021 declared a Climate Emergency. This led to the publishing of the *Climate Action Strategy 2021-2030*, which aims to reduce carbon emissions and increase climate resilience across the Maldon District.
- 6.2.3 As a county, Essex has a population of 1.4 million people spread over 12 districts which together have 10 Air Quality Management Areas (AQMAs) with 49% of the pollution resulting from CO<sub>2</sub> and NO<sub>2</sub> emitted by transport (*Essex Climate Action Transmission – Transport, July 2021*). Essex County Council is preparing a County-wide Air Quality Strategy (commenced December 2022) and is concentrating on those LPAs with declared AQMAs. MDC had an AQMA declared in December 2019 at Market Hill, Maldon on the A414.
- 6.2.4 Maldon is a steadily growing district with a population of 66,200 people (CENSUS 2021), increasing levels of housing growth, and employment in existing and new industrial areas and business parks. The Maldon District has the highest car use/ownership in Essex that is above the national and regional average. Whilst air pollution in the district is relatively low, there are two AQMAs that persistently exceed Air Quality Objectives connecting Maldon District residents and businesses to the SRN at Junction 18 Sandon on the A12 and the wider motorway network via the M25. The two AQMA's are at Market Hill, Maldon within the Maldon District whilst the other is within the village of Danbury (Chelmsford City Council).
- 6.2.5 To access the SRN residents and commercial vehicles (HGV's LGV's cars and vans) from Maldon and Heybridge would gain access to the A12 via Maldon Road/Hatfield Peverel as the nearest A12 junction eastwards to Colchester, Ipswich, Harwich, Felixstowe or westwards to Chelmsford; alternatively, via the A414 through Danbury westwards to connect to Chelmsford and the wider M25 corridor. The only other route to the SRN from the Maldon District, if access is reduced at Hatfield Peverel through closure of Junctions 20a and 20b and construction of the upgraded Duke of Wellington Bridge and new Junction 21, would be via the A414/ Market Hill, Maldon and Danbury AQMAs or through Boreham on the B1137 via the Duke of Wellington mini roundabout/Maldon Road Junction on the LRN at Hatfield Peverel.
- 6.2.6 Policy D2, LDP, emphasises the need for all developments to minimise their impact on the environment by *'minimising all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.'* Furthermore, developments should *'maintain and enhance local air quality in accordance with national objectives.'*

- 6.2.7 National Highways promote: *'the right traffic on the right road'*. The Project construction phasing and intention to limit access to those junctions requiring replacement bridges and new junctions (Duke of Wellington Bridge upgrade and new Junction 21) will inevitably displace traffic that uses existing Junctions 20a and 20b to alternative routes to access the SRN. The A414 at Maldon and Heybridge accesses the SRN at Junction 18 Sandon. The two AQMAs at Maldon and Danbury on the A414 have been declared due to transport related pollutants from traffic congestion from all types of motor vehicle (HGVs, LGVs, buses, vans and cars), mainly Nitrogen Dioxide (NO<sub>2</sub>), affecting air quality at the locations. Additional traffic flows from vehicles in the Maldon District seeking alternative routes to connect to the SRN or following diversions, have the potential to cause further exceedances, affecting existing poor air quality levels.
- 6.2.8 **Local Impact 1** - The potential for increased congestion and air quality from queuing traffic at the existing LoS D junction at the Duke of Wellington mini roundabout/Maldon Road junction, especially if access is limited to peak hours only. Peak hour timeframes will encourage targeted arrival at the junction with resulting increase waiting times and queuing. Further, limiting access at off peak times, to allow safe demolition and construction of overhead bridge (Duke of Wellington Bridge leading off the Duke of Wellington mini roundabout) and weekends would affect visitor journeys as well as resident and business journeys at off peak times and weekends.
- 6.2.9 **Local Impact 2** - The closure of Junctions 20a and 20b and construction of new Junction 21 (including upgraded Duke of Wellington bridge) will result in a greater impact on Danbury and Boreham. Traffic originating from the Maldon District will have to find alternative routes to the SRN via the A414 through Danbury to Junction 18 Sandon or via the B1137 Main Road, Boreham village. Chapter 6 of the Environmental Statement [APP 073] concludes that there will be no significant impact on the air quality in the Hatfield Peverel area or in the AQMAs in Maldon and Danbury on the A414. However, taking into consideration the future projected housing and employment growth in Maldon and Heybridge already within an approval Local Development Plan and the number of vehicles which currently use the B1019 Maldon Road and the A414 to access the SRN via Maldon and Danbury, there could be a negative impact on air quality. It is not clear from the Environment Statement [APP 073] if the Applicant has considered air pollution from diverted traffic (in addition to construction traffic) – as has been the case for Noise and Vibration [APP 079], in order to inform mitigation measures to address impacts caused by diverted traffic.
- 6.2.10 **Local Impact 3** - Chapter 6 of the Environmental Statement [APP 073] assessed the sites deemed to be the most susceptible to poor air quality and pollution, including Local Nature Reserves, Local Wildlife Sites and Ancient Woodlands, including the effect of pollution on veteran trees. From reviewing the documents submitted no assessments were made regarding the impact on the Blue Mills Nature Reserve, Wickham Bishops, which has been recommended as a Local Wildlife Site (LoWS) in December 2022. Blue Mills Nature Reserve has two Black Poplar trees, which are an Essex Red Data List species. It is noted this was

possibly due to National Highways being unaware of the Blue Mills Nature Reserve, however such assessment needs to be carried out.

#### *Construction Management Plans for alternative routes*

- 6.2.11 The Council cannot comment on the construction phasing and Construction Management Plans as alternative routes for Maldon District residents, businesses and visitors to connect to the SRN during construction have not been considered. This omission must be addressed.
- 6.2.12 **Local Impact 4** - Diversionary and alternative routes sought to avoid construction phasing and closure of junctions 20a and 20b and upgrading Duke of Wellington Bridge and constructing new Junction 21, 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.

### 6.3 Biodiversity, Ecology and the Natural Environment

- 6.3.1 The Retained and Removed Vegetation Plans [APP-035] (LIR Appendix N) show there is the potential for a significant amount of tree loss under the worst-case scenario along the length of the Order Limits, with many trees and vegetation being lost within the Maldon District. The maps in LIR Appendix N, taken from the plans submitted by National Highways, highlight in red (loss) and orange (as risk) the areas within the Maldon District that will likely be affected.
- 6.3.2 Policy N2, LDP highlights the importance of nature and biodiversity, particularly those which are under threat from the impacts of development and climate change. Policy N2 states: *‘to protect the District’s natural environment and biodiversity, developments should not have a detrimental impact on sites of local ecological significance both in terms of quantity, quality and connectivity’* and specifically: *‘wherever possible, all development proposals should incorporate ecologically sensitive design and features. Where appropriate, development proposals near any watercourses or water bodies should provide a sufficient buffer which will be beneficial from the perspective of minimising the encroachment of development, providing ecological enhancements, and preventing pollution’.*
- 6.3.3 The proposed route for the Cadent Gas Main diversion, Corridor 4 shown in Figure 10b below, would move the existing gas main which runs alongside the A12 into an area characterised by open landscapes and nature reserves. The diversion would avoid the Whetmead Nature Reserve Local Wildlife Site (LoWS) due to the site being contaminated as unknown landfill and the gas main corridor would curve back around the Whetmead Nature Reserve and through the Blue Mills Nature Reserve, located to the south.
- 6.3.4 Sheet 8 of the *‘Retained and Removed Vegetation Plans – Part 1’* [APP-035] show the trees and vegetation that are ‘at risk’ of or need to be removed to accommodate the proposed

Route 4 Corridor. There are a significant number of trees within the Order Limits that form part of the Blue Mills Nature Reserve which are marked as 'at risk' on this plan.

#### *Blue Mills Nature Reserve*

- 6.3.5 The Blue Mills Nature Reserve (the Reserve) is located to the north of Blue Mills Hill (B1022 on the LRN) and to the north-west of Ishams Chase within the parish of Wickham Bishops. The Reserve is located to the north and north-east of the Blue Mills Watermill, a Grade II listed building, and is privately owned by the residents of Blue Mills House, a Grade II Listed Building. The Reserve runs along the boundary of the Maldon District (the boundary is the River Blackwater), adjacent to the parish of Witham, within the neighbouring host authority, Braintree District. The River Blackwater runs under Blue Mills bridge, a Grade II Listed Building, and joins the River Brain to the north-west of the Reserve.
- 6.3.6 The Reserve is subject to a Woodland Area Tree Preservation Order (TPO) - TPO 7/22 (see LIR Appendix L) and covers several tree species including Willow, Black Poplar, Oak, Sycamore, Field Maple and Alder.
- 6.3.7 It is understood from the landowner of Blue Mills Nature Reserve and through reviewing the documents submitted with the DCO that no assessment or surveys of the Reserve have been carried out by National Highways or Cadent. However, during a meeting with National Highways on 2 February 2023, MDC was informed verbally that this was not the case and surveys had been carried out. To date (9 February 2023) MDC, has not seen these assessments or surveys of Blue Mills Nature Reserve.
- 6.3.8 An independent survey of the Reserve commissioned by MDC (issued in December 2022) as part of the LDP Review and conducted by Essex Ecology Services (EECOS) during 2022, has recommended the Reserve be designated a LoWS. The Reserve's survey identified two female Black Poplar trees, which are an Essex Red Data List species, as well as an otter holt, which is located near the base of the northern most Black Poplar tree. The Citation for LoWS designation is included in LIR Appendix K. The importance of the Black Poplars within the Reserve are highlighted by the Woodland Trust who describes the trees as being:
- 'a declining species in the UK, it is rare and grows in isolation. It is most prevalent in Shropshire, Cheshire, Somerset and East Anglia and grows best in boggy conditions, near ditches and floodplains. According to the Forestry Commission, Black Poplar is the most endangered native timber tree in Britain'. The Black Poplars in the Reserve are female which increases their rarity as: 'only around 7,000 wild black poplars now grow in Britain and of these, only 600 are female trees'.*
- 6.3.9 Figure 10a illustrates the extent of the Reserve in green with the proposed route of the Cadent Gas Main diversion below in Figure 10b.



Figure 10a: Plan of Blue Mills Nature Reserve

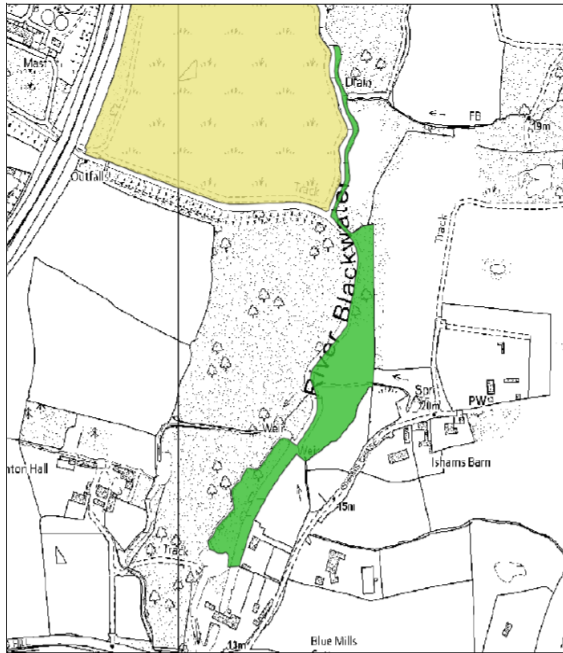
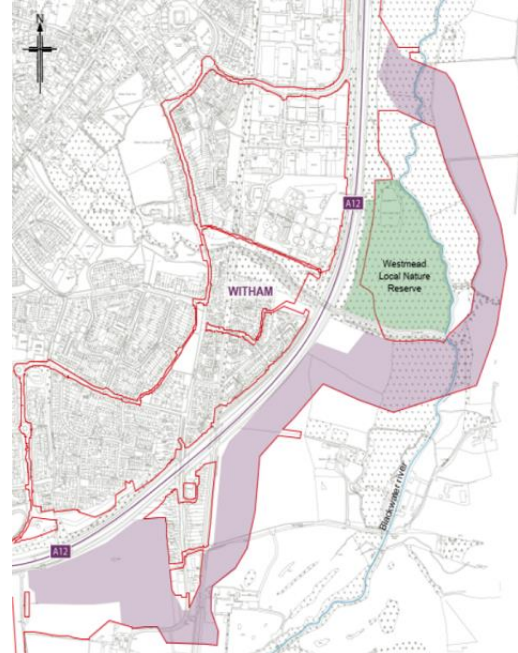


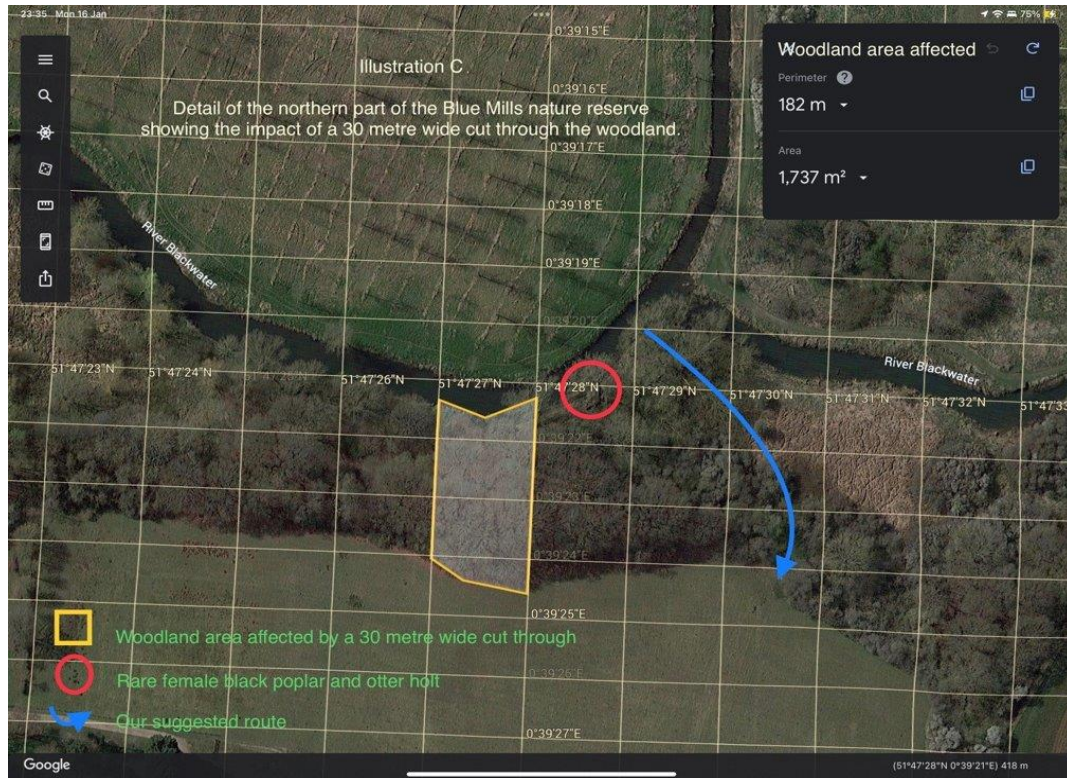
Figure 10b: Route of Cadent Gas Main diversion



6.3.10 The images below taken by Mark Cathcart, one of the landowners of the Blue Mills Nature Reserve. They are taken from the public footpath and illustrate the area of trees that would be lost to the Project. The area marked between the two red lines in the photo below shows an area that would be permanently cleared to accommodate the proposed gas main diversion.



6.3.11 The Google Maps image below submitted to MDC by Mark Cathcart shows an aerial view, marked between the yellow lines, of the section of the Reserve that would need to be cleared. The blue arrow proposes a less harmful route away from the female Black Poplar and otter holt.



6.3.12 The Blue Mills Nature Reserve citation also refers to an active otter holt, showing recent signs of trails, prints and spraints. Otters are a protected species under the *Conservation of Habitats and Species Regulations 2017* and are fully protected under UK and European law. Under these regulations it is an offence to:

- Deliberately kill, injure, disturb or capture otters
- Damage or destroy their breeding/resting sites (even if there are not otters present)
- Possess, control or transport otters (dead or alive).

6.3.13 Furthermore, it is an offence under the *Wildlife and Countryside Act 1981* to 'intentionally or recklessly disturb otters while they occupy a structure or place used for shelter or protection, obstruct access to a place of shelter or protection'. The otter holt is located under the most northern Female Black Poplar tree adjacent to the river's edge and closest to the preferred gas main corridor 4 route.

- 6.3.14 The undisturbed nature of the Reserve, as private land without public access, lends itself to supporting such notable species of Otters and Red Kites in natural undisturbed habitats. Otters are listed under Section 41 of the *Natural Environment and Rural Communities Act (2006)* as a rare species and one of the most threatened; regard must therefore be had to the conservation of the species during developments with appropriate mitigation measures in place to avoid any negative impacts on the Otters
- 6.3.15 The NPPF (2021) highlights the need to *'identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity'* as well as the *'wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation'*. The NPPF (2021) encourages the *'conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'*
- 6.3.16 If impacting on otters cannot be avoided then mitigation should be put in place, or as a last resort compensation for the impact of the development should be provided. Policy N2, LDP seeks biodiversity and geodiversity net gain where possible and aims to preserve and protect priority habitats and species, in line with national planning policy. The otter holt falls within the Order Limits of the Project.
- 6.3.17 The Habitats Regulation Assessment submitted with the DCO concludes the project would not result in any significant impacts to the Blackwater Estuary, the upper reach of which runs through the Blue Mills Nature Reserve. Whilst MDC has no evidence to counter this conclusion that there is 'no likely significant effect' in either the HRA or Screening Assessment, it is noted within the HRA there appears to be no mention of Otters or Red Kites in relation to this area of the district; albeit they are mentioned in the Screening Assessment. Red Kites are a protected species under the *Wildlife and Countryside Act 1981*, which provides protection for not only the birds but their eggs and nests. The Red Kites within the Blue Mills Nature Reserve nest amongst the trees. Whilst it is accepted that the mitigation may not be possible fully on-site, as is proving for Whetmead Nature Reserve as well, MDC are not satisfied that all impacts at Blue Mills Nature Reserve could not be mitigated successfully with woodland planting within the immediate vicinity and find the conclusion that there is to be biodiversity/ habitat net-gain as part of the whole project unjustified in this instance and contrary to Policy N2 of the LDP, in respects of its clauses or mitigation measures. Mitigation, to manage the impact caused, should be in relatively close proximity to where the harm and impact are to be felt, which the Screening Assessment does not even assume or acknowledge.
- 6.3.18 Furthermore, the *Environment Statement Appendix 5.2: Gas Main Diversion Screening Assessment Table 2.1 [APP 097]* concluded that there was 'no likely significant effect' on biodiversity as a result of diverting the gas main; having concluded that whilst it would



impact on areas of lowland woodland, field margins and hedgerows and protected or notable species present within habitats within the footprint of the construction area, it could be mitigated. MDC is concerned however that this assessment is incomplete as it has not included within its screening, biodiversity impacts caused by diverting the mains by crossing the river channels by means of tunnelling under main rivers or trenching ordinary watercourses, as confirmed in the Road Drainage and the Water Environment section in the same Screening Assessment. The Assessment does not adequately screen that this method of construction could otherwise impact on the nearby otter holt, or the well-being of its otter population.

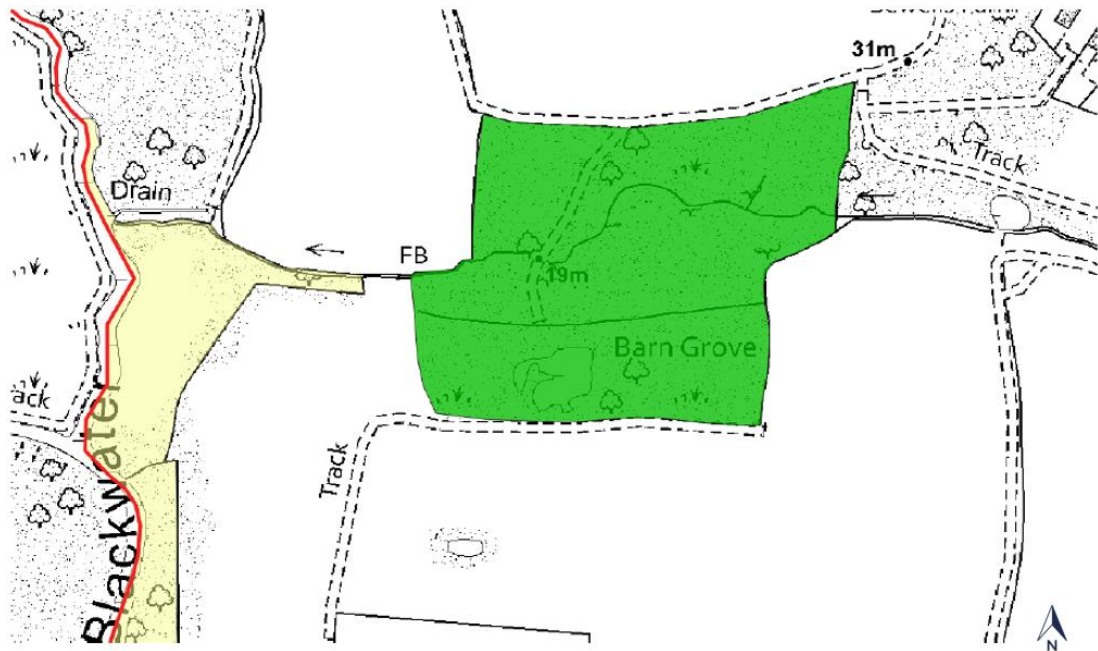
- 6.3.19 **Local Impact 5** - The loss of the trees shown in the images (LIR Appendix N) will have a negative impact on the ecology of the district in an area which is undisturbed and inaccessible to the public. The most notable amongst the trees shown as 'at risk' on the plans submitted with the DCO is the female Black Poplar, located in the northern most area of the Blue Mills Nature Reserve. It is acknowledged within the *Environmental Statement (6.1) – Chapter 2 – The Proposed Scheme* [APP-069] that the area which falls within the Order Limits supports many habitats and notable species, these species include otters, red kites and veteran trees. Whilst the term 'notable species' may not be referring to trees in this instance, Black Poplars trees are of a notable species and are located within the Order Limits of the chosen corridor for the Cadent gas main diversion. These habitats and populations are not being adequately protected or their habitats adequately mitigated to safeguard local populations.
- 6.3.20 **Local Impact 6** – The proposed approach to tunnel under Main Rivers and trench ordinary watercourses to accommodate the diverted gas main will have a negative impact on the district's biodiversity. Whilst the tunnelling may limit the impact on the watercourse's integrity, it will still involve boring machinery that will cause temporary disturbance through noise and ground vibrations that could otherwise impact on the nearby otter holt, or the well-being of its otter population, which have not been adequately screened or considered for impacts including those of significance, or considered for specific mitigation.

#### *Barn Grove*

- 6.3.21 Located to the east of Blue Mills is the woodland of Barn Grove which straddles the boundaries of Little Braxted and Wickham Bishops. This wood is considered a Local Wildlife Site (LoWS) and has been included in the wider Order Limits of the project, encompassing much of the wood.
- 6.3.22 The Nature Conservation Study, which is currently in final draft form and was commissioned by MDC in association with the review of the LDP in late 2021, states Barn Grove has a very large population of Opposite-leaved Golden-saxifrage. Opposite-leaved Golden-saxifrage are an Essex Data Red List species, and it is considered that this group of trees is likely to be the largest population of this species in the Maldon district. It presents the argument that the presence of large Oak standards and Hornbeam coppice provide an indication the woodland

is of a significant age, if not ancient. The image below shows the wood (coloured green) in relation to the Blue Mills Nature Reserve (coloured yellow). The citation for Barn Grove can be found at LIR Appendix M.

Figure 11: Barn Grove Local Wildlife Site



6.3.23 **Local Impact 7** – As a result of the Cadent Gas Main passing through such sensitive areas via the nearby Blue Mills Nature Reserve and close to the Barn Grove woodland and LoWS, there is concern that the development could result in further unquantified negative impacts to the integrity of the delicate habitats at Barn Grove given its relative proximity to Blue Mills Nature Reserve, further impacting on protected and rare species of wildlife and trees.

## 6.4 Climate Change

6.4.1 MDC declared a Climate Emergency in February 2021 and adopted its Climate Action Strategy 'Our Home Our Future' in December 2021. It is through these that it intends to play its part in achieving national net zero targets locally and contribute to climate action. Its first Climate Action Plan is being prepared to fulfil MDC's pledge to be a carbon neutral local authority by 2030.

6.4.2 Transport contributes the highest Greenhouse Gas Emissions (GGE) in the UK through travel, transportation of goods and services, commuting, tourism, public transport and generally moving around our environment. This is particularly a challenge in Maldon district which as cited earlier has the highest car ownership in Essex and is relatively less connected by alternatives to motor vehicles such as public transport or active travel means. Poor air quality recorded adjacent to main vehicle highways and junctions is mainly due to overcapacity at those junctions resulting in idling engines, pressure on the LRN and SRN (the



reason for the Project), as well as historic lack of investment and collaboration in improving and efficiently integrating connections when the opportunity arises.

6.4.3 Taking the opportunity and meeting the known challenges on road networks (regardless of who manages or regulates them) is fundamental to good design practice and principles, particularly as Climate Action targets fall between 2030 and 2050 and the Project models to 2042.

6.4.4 **Local Impact 8** - The ability for the Maldon District to contribute to Climate Action, by reducing emissions locally and county wide, will be significantly impacted by the positive investment by National Highways in the SRN and ECC in the LRN given without the free flowing and resilient network, district residents and businesses will continue to use less optimal routes and junctions for personal travel and moving goods. Where these networks and junctions are congested and do not facilitate solutions to worsening congestion from traffic journeying from or to the district, Greenhouse Gas Emissions (GGE) and poor air quality will continue in locations outside the district.

## 6.5 Draft Development Consent Order (dDCO)

6.5.1 MDC is in the process of reviewing the Articles and Schedules of the draft DCO. At present, MDC has identified the following concerns (but it reserves its position in respect of any further issues identified):

- The scope of Article 26. In particular MDC is concerned about the power to survey and investigate land adjacent to, but outside the Order Limits. It is not clear what could be deemed to be adjacent to the Order Limits.
- Article 46. In particular MDC is concerned about the trees likely to be impacted by the diverted gas pipeline – in circumstances where the impacts of such loss have not been properly assessed by the Applicant. Similarly, there is concern about the breadth of the power in relation to the removal of hedgerows.
- Article 47. The breadth of the power to fell or lop trees subject to a TPO is particularly concerning, especially as the level of protection provided by the 1990 Act would not be provided under this Article.

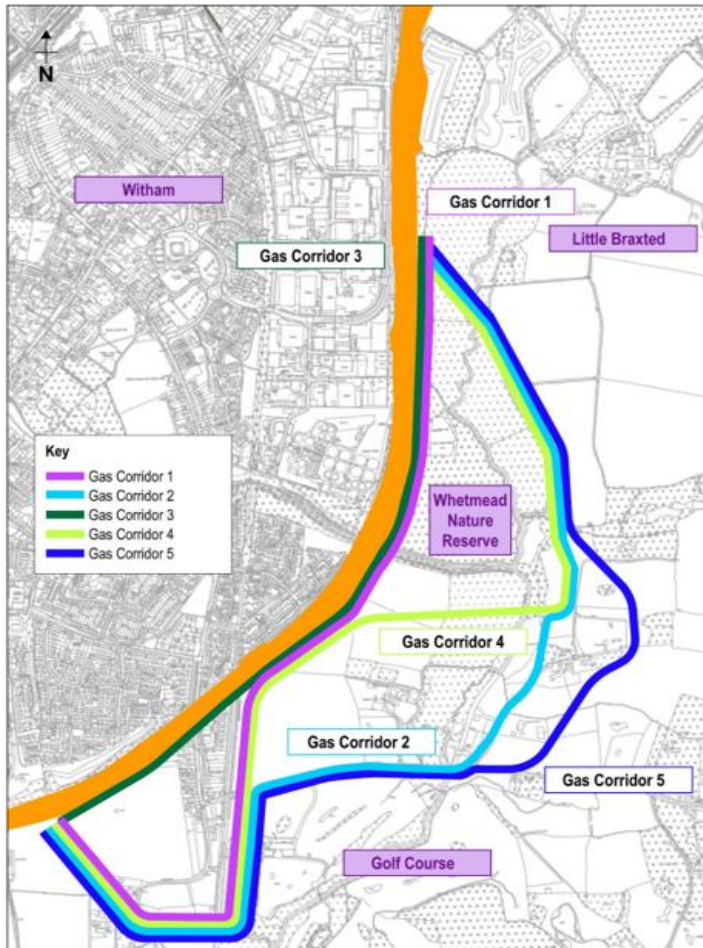
## 6.6 Gas Pipeline Diversion

6.6.1 The existing gas main runs alongside the A12, however due to the widening of the A12 from two lanes to three in both the north and south bound directions, the gas main is required to be repositioned.

6.6.2 The information provided by National Highways in November 2021 as part of the Supplementary Consultation process introduced the diversion of the Cadent Gas Main and suggested a choice of 5 corridor routes for the gas main diversion. A written response to the consultation provided by MDC raised concerns over routes 2, 4 and 5 which MDC stated

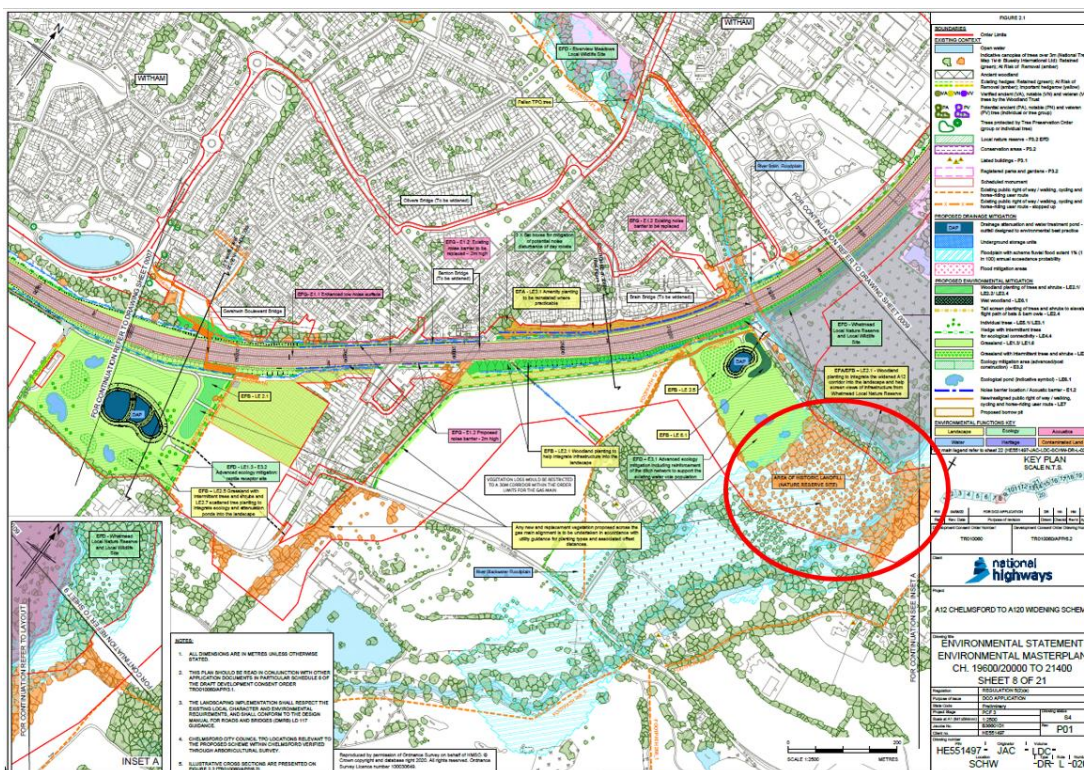
would 'run through heavily wooded areas, including a 6-acre nature reserve which consists of many priority habitats' and therefore would have significant ecological impacts. However, Corridor 4, shown in the Figure 12 below, was selected by National Highways as being the most suitable route for the proposed Cadent Gas Main diversion being in 'open land'. It should be noted that Cadent has not confirmed their route preference.

Figure 12: Position of proposed Corridor 4 Cadent Gas Main diversion.



6.6.3 Following this initial consultation with National Highways very limited information has been provided regarding the gas main diversion. Plans submitted by National Highways show access to the site would be via a track leading from Little Braxted Lane, a single-track lane with passing places. The gas main itself would cut through a section of the Blue Mills Nature Reserve, images of which are shown in Section 6.3 of this report, with the submitted *Environmental Masterplan* (below, Figure 13) showing the section of trees, circled in red, at risk of removal from the nature reserve to allow for the gas main diversion.

Figure 13: Area of trees at risk in Blue Mills Nature Reserve

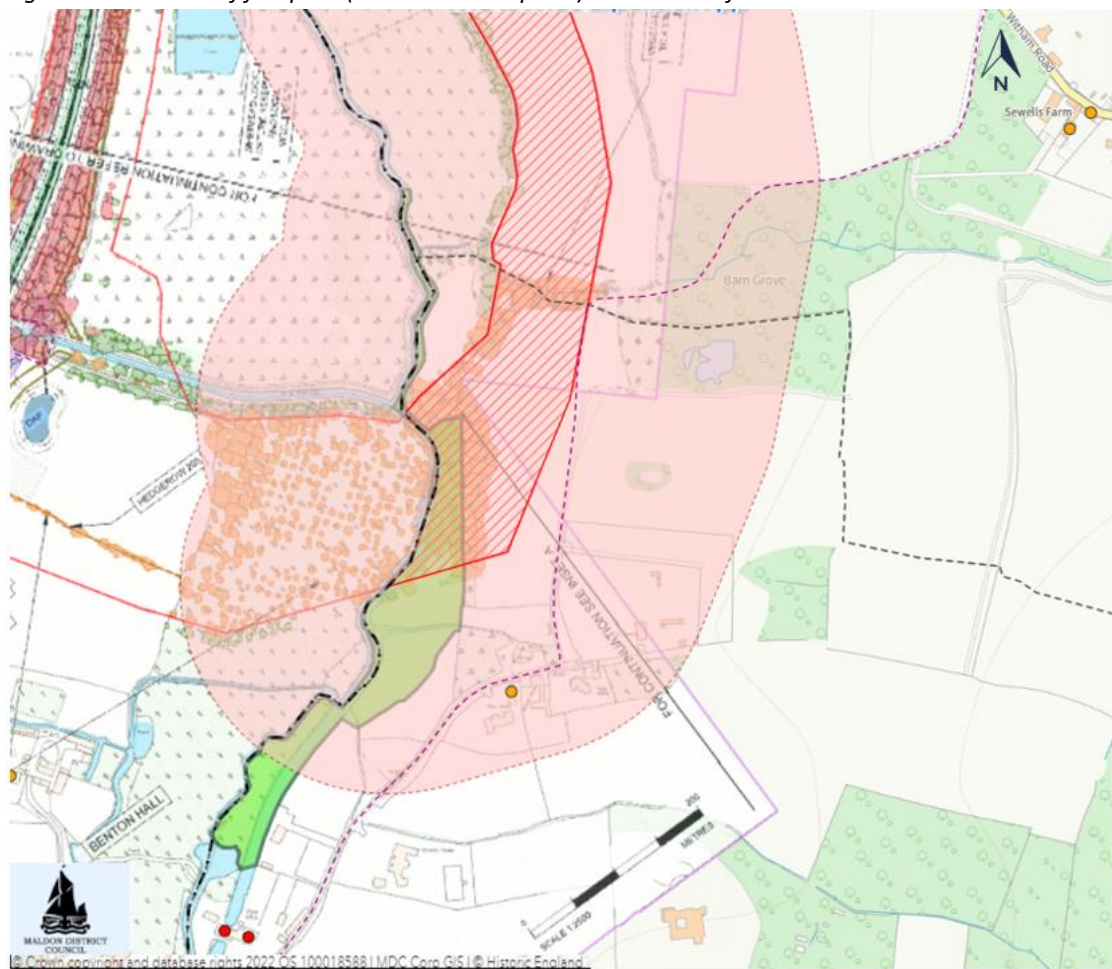


- 6.6.4 The area which National Highways has selected for the Cadent Gas Main diversion is subject to a Woodland Tree Preservation Order and has been recommended as a Local Wildlife Site. The nature reserve contains Essex Red Data List tree species (two female Black Poplars), an otter holt which is protected by European Law and is also a Red Kite nesting site. Red Kites are also a protected species.
- 6.6.5 The documents submitted suggest Corridor 4 is considered the most appropriate route as it avoids the Whetmead Nature Reserve in Braintree District, which is a historic landfill site – and therefore contaminated land, and allows for the gas main to be diverted into ‘open space’. It is stated in Chapter 2 of the Environmental Statement – The Proposed Scheme [APP-069], that the diversion of the gas main ‘could result in significant environmental effects’. It is also stated in Section 2.6 of the same document, that the limits of deviation within the gas main corridor ‘provide flexibility to avoid key features such as: ‘important environmental features’.
- 6.6.6 The Council’s comments in relation to the Cadent Gas Main route selected can only be high level at this stage due to the lack of detail provided as part of the DCO application. However, it is apparent that proper consideration has not been given to the impact on the Blue Mills Nature Reserve. It appears through correspondence with the landowner of Blue Mills and through reviewing the documents submitted with the DCO that no assessments or surveys have been conducted within the Reserve itself and hence, no mitigation has been proposed.



6.6.7 It should be noted, as mentioned above, the Blue Mills Nature Reserve is visible from the nearest footpath (Wickham Bishops 23) which runs to the east of the nature reserve and across to Barn Grove, a woodland which is also a Local Wildlife Site. The nature reserve is located wholly on private land and whilst there is no public access directly into the nature reserve, this is of unrivalled benefit to the wildlife that resides there as they are able to thrive undisturbed, such as the otters. Any development that would result in disturbance of the nature reserve could result in the loss of wildlife, for example disturbance to the otter holt could result in the loss of the otter from this area.

Figure 14: Location of footpath (Wickham Bishops 23) to the east of Blue Mills Nature Reserve



6.6.8 **Local Impact 9** – Whilst the impacts of the preferred route of the Cadent Gas Main have been highlighted in section 6.3 Biodiversity, Ecology and the Natural Environment, the impact of the gas main on the landscape of Blue Mills Nature Reserve and the parishes of Wickham Bishops and Little Braxted would be significant. The landscape in this area is valued not only for its amenity by the owners of Blue Mills and the residents of Wickham Bishops and Little Braxted parishes, but also by visitors due to the publicly accessible footpaths and scenery. It is considered the ecological impacts on the Nature Reserve as a result of tree loss

and disturbance to wildlife would also be significant and has not been fully surveyed and assessed by National Highways and Cadent.

## 6.7 Historic Environment

6.7.1 The plans submitted show the route of the proposed Cadent Gas Main would enter the district near to Little Braxted with an access track shown on the plans leading from Little Braxted Lane to the proposed site. Little Braxted Lane is a narrow lane with some passing places which would only be suitable for smaller vehicles. There are several Listed Buildings situated close to the lane.

6.7.2 Policy D3 of the Local Development Plan focuses on the protection and conservation of Designated Heritage Assets within the district. There are several Designated Heritage Assets within the Parish of Little Braxted that would fall within the Order Limits of the 'Project'.

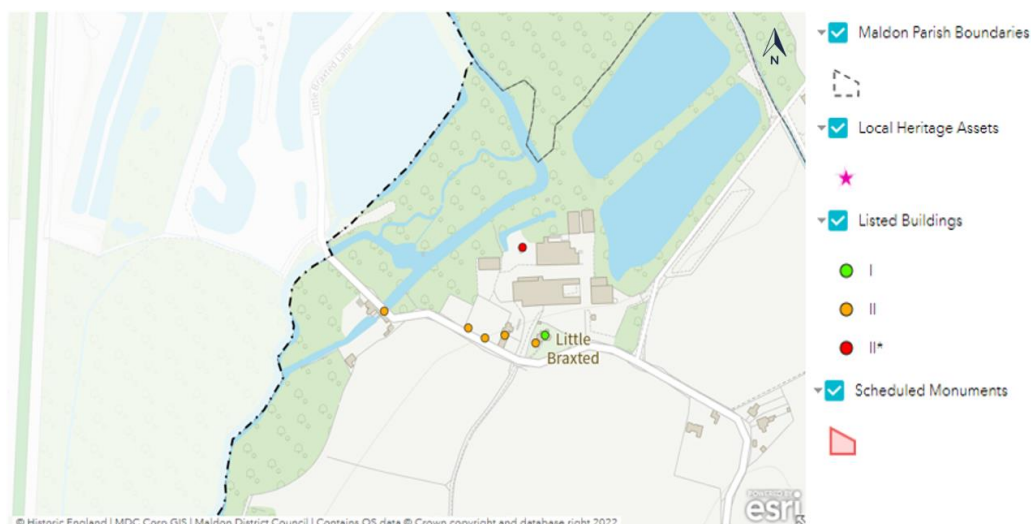
These sites include the following:

- Grade I listed Church of St Nicholas List Entry 1111066
- Grade II\* listed Kitchen/Dovecote 100m N of Little Braxted Hall List Entry 1146757

and the following Grade II Listed Buildings:

- Little Braxted Mill and Mill House including attached Mill Bridge, List Entry 1308828
- Little Braxted Hall and Railings enclosing front garden, List Entry 1111063
- Garden wall attached to West of Little Braxted Hall, List Entry 1111065
- Summerhouse angled south-west to the wall at Little Braxted Hall, List Entry 1146764
- Monument located west of St Nicholas Church, List Entry 1146792

Figure 15: Listed buildings and monuments in Little Braxted



6.7.3 Additionally, the proposed order limits would be approximately 158 metres from the Grade II\* listed buildings of Blue Mills and Mathyns, located within the parish of Wickham Bishops.



It is noted the Order Limits would also be approximately 184 metres from Benton Hall, a Grade II Listed Building located within the neighbouring parish of Witham within the District of Braintree. Benton Hall is approximately 240 metres from the boundary of the parish of Wickham Bishops.

Figure 16: Listed buildings in Wickham Bishops



6.7.4 The Council’s Listed Building and Conservation Officer, due to the separation distance, has raised no concerns regarding the proximity of the development to nearby designated heritage assets or the impact of the development on their setting. However, it is noted that the listed bridge and more modern bridge located by the Mill House, Little Braxted Lane, are subject to a weight restriction of 3 tonnes and a width restriction of 2 metres. Reports from Little Braxted Parish Council have raised concerns regarding an 18 tonnes excavator which crossed the bridges in October 2022 associated with National Highways detailed design preparation with Cadent for the gas main diversion. Whilst National Highways have stated the access track (which is connected to Little Braxted Lane and located opposite St Nicholas Church) is for maintenance purposes only, questions must be raised as to whether it is appropriate to use the track for the excavator’s access. It is beyond the expertise of the Council to assess the impact of the weight limit breach on the structure of the listed bridge and modern concrete bridge; however, these are matters that need to be addressed by National Highways to prevent impacts on the historic environment and inappropriate use of the highway.

6.7.5 A meeting was held with National Highways on 7 February 2023 to discuss any outstanding issues in relation to the joint Statement of Common Ground. During this meeting National Highways verbally stated the track leading from Little Braxted Lane to the gas main would only be used for light maintenance vehicles such as small vans. Any vehicles of a significant size and weight would access the gas main via Maldon Road, Witham. This had not been explained to MDC previously, despite MDC having raised the LRN constraints on Little

Braxted Lane (width and weight restrictions) with National Highways on several occasions since the DCO was submitted. MDC would welcome written clarification of National Highway's position on this point.

6.7.6 It can be seen on the Utility Diversion Plans [APP-008 and AS-003] that Maldon Road, Witham bends away from the proposed Corridor 4 route at Blue Mills Nature Reserve. It is not clear how access would be gained via Maldon Road and Blackwater Lane and no further details have been provided. The documentation submitted does not appear to show that heavy vehicles will be accessing the gas main via Maldon Road, Witham (adopted highway) and Blackwater Lane (unadopted highway).

6.7.7 **Local Impact 10** – The impact of larger and heavier vehicles on the structural integrity of the bridges along Little Braxted Lane is a concern. The structural integrity of the listed bridge in particular, could also negatively affect the associated Mill House, also a listed building. MDC does not hold the relevant expertise to comment on structural integrity of the bridges but remains concerned that the potential impacts to the heritage assets has not been fully assessed. This is compounded by the lack of detailed information on the construction and maintenance of the Cadent Gas Main compared to the information available for the A12 widening scheme, which makes these impacts difficult to assess. This is unacceptable.

## 6.8 Land Use

6.8.1 Within the Maldon District there are residents and owners of dwellings and buildings that will be affected by the 'Project', particularly through the relocation of the Cadent Gas Main in Wickham Bishops, Great Braxted and Little Braxted Parishes. The details provided in the DCO submission documents for the realignment of the gas main state a buffer zone of 100 metres wide is required, with further surveys intended to reduce this corridor down to 30 metres. The diversion of the gas main using the chosen corridor will cross through the Blue Mills Nature Reserve. The local impacts of the diversion are detailed under section 6.5 Gas Pipe Diversion.

6.8.2 In reference to the Cadent Gas Main, as referenced in the 6.3 Biodiversity, Ecology and Natural Environment section and section 11 of the NPPF, as little land should be used as necessary to divert the Cadent Gas Main effectively and reduce impacts on the environment.

## 6.9 Landscape and Visual

6.9.1 The proposed lanes of the A12 which are to be widened would cross into the Maldon district at the northern boundary within the parish of Great Braxted. It is considered the development would not significantly impact upon the landscape of this locality; however, the loss of trees would be significant.

6.9.2 As previously mentioned, the Cadent Gas Main currently runs parallel to the A12, however due to the widening of the A12 the gas main cannot remain in situ and therefore it is

necessary for the gas main to be redirected. The chosen route of Corridor 4 for the proposed gas main would cut through the sensitive landscape of the Blue Mills Nature Reserve within the Maldon district. As mentioned above, the Blue Mills Nature reserve has recently been recommended as a Local Wildlife Site (LoWS) by EECOS who are assessing the districts wildlife sites as part of the Council's review of its Local Plan.

- 6.9.3 The impact of the Project on the landscape of Wickham Bishops and the Blue Mills Nature Reserve as a result of tree and habitat loss are of concern and would be contrary to the policies within the Maldon District Local Development Plan 2017. Policy N1 (Green Infrastructure Network) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) in particular highlight the importance of green infrastructure networks and biodiversity within the district. This is also echoed within the adopted Wickham Bishops Neighbourhood Plan.
- 6.9.4 Policy N1, LDP promotes the need for the protection of green and blue assets within the Maldon District through protection, enhancement, creation and management of green infrastructure. The coast, estuary, waterways and lakes form some of Maldon's most valuable assets, including the River Blackwater, which contribute towards biodiversity, tourism, visual amenity and the local economy. Similarly, the Blackwater Rail Trail located on the boarder of Wickham Bishops and Witham, which stretches from Maldon through to Witham railway station, forms an important part of Maldon's green infrastructure, providing amenity for residents and visitors. Green infrastructure such as this is important for providing buffers to development and conserving habitats for wildlife and watercourses.
- 6.9.5 Policy N1 of the LDP states '*open spaces and areas of significant biodiversity or historic interest will be protected....there will be a presumption against development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure*'. This policy is relevant as the proposed gas diversion route will enter into the Maldon district through the parish of Wickham Bishops and an area of landscape value. Policy N1 aims to preserve and enhance the districts green infrastructure and therefore developments which would impact on this would be contrary to policy N1 of the LDP.
- 6.9.6 **Local Impact 11**– The loss of trees and the disturbance to the wildlife that reside within the north-western parishes of the district will negatively impact on a combination of valued landscapes and landscapes that are valued and enjoyed by residents and visitors to the district. The proposed route of the Cadent Gas Main would cut through the woodland of the Blue Mills Nature Reserve forming a permanent scar on the landscape which would be visible from the public footpath to the east of the Reserve, impacting on the public amenity of this location.
- 6.9.7 **Local Impact 12**- The loss of trees within the Blue Mills Nature Reserve would have a significant impact on the landscape to the north-west of Wickham Bishops and the

landscape to the south-west of Little Braxted, resulting in a permanent scar and change to the visual appearance of the landscape and the Reserve caused by the Cadent Gas Main diversion.

6.9.8 **Local Impact 13-** The development would impact on local amenity. The Blue Mills Nature Reserve is highly visible from the footpath to the east of Blue Mills and to the south of Barn Grove. The felling of the trees within Blue Mills Nature Reserve would result in a 30 metres wide corridor through the Nature Reserve, leaving a permanent scar on the landscape. This would have a detrimental impact on the character and appearance of the landscape of Wickham Bishops and Little Braxted.

## 6.10 Need for proposed development

6.10.1 It is acknowledged that the current SRN on the section of the A12 between Boreham and Marks Tey is overcrowded at peak times and therefore increases the risk to the public when using and navigating on and off the A12 and the surrounding LRN. With this in mind, it is acknowledged that increasing the capacity of the A12 by widening it would be of benefit to the residents and businesses of Maldon who regularly use the SRN.

6.10.2 Overall, the proposed plans are acceptable; however, aspects of the development have not considered the impacts on the district of Maldon and the surrounding neighbouring parishes that are impacted by traffic from the Maldon district, such as Hatfield Peverel.

6.10.3 **Local Impact 14** – Whilst it is recognised the Project would be of a positive benefit to the residents and businesses within the Maldon district, as it should allow greater capacity on the SRN, however MDC is conscious that these benefits should not result in a negative impact upon neighbouring authority parishes (as identified elsewhere in this Report).

## 6.11 Scope of Development and Environmental Impact Assessment

6.11.1 Where MDC has identified issues with the Environmental Statement, such as the failure to assess certain impacts or the failure to account for material considerations, these have been addressed elsewhere in this Report under each of the relevant principal issues. They are not repeated here.

## 6.12 Socio-economic

6.12.1 MDC recognise the importance of the proposed works in expanding the capacity of the A12 between Junctions 19 and 25 and increasing its resilience to future increases in traffic and congestion as a result of planned growth within the districts.

6.12.2 Strategic policy S2 of the Maldon District LDP in relation to Strategic Growth is relevant as the policy seeks to support economic growth and the development of infrastructure. The LDP supports development within the main settlements (Maldon, Heybridge and Burnham-

on-Crouch) with the Council planning for a minimum of 4,650 dwellings. The proposed supply of housing within the plan period of 2017-2029 which will mostly be located within the areas of Maldon and Heybridge is 5,108 dwellings. These settlements are the closest main settlements to the A12. The promotion of growth within these areas is in line with the NPPF which states growth should be focused in sustainable locations, or locations which can be made sustainable, which take advantage of nearby services and connections. The A12, being the SRN, is one of these connections and connects the district with the rest of Essex and beyond.

- 6.12.3 It is noted within the LDP that Maldon has significant infrastructure constraints, including local highway capacity. The need for increased capacity on the Local Road Network reflects the predicted increase in traffic and one of which is access to the Strategic Road Network which can only be accessed via the sole A road in the District, the A414 through the Air Quality Management Area of Danbury; the B1019 via Maldon Road/Hatfield Peverel; and via Witham and the single width carriageway of Blue Mills bridge.

*Impact on planned growth in Maldon and Heybridge*

- 6.12.4 Policy S4 (Maldon and Heybridge Strategic Growth) applies in this instance. The policy outlines the strategic growth planned for the Maldon District, highlighting the key infrastructure requirements of the district over the period of 2017-2029.
- 6.12.5 Maintained and improved direct links to the strategic road network from the Maldon District, taking into account the increase in traffic from the Maldon and Heybridge strategic allocation sites approved through the adoption of the LDP in 2017.
- 6.12.6 Policy S4 highlights the purpose of the LDP is to provide a framework for new housing in the most appropriate places. Maldon and Heybridge were considered the most appropriate as they are considered to be the most sustainable areas within the District in regard to access to employment, retail and community facilities. These areas were also chosen as they provide a greater level of access to the strategic road network compared to other areas within the District.
- 6.12.7 As part of growth within the Heybridge area, the North Heybridge Garden Suburb relief road will link Broad Street Green with Langford Road, allowing traffic for the North West of the District easier access to the central Maldon area and greater access to the Strategic Road Network via Langford and Ulting, through to Hatfield Peverel.
- 6.12.8 It is stated within the LDP that *‘Essex Highways has identified that growth at Maldon and Heybridge will increase congestion on the A414 between Maldon and Chelmsford and at the B1019/B1137 junction at Hatfield Peverel’* (LDP 2.69) and therefore improvements to these junctions will be necessary. Due to the allocation of strategic sites within Heybridge it is considered the number of residents travelling to the A12 via Hatfield Peverel and the Duke



of Wellington mini roundabout and Junction 21 will increase significantly. Whilst these developments have not yet been completed this will amount to approximately 1484 additional dwellings. The Transport Assessment acknowledges the dual carriageway section of A12 between Junctions 19 and 25 is currently operating close to capacity (TA 9.1.25) and at times exceeds the recommended limit for the road (TA 9.1.5).

- 6.12.9 As a means of alleviating the impact of traffic travelling through Hatfield Peverel to link to the SRN, it was stated within the LDP that MDC would work with Braintree District Council, Essex County Council and Highways England (now national Highways) to identify a solution. It was considered a new junction linking the B1019 to the A12 would be the most effective (LDP 2.71).
- 6.12.10 The data submitted with the DCO application does not consider there would be a significant increase in traffic travelling towards the A12 via the B1019, however it is unclear whether the planned growth for Maldon has been adequately factored into the modelling provided by National Highways for the Duke of Wellington mini roundabout.
- 6.12.11 Maldon District's planned employment growth in the District's largest employment area is not considered by the Project, despite one of the Project's main aims being to support local growth.
- 6.12.12 **Local Impact 15** - Whilst it is acknowledged the Project only extends to the SRN and those areas of the LRN that would directly impede access to new junctions of the SRN, MDC considers the Project has a lack of regard for the importance of the LRN in linking to the SRN and the impacts on accommodating and facilitating growth. MDC considers these inadequacies of the A12 Project would harm the growth of the Maldon district as a result of continued poor connections to the SRN, to the detriment of residents and businesses which rely on it. As a result, it is considered one of the aims of the A12 Project, to support planned economic and housing growth in Essex and the surrounding region will not be achievable for the Maldon district.
- 6.12.13 **Local Impact 16**– Heavy traffic wider than 2 metres and heavier than 3 tonnes cannot access Little Braxted Lane. If Little Braxted Lane is blocked or maintenance required to weak or listed bridges, Little Braxted residents and businesses are disadvantaged and cannot access or exit the SRN. Without written confirmation or agreement that all heavy traffic associated with the diversion or maintenance of the Cadent Gas Main can access via Maldon Road/Blackwater Lane, then Little Braxted residents and businesses are at risk of disconnection from the SRN.

## 6.13 Traffic and Transport

- 6.13.1 The Project has ignored Maldon District's planned growth as set out in its LDP approved in 2017 contrary to one of the Projects aims set by National Highways – *'support planned economic and housing growth in Essex and the surrounding region'*.
- 6.13.2 MDC's fear is that future housing growth will instead be constrained because of identified impacts of growing congestion at the Duke of Wellington Mini roundabout, crucial to commuter traffic accessing the existing Junctions 20a and 20b (to be closed) and new Junction 21, in a neighbouring host authority area (Braintree District). The local impacts are already highlighted in the 'Made' Hatfield Peverel Neighbourhood Plan, 2019.
- 6.13.3 The Duke of Wellington Mini roundabout is within the Order Limits of the Project. MDC acknowledge the Applicant has noted the A12 Project does not generate a need for a Hatfield Peverel Bypass / Maldon Link Road, however, it intends to design the new Junction 21 to accommodate a future connection should ECC proceed with it. However, MDC questions the cost benefit ratio of upgrading the Duke of Wellington Bridge to 2-way traffic to connect to the existing 85% capacity Duke of Wellington Mini roundabout and constructing a new northern arm to the new Junction 21. 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.
- 6.13.4 Car ownership is higher in the Maldon District (89%) than the regional or national average. The impact of this heavy reliance on cars is significant as detailed in the baseline data for the draft Maldon District Future Transport Strategy, ECC, February 2023 (public consultation February 2023 for 6 weeks). Commuting from the Maldon District causes congestion and air pollution in Braintree district, owing to queueing traffic at the Duke of Wellington Mini roundabout/Maldon Road junction at Hatfield Peverel on the LRN, with the existing Junctions 20a and 20b (to close) on the SRN. The same LRN junction will access and exit the new Junction 21. Maldon district residents drive to Hatfield Peverel to access the National Rail Network. In these respects, Maldon district residents who use the LRN to commute to work, education facilities hospital appointments etc. will not benefit as greatly from the Project.
- 6.13.5 The impact of queueing/waiting traffic at the LoS D junction at Duke of Wellington/Maldon Road mini roundabout, that currently operates above 85% capacity at peak times in Hatfield Peverel village, is detailed in the Transport Assessment. However, this Transport Assessment does not provide the breakdown of the type of vehicles modelled through the junction i.e. what proportion are cars, HGVs, LGVs, vans. Maldon Road junction is a residential street with housing either side of the highway in the middle of Hatfield Peverel village. A waiting HGV takes up more space in a queue than a car or van and emits more pollutants (see section 6.2 *Air Quality and Emissions*). It is therefore important to have the details of the

modelling to fully assess the likely impacts at this junction but to date National Highways have failed to provide it.

- 6.13.6 Separately, there are concerns regarding the bridge at Little Braxted Lane. As noted above at paragraph 6.7.4, in October 2022, an 18T excavator/crane crossed the weak bridge with 3T limit, having accessed Little Braxted Lane from Junction 22 Colemans Interchange from the A12. Whilst it is noted the driver deviated from a pre-planned and approved route the 18T vehicle was carrying out pre-works for the cadent gas main diversion. According to the Parish Council, this is one of many incidents that continue to happen on Little Braxted Lane causing it to be closed to local residents and businesses.
- 6.13.7 Reducing the pressure of all traffic on the LRN whilst integrating it effectively and efficiently with the SRN requires collaboration between the local highway authority, MDC and the Applicant for the benefit of Maldon district residents, businesses and visitors. In this regard, MDC considers that there are some important missed opportunities to improve the LRN connections to the SRN.
- 6.13.8 **Local Impact 17**– The Project’s omission of the Hatfield Peverel Bypass/Maldon Link Road demonstrates the Project has a lack of integration with the LRN. There are however elsewhere in the Project selective upgrades to LRN connections (Inworth Road) included. The failure of the Project by design to integrate the LRN and SRN at Hatfield Peverel will leave residents, businesses and visitors in the Maldon district significantly disadvantaged. Due to this the Project will be of limited benefit to the Maldon district.

## 6.14 Water, drainage and Flood Risk

### *Flood Risk & Drainage*

- 6.14.1 The Strategic Flood Risk Assessment (SFRA) for Maldon District was completed in 2008 by Scott Wilson Ltd<sup>2</sup>; it is currently being updated for MDC by JBA Consultants, in partnership with the Lead Local Flood Authority (LLFA) (Essex County Council) and the Environment Agency.
- 6.14.2 Given the age of the SFRA, which predates the Flood & Water Management Act 2010, the District Council looks to a combination of the Essex Local Flood Risk Management Strategy<sup>3</sup> and the most up to date Flood Mapping for fluvial, tidal, surface water and reservoir flood risks from the Environment Agency, application specific Flood Risk Assessments and consultation comments from the Lead Local Flood Authority, Essex County Council, to inform planning decisions in the District.

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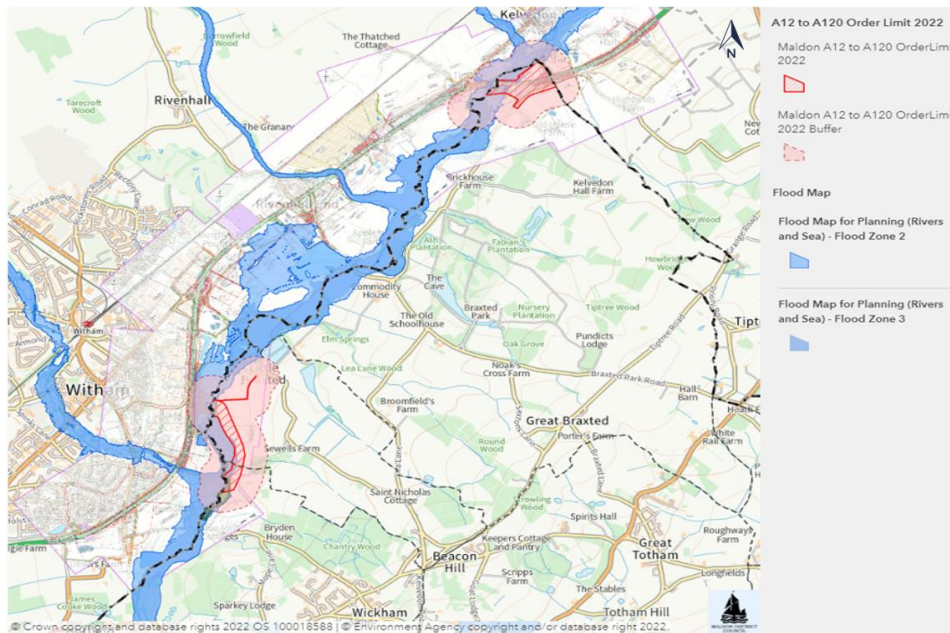
<sup>2</sup> <https://www.maldon.gov.uk/publications/LDP/pre-submission/2%20Design%20and%20Climate%20Change/EB031%20Mid%20Essex%20Strategic%20Flood%20Risk%20Assessment%20Maldon%20Report.pdf>

<sup>3</sup> <https://flood.essex.gov.uk/media/1293/essex-local-flood-risk-management-strategy.pdf>

### Fluvial & Tidal Risk

6.14.3 It is understood from the submission documents that the majority of the Order Limits falls within Flood Zone 1. The map below shows the areas within the Order Limits within the Maldon District (shown in red) that are located within Flood Zones 2 & 3.

Figure 17 – Flood Map (Based on Environment Agency data) showing the order limits and flood risk areas for fluvial and tidal risk



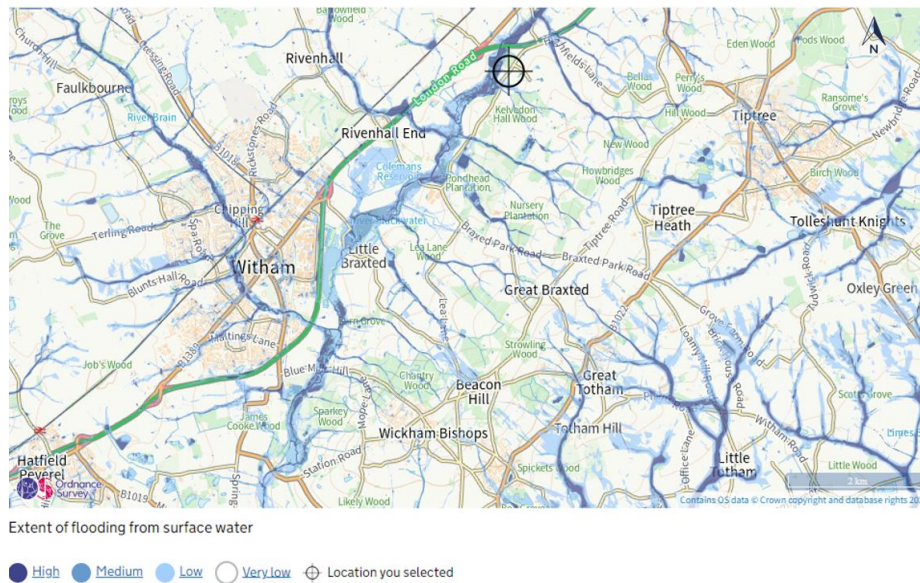
### Surface Water/Drainage Risks

6.14.4 The LLFA has not implemented any Surface Water Management Plan (SWMP) for the areas covered by the Order Limits in Maldon District.

6.14.5 The Flood Map (based on Environment Agency data) below however shows the associated flood risk from surface water, which shows the land covered extends beyond the fluvial flood risk zones and is intrinsically linked to the river catchment and landform.



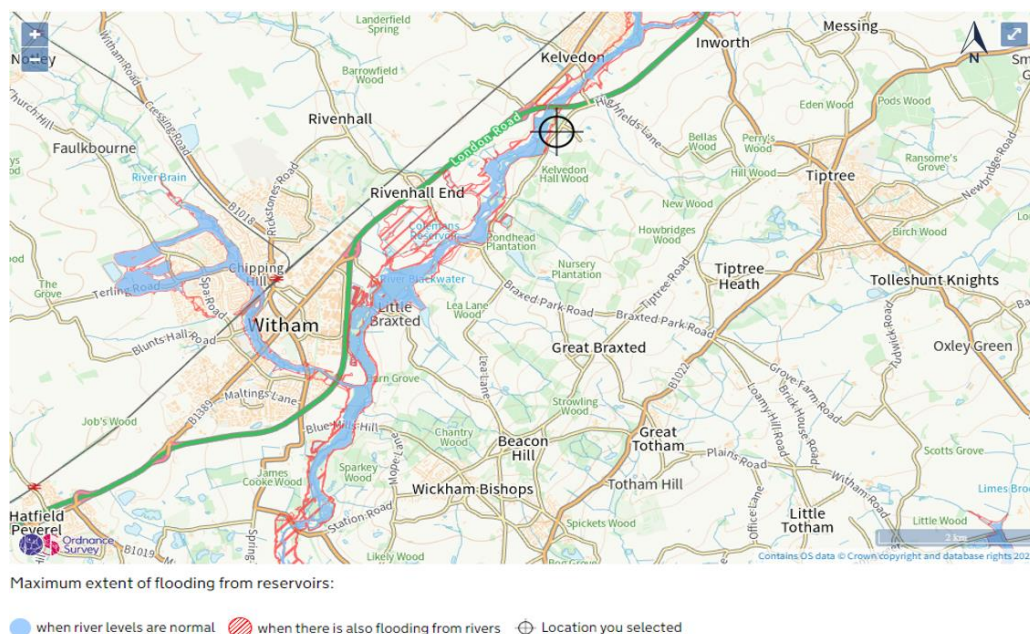
Figure 18 – Flood Map showing extent of surface water flooding



*Reservoir Flood Risk*

6.14.6 The Flood Map (Based on Environment Agency data) showing the associated flood risk from reservoirs (below) shows this specific risk broadly affects land also subject to fluvial flooding when rivers are normal and also encompasses a wider tract of land when rivers are in flood.

Figure 19: Flood Map showing extent of flooding within Order Limits



6.14.7 Policy D5 of the Maldon District LDP in relation to Flood Risk and Coastal Management, seeks to direct strategic growth towards areas of lower flood risk as identified by the Environment Agency. It establishes that to minimise the risk of flooding, all development must not increase flood risk on site or elsewhere, be located in areas where the use is



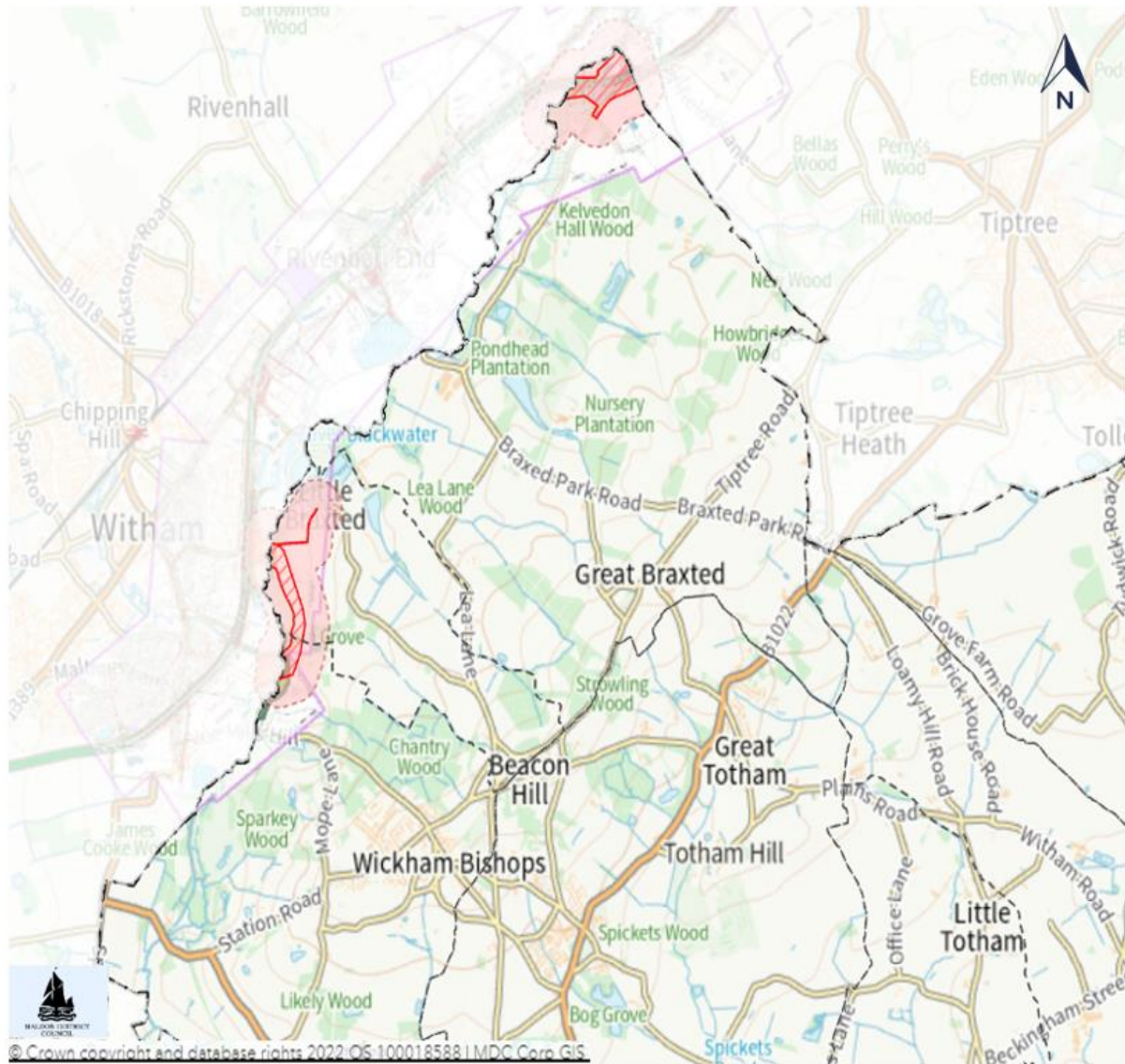
compatible with national planning policy, demonstrate that the Sequential Tests and Exception Tests are applied to a satisfactory standard and demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through SUDS, flood resilient design, safe access/ egress, flood response plans and green infrastructure.

6.14.8 It is noted that since Policy D5 was approved, Planning Practice Guidance has been updated, however the broad principles around identifying flood risk, development avoidance and mitigation are largely the same. It is also written with the land use planning system in mind and therefore not all its detailed principles will be applicable for the Order

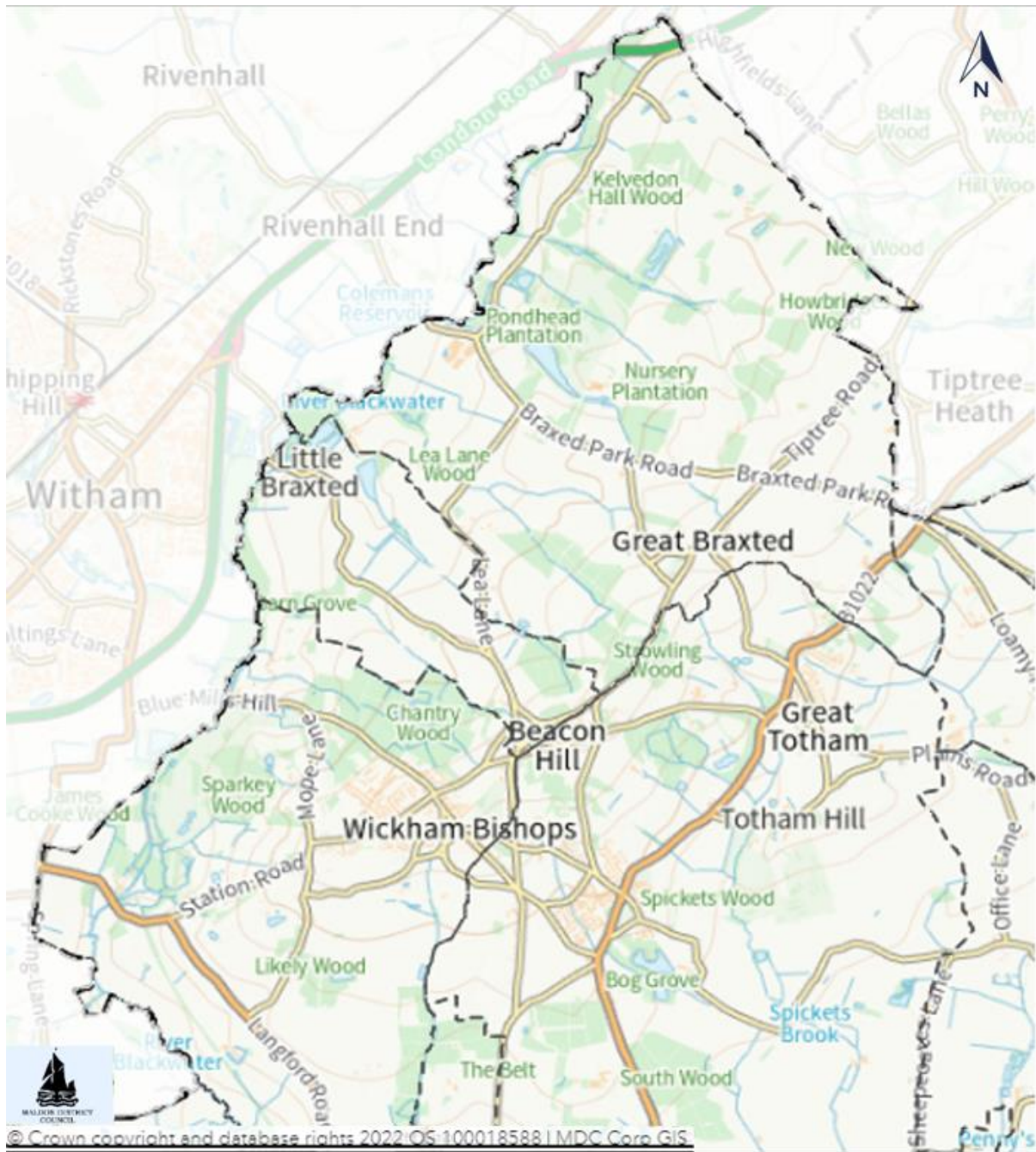
6.14.9 The District Council will defer to the Lead Local Flood Authority and Environment Agency in respects of the detailed impacts of the scheme on flood risk and whether the technical mitigation proposed by the DCO is adequate to reduce or offset the impact.

## Appendix

### A – Areas of the Maldon District directly affected by DCO

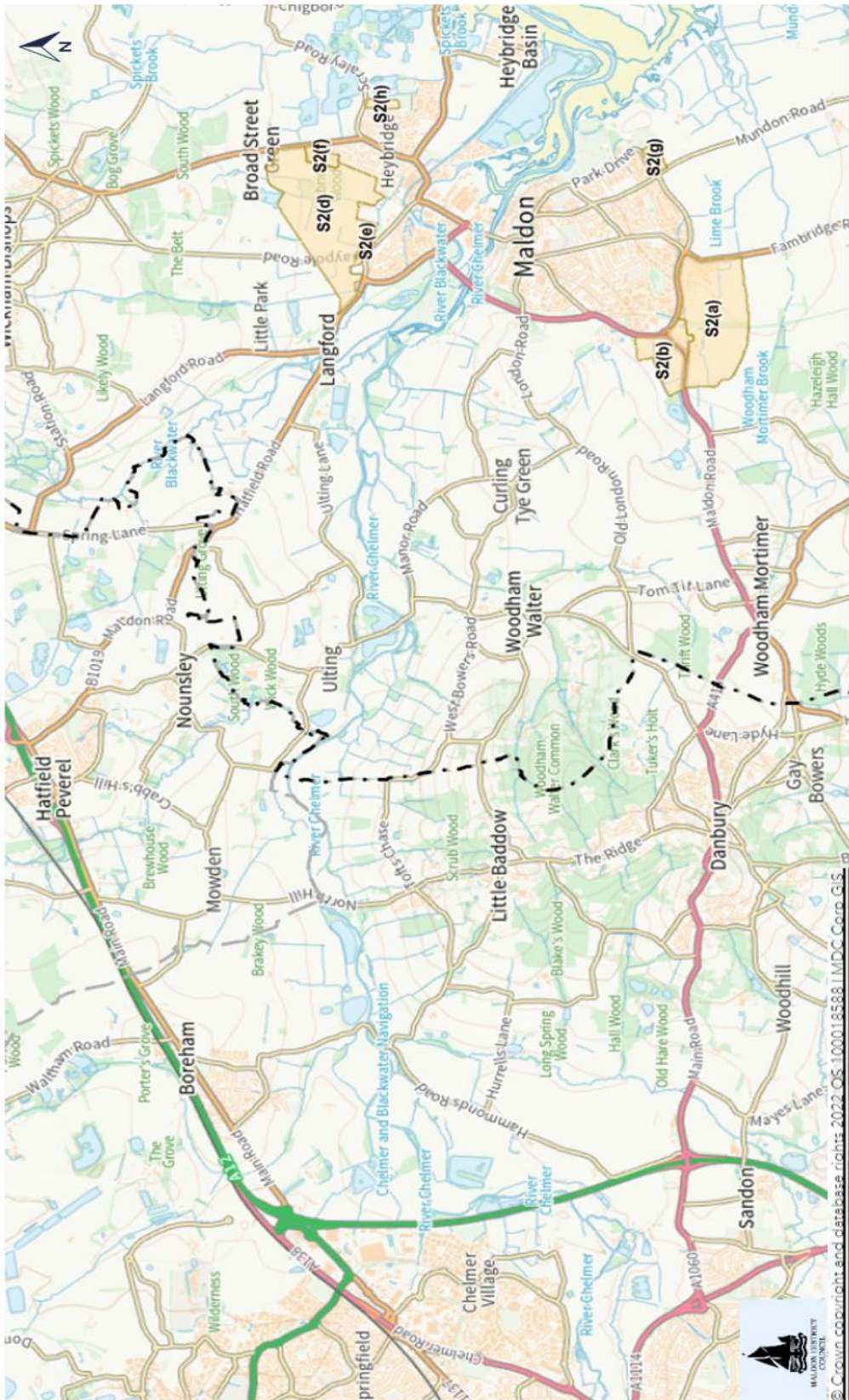


B – Settlement Boundary



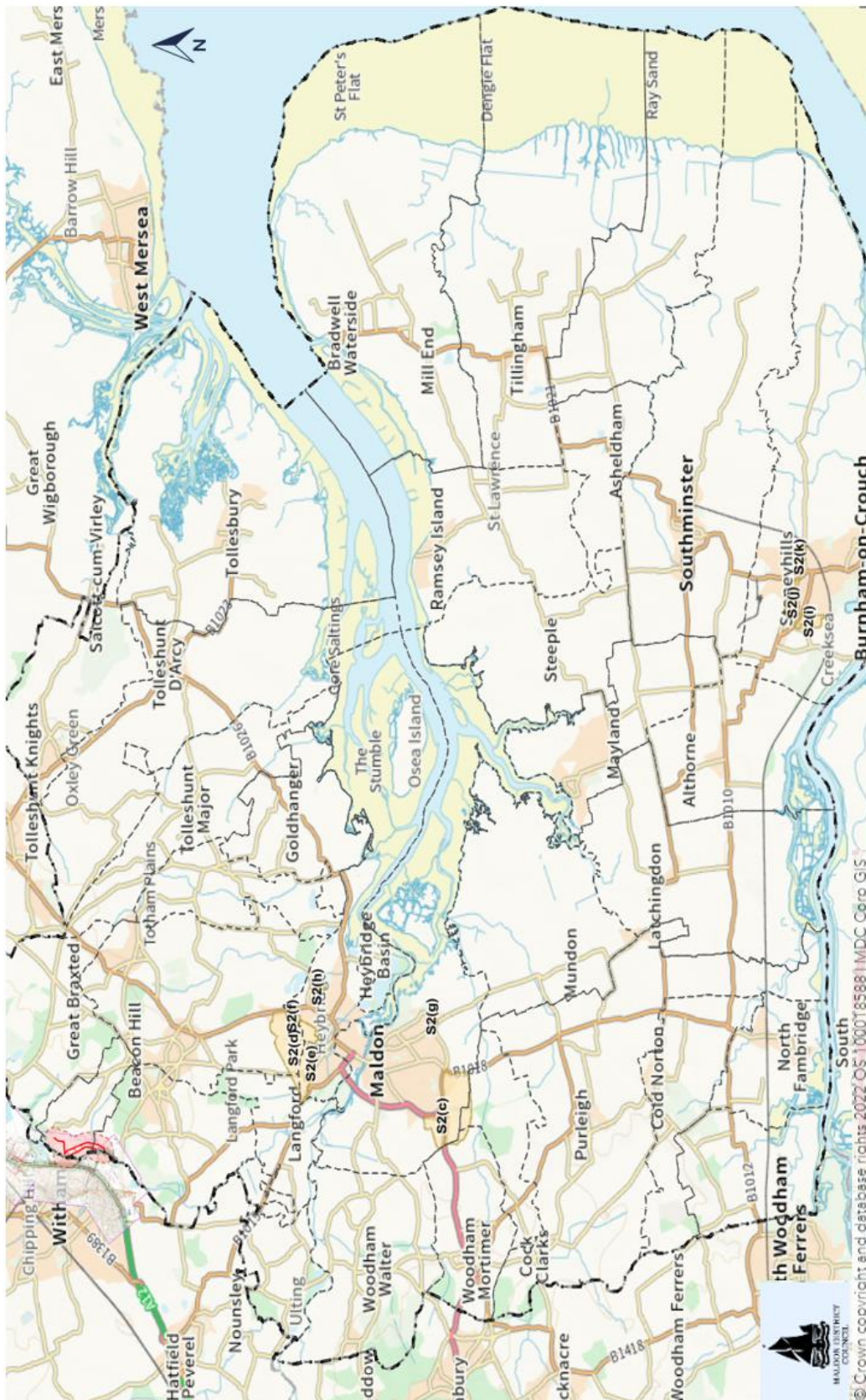


C – LDP Strategic Sites in Maldon and Heybridge



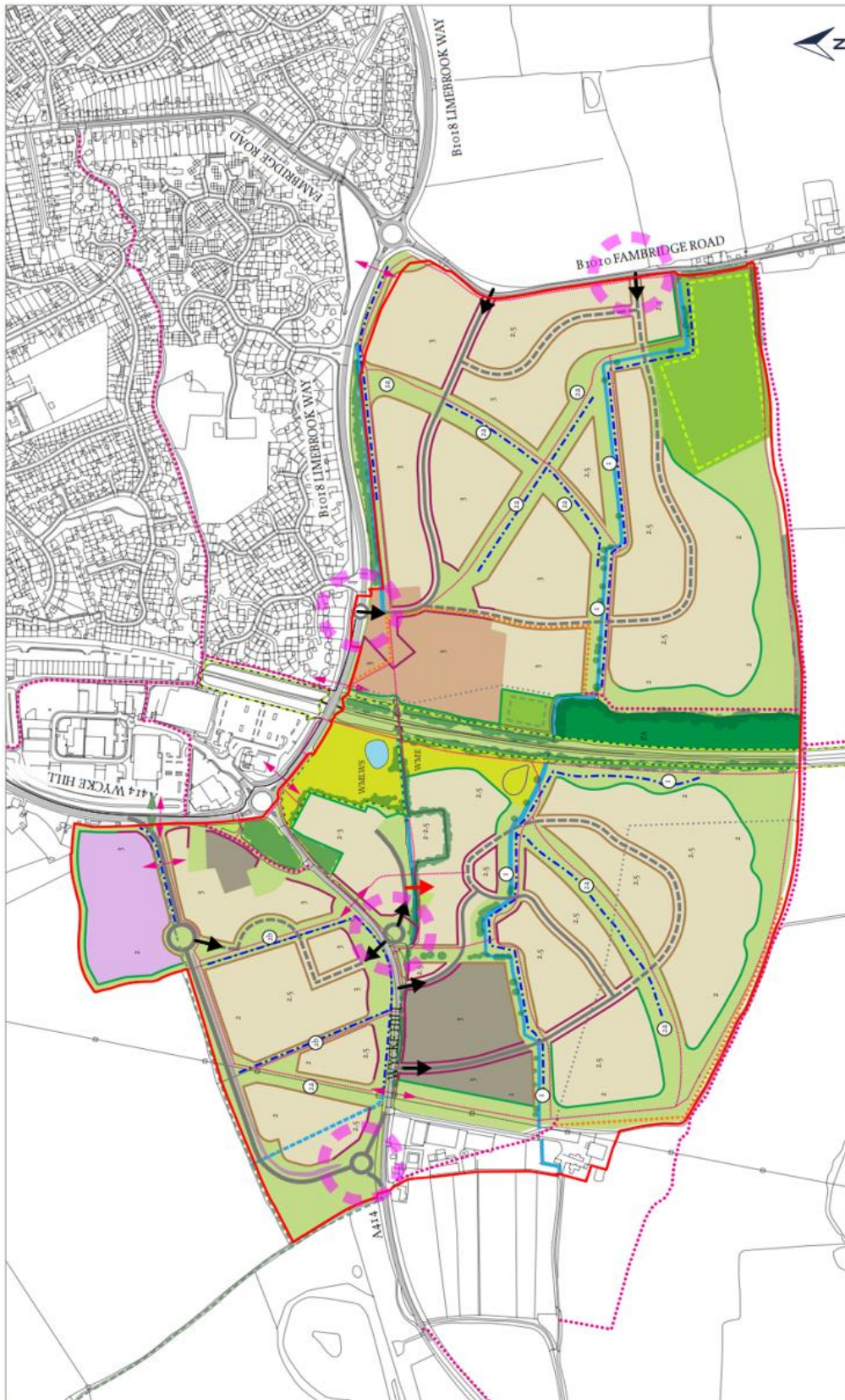


D – LDP Strategic Sites in Burnham-on-Crouch

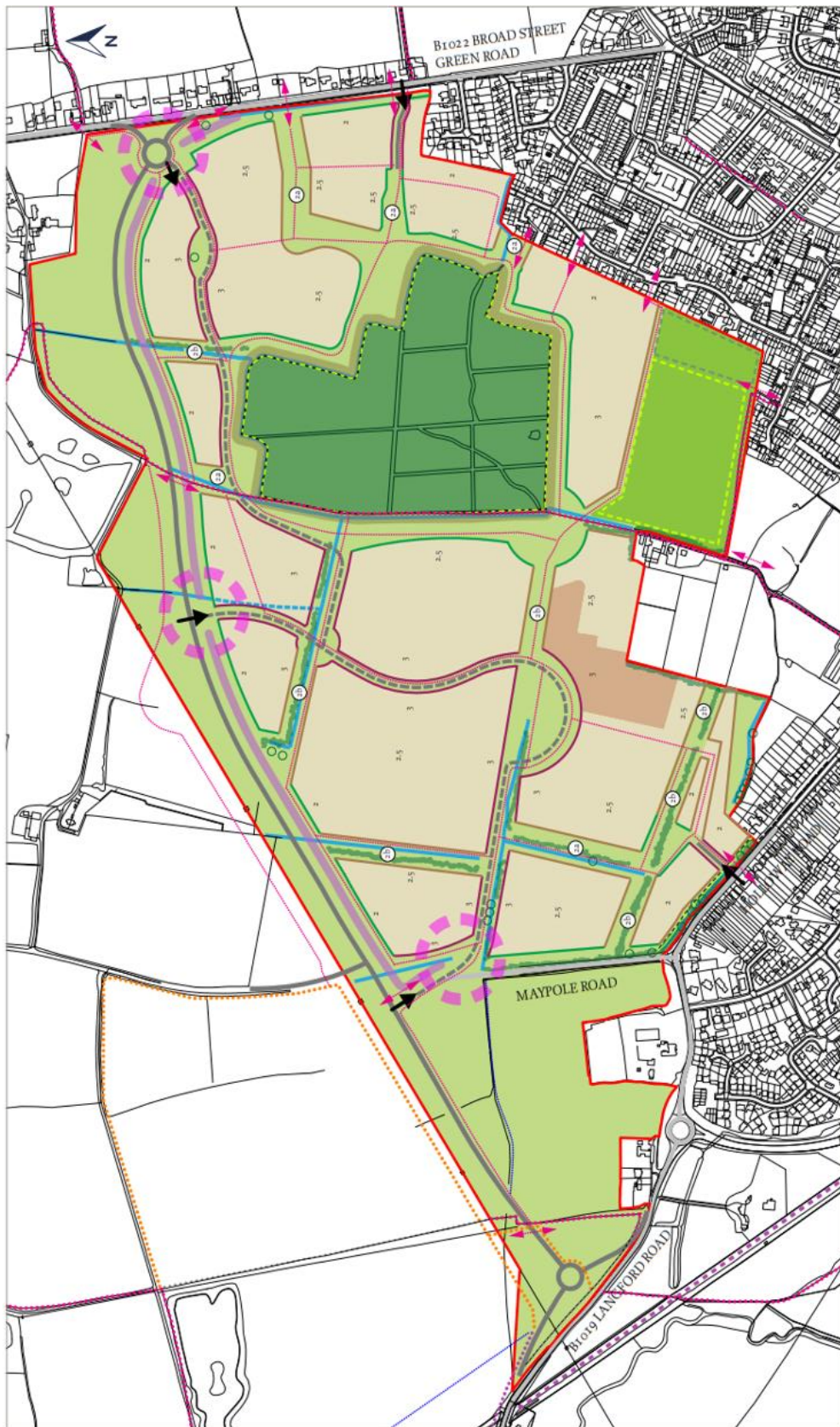




E – South Maldon Structure Plan

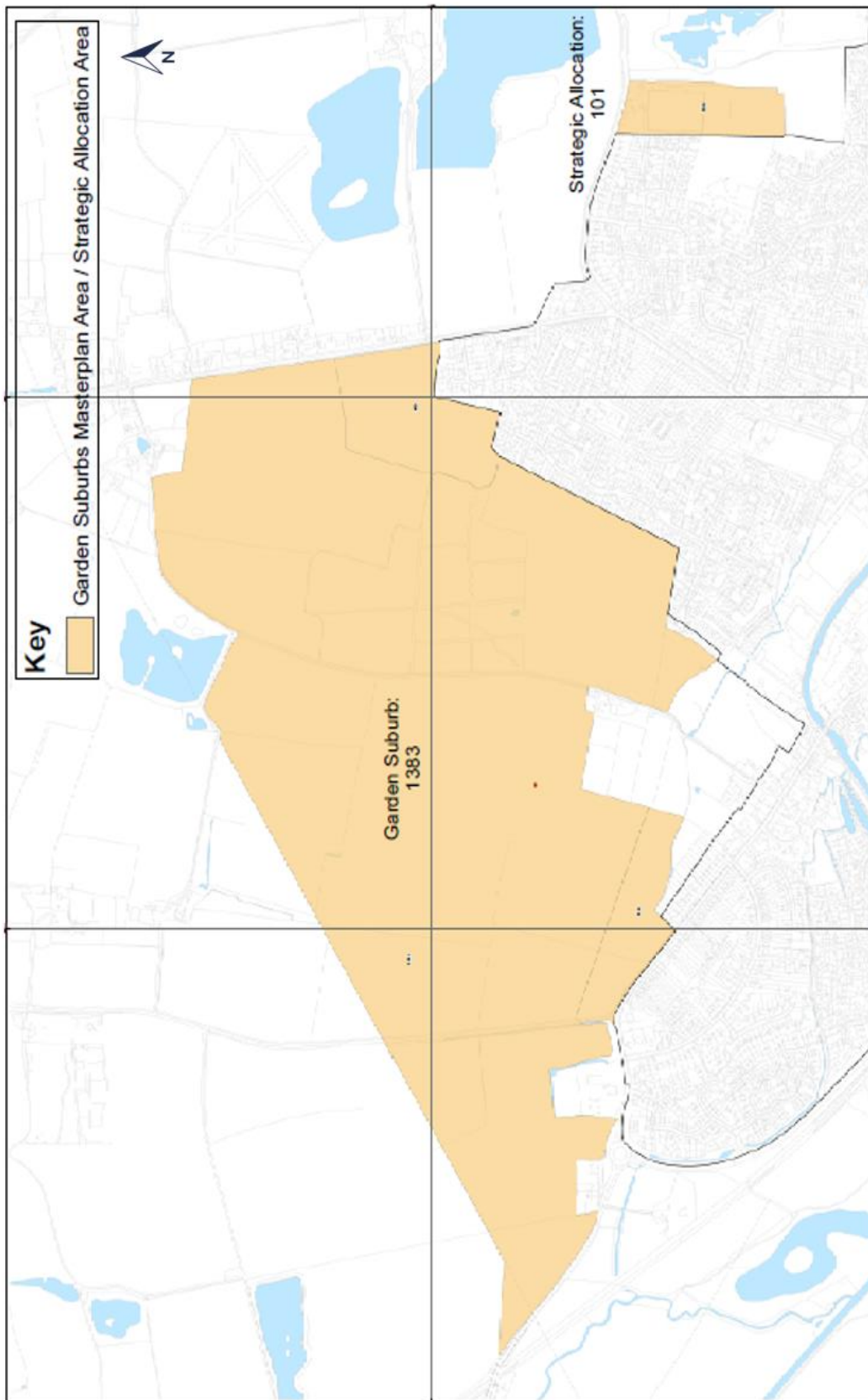


## F – North Heybridge Structure Plan

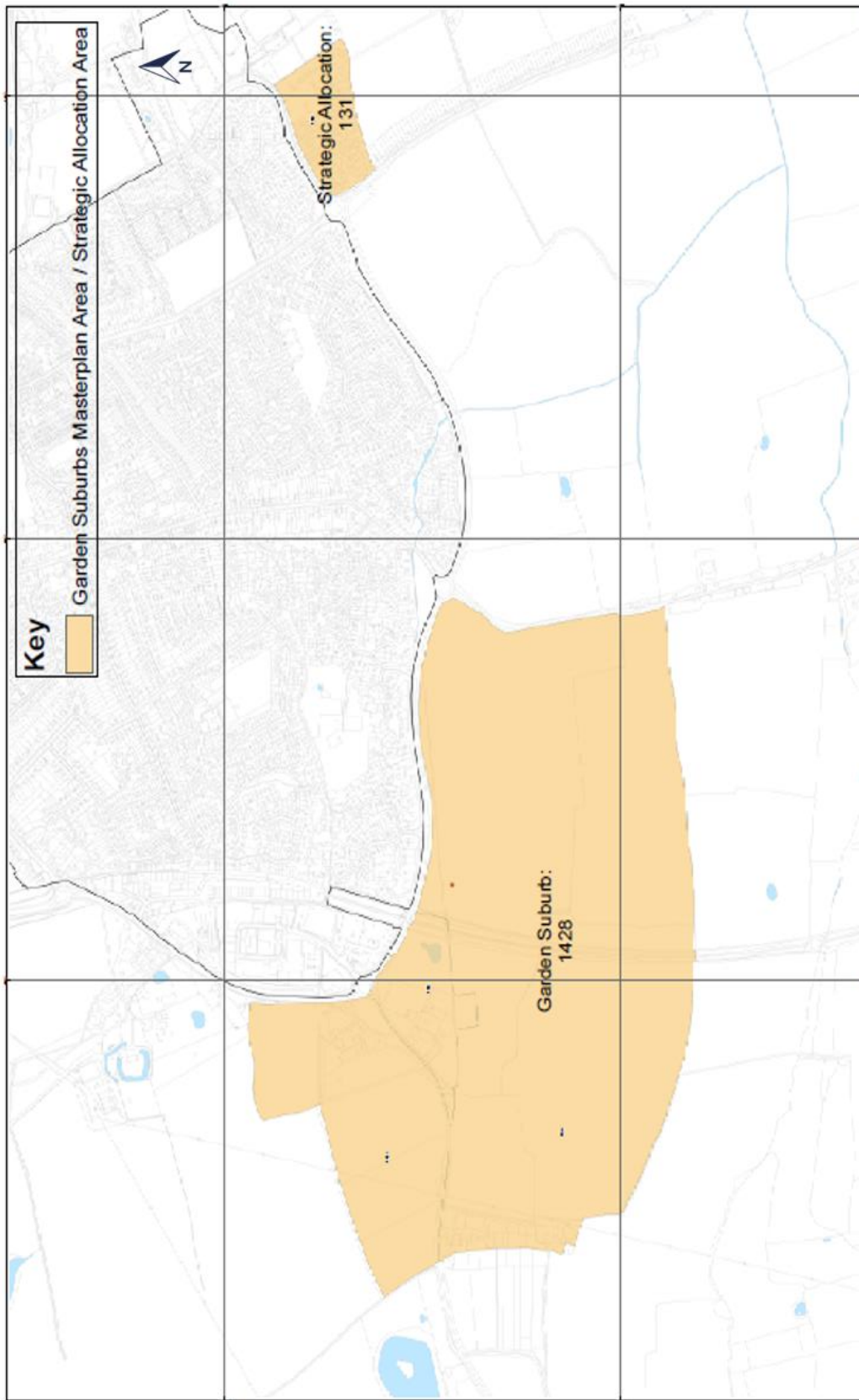




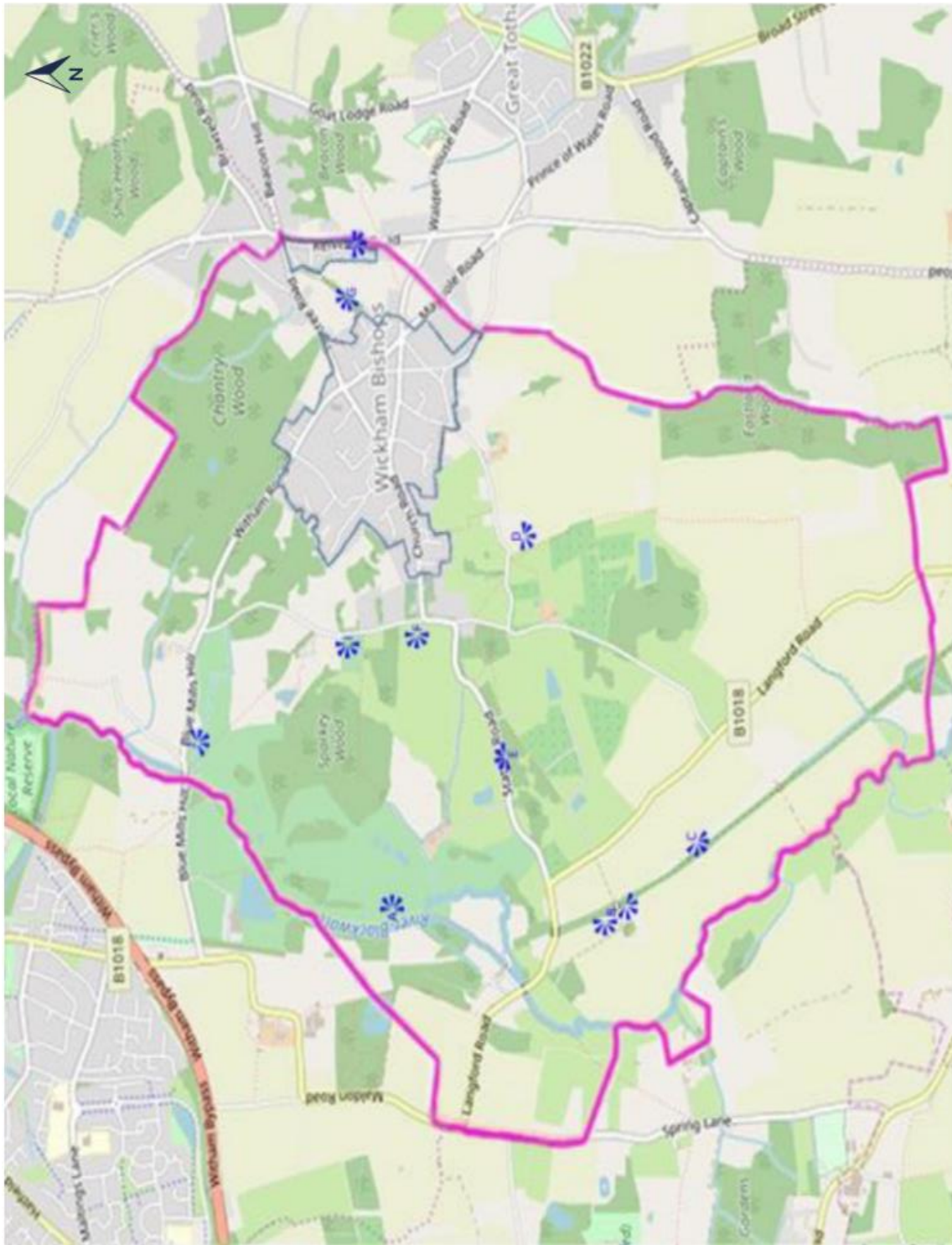
G - Heybridge Garden Suburb



H – South Maldon Garden Suburb



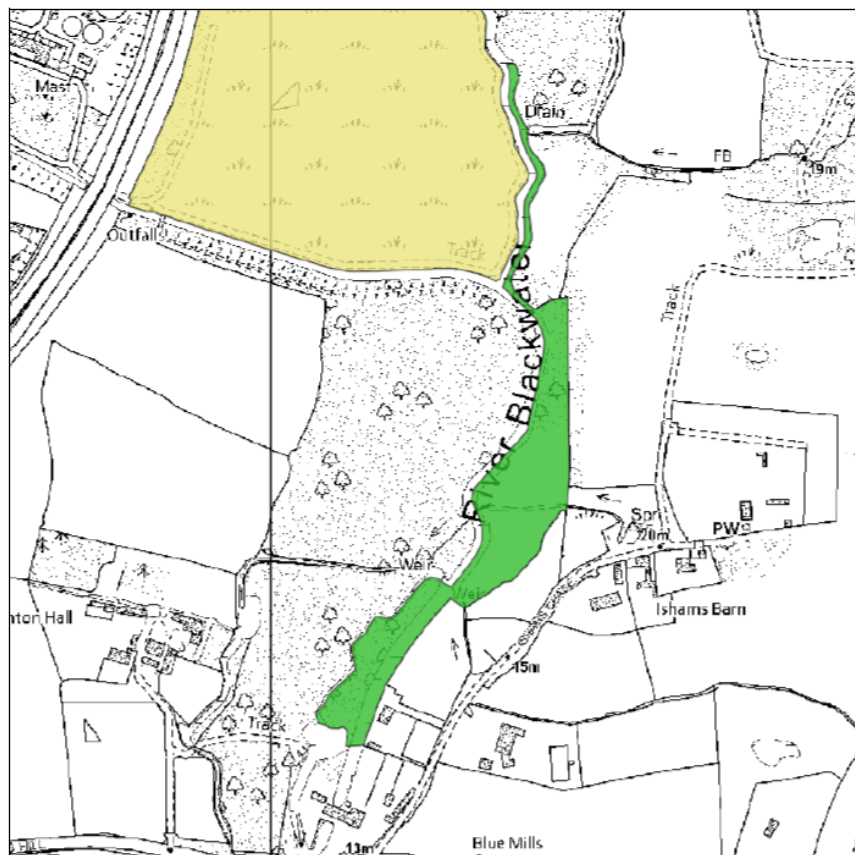
I – Wickham Bishops Neighbourhood Plan Special Landscape Views Map







## K - Blue Mills LoWS



### **Ma90 Blue Mills (2.3 hectares) TL 831 132 to TL 832 138**

This site includes a section of the River Blackwater, riparian woodland, a sedge bed, two large mature native Black Poplar (*Populus nigra* subsp. *betulifolia*) and an Otter holt. The river supports a fringe of marginal vegetation including Branched Bur-reed (*Sparganium erectum*), Lesser Pond-sedge (*Carex acutiformis*), Common Reed (*Phragmites australis*), Purple Loosestrife (*Lythrum salicaria*) and Marsh Woundwort (*Stachys palustris*) with Arrowhead (*Sagittaria sagittifolia*) present within the channel.

Trees overhanging the river include Crack Willow (*Salix euxina*) and a large, mature Black Poplar, also known as Water Poplar, an Essex Red Data List (ERDL) species. A second, similar sized native Black Poplar lies on the eastern site boundary, which also includes Hazel (*Corylus avellana*) coppice and mature Hornbeam (*Carpinus betulus*) and Pedunculate Oak (*Quercus robur*). Both of the veteran Black Poplar are females of significant age and size, and are likely to be two of the largest examples of this increasingly rare species in Essex.

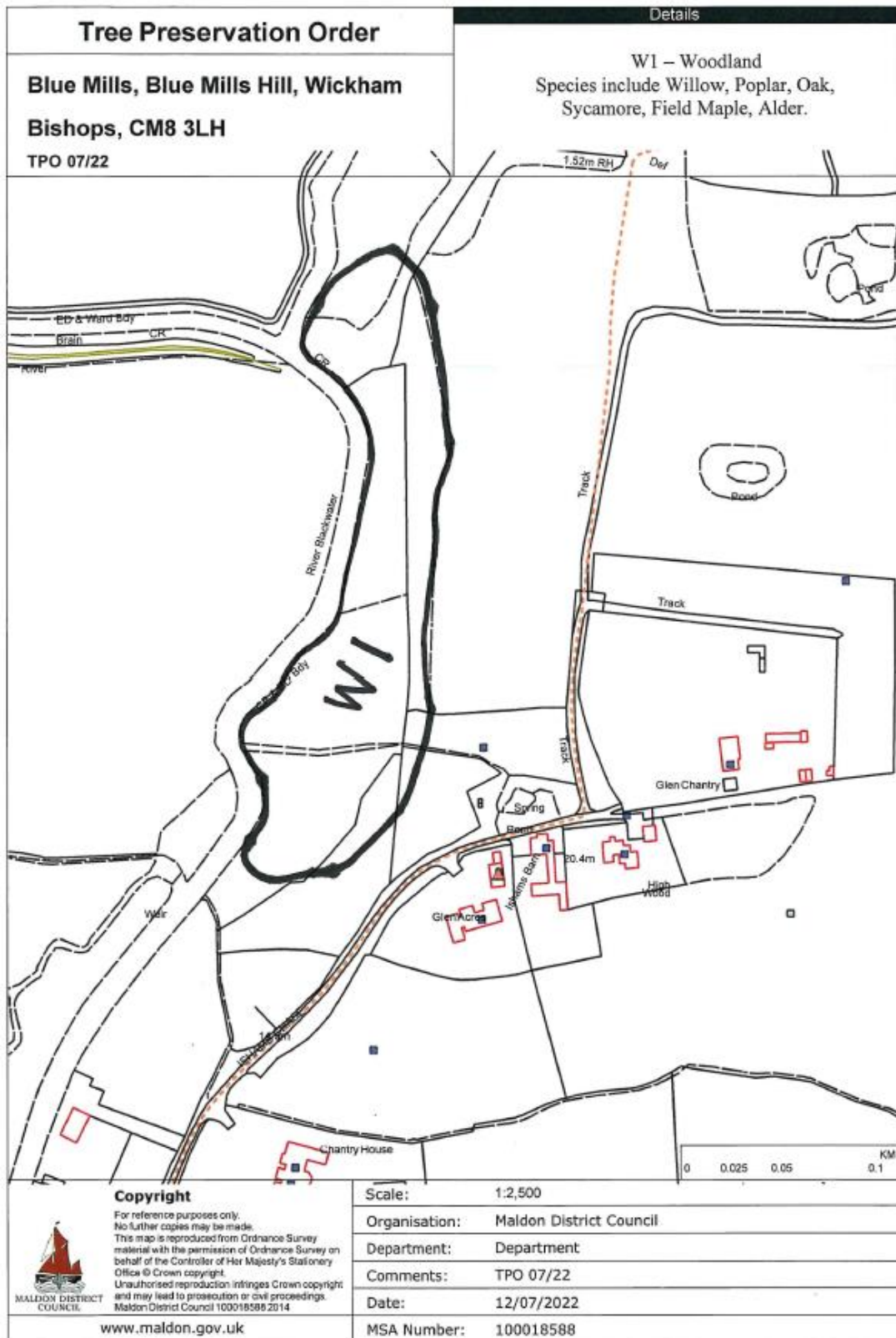
A central area of reedbed is dominated by Lesser Pond-sedge alongside Hemp-agrimony (*Eupatorium cannabinum*), willowherbs and Water Mint (*Mentha aquatica*). To the north and south of the reedbed lie areas of willow woodland, the majority planted in the latter part of the last century, alongside Hazel coppice and a small number of non-native trees. Here, the ground flora is mainly dominated by nettle beds.

Otters, fully protected under UK and European wildlife law, have been regularly recorded and an active bankside Otter holt has been confirmed within the site, accompanied by trails, prints and fresh spraints.

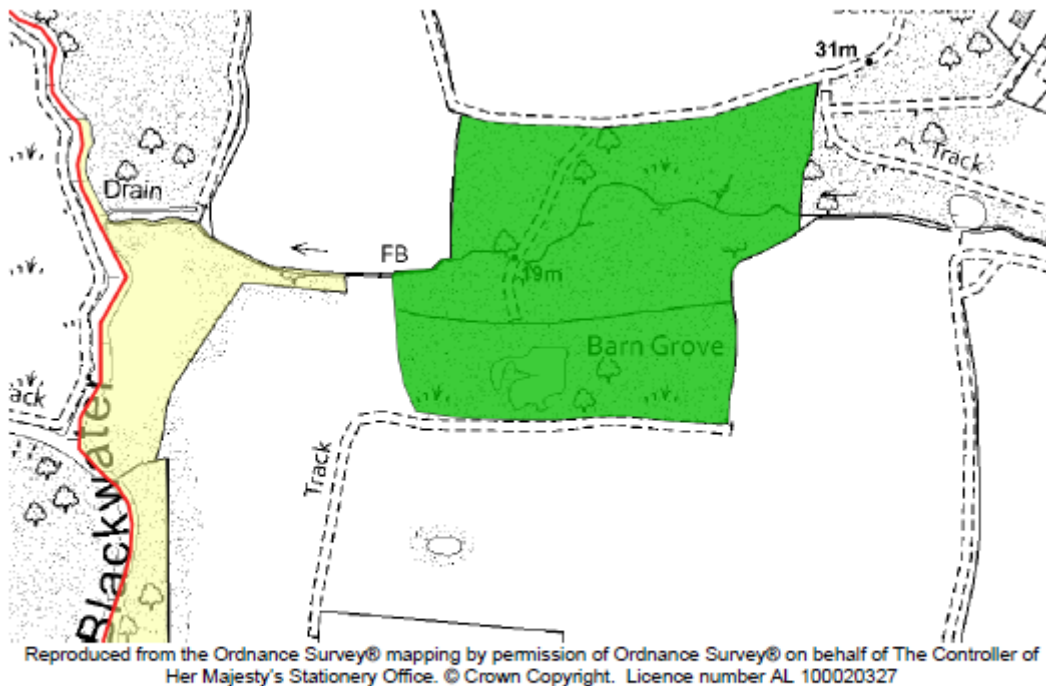
### **Habitats of Principal Importance in England**

Rivers and streams





## M– Barn Grove Citation



### Ma105 Barn Grove (4.5 ha) TL835138

This woodland is set in a valley with dominant oak on both of the steeply sloping sides, the notable exception being an area of wet woodland with old Alder (*Alnus glutinosa*) carr along the central stream. This supports some Alder coppice of significant size and age, both along the stream banks and within other areas of damp ground. Here, the watercourse and adjacent wet flush on the lower slopes support a very large population of Opposite-leaved Golden-saxifrage (*Chrysosplenium oppositifolium*), an Essex Red Data List species. Other marshy vegetation includes Pendulous Sedge (*Carex pendula*). Broad Buckler-fern (*Dryopteris dilatata*) is also present beside the stream.

Above the drier woodland slopes, the woodland canopy comprises mainly Pedunculate Oak (*Quercus robur*), amongst which are some large mature standards and dead pollards. Hornbeam coppice is also present as well as birch (*Betula* sp.) and willow (*Salix* sp.). Hazel (*Corylus avellana*), Hawthorn (*Crataegus monogyna*), Blackthorn (*Prunus spinosa*) and localised Bramble (*Rubus fruticosus* agg.) scrub are present within the understorey and Bracken (*Pteridium aquilinum*) dominates some central glades.

#### Habitats of Principal Importance in England

Lowland Mixed Deciduous Woodland

#### Selection Criterion

HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites

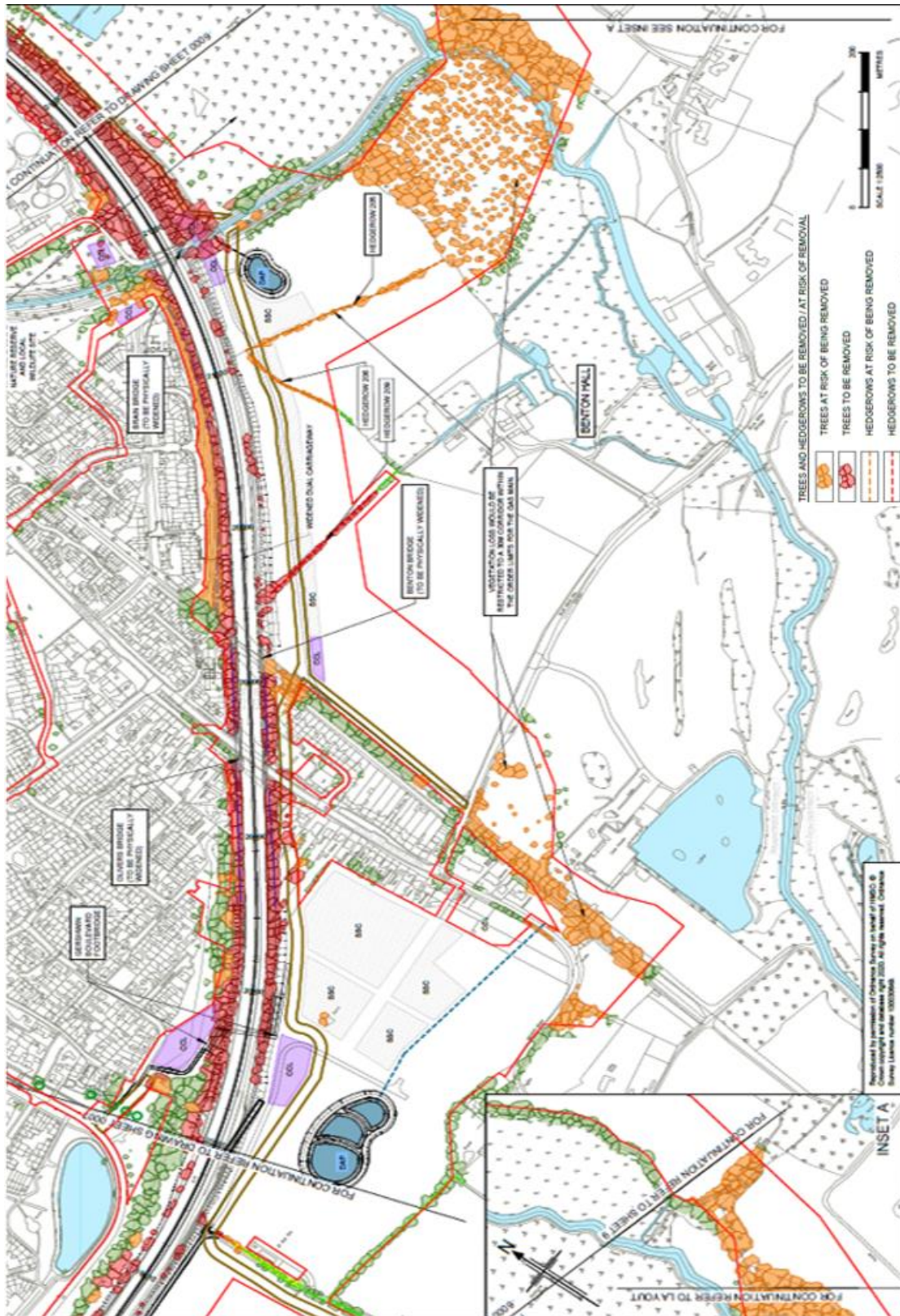
#### Rationale

The woodland is significant in that it supports Alder carr and an associated large area of Opposite-leaved Golden-saxifrage, likely to be the largest population in Maldon district. This, combined with the presence of some large oak standards and Hornbeam coppice, suggests that at least part of the woodland is of significant age, if not ancient.



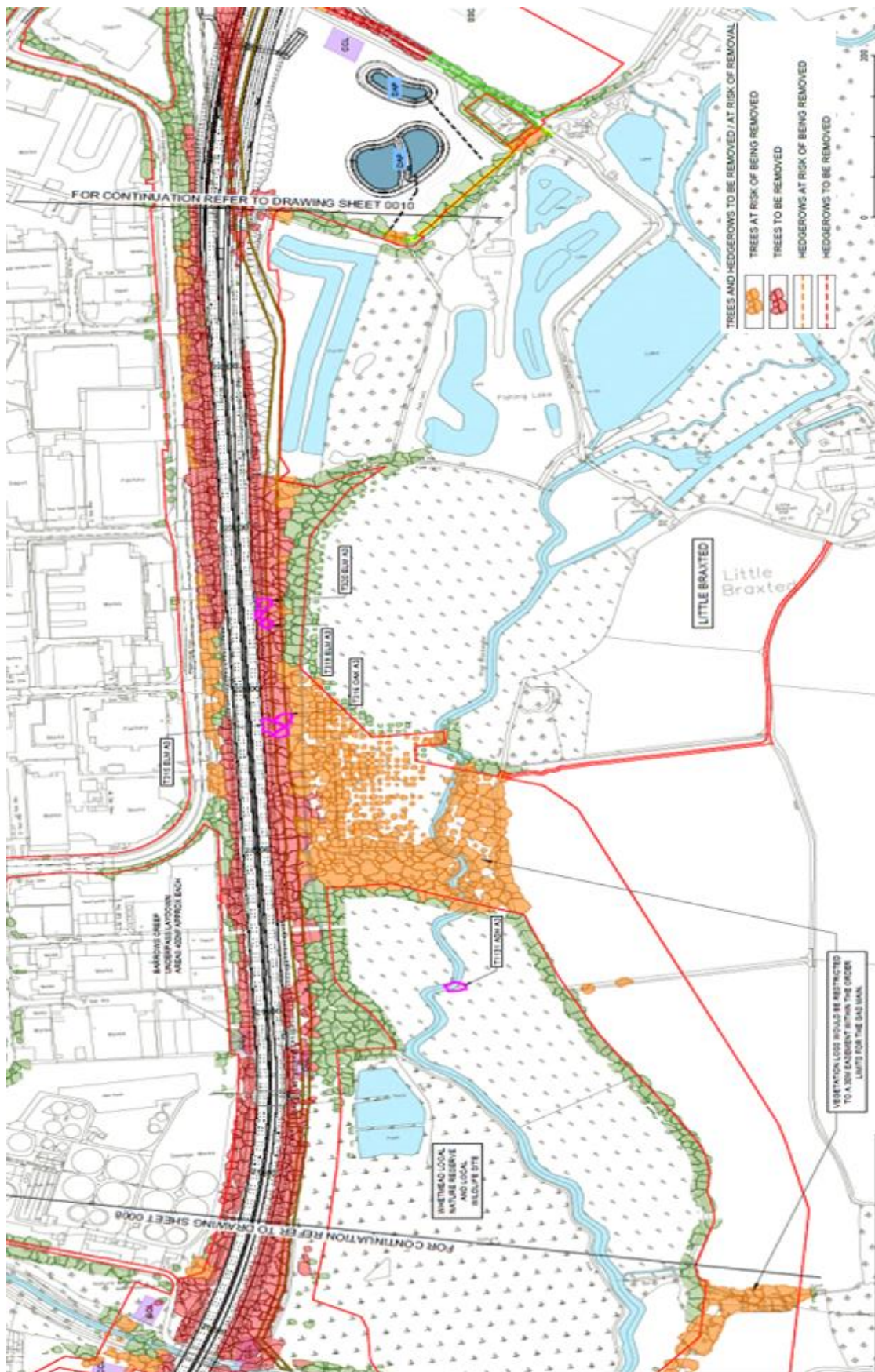
# N – Tree and Vegetation Loss Plans

## Sheet 8 of Retained and Removed Vegetation Plans





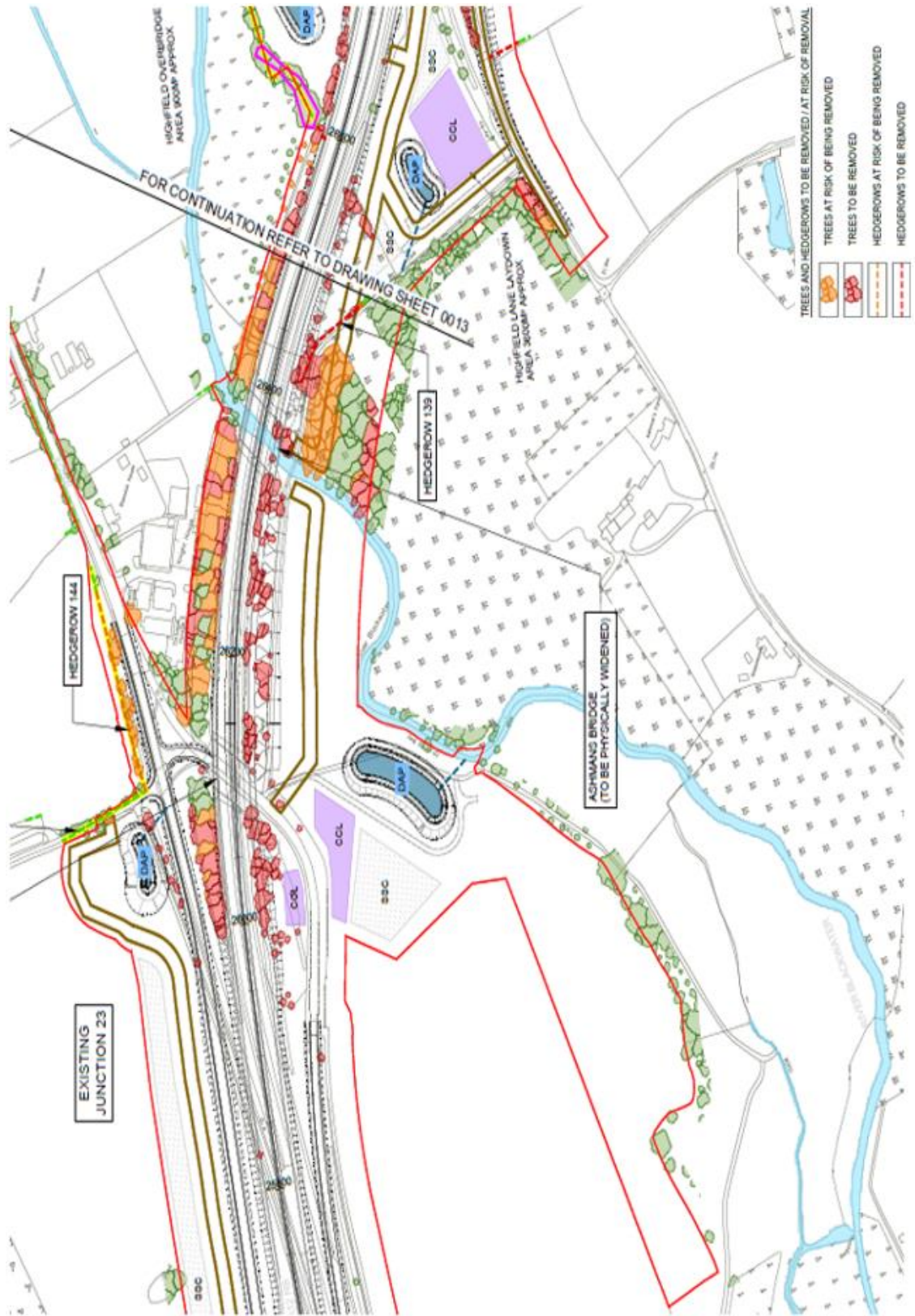
Sheet 9 of Retained and Removed Vegetation Plans







Sheet 12 of Retained and Removed Vegetation Plans





Sheet 13 of Retained and Removed Vegetation Plans

