

A12 Chelmsford to A120 widening scheme

Braintree District Council

ExQ1 - Responses to Written Questions

ExQ	Respondent	Question	BDC Response
Air Quality and Emissions			
2.0.1	CoCC, CCC, MDC, BDC, ECC	Has the Applicant's Construction Dust Assessment, as set out in Section 6.9 of ES Chapter 6 [APP-073], had regard to the latest guidance and is the method used by the Applicant acceptable? Are the LPAs satisfied with the Applicant's proposed mitigation in relation to dust as outlined in the Dust Management Plan, Appendix E to EMP [APP-189]? If not, please explain why	<p>Braintree District Council (BDC) has no objection in principle to the use of a Dust Management Plan (DMP) to ensure appropriate monitoring of dust deposition. This document would need to be submitted to and approved by the Host Authorities at the appropriate time. It may be more appropriate for the DMP to be a freestanding document rather than being incorporated within a wide ranging CEMP. The wording should also be changed to 'should' rather than 'may' to make the required detail of the DMP more certain/robust.</p> <p>As highlighted above the Outline CEMP does include the following paragraph: <i>'The DMP may include monitoring of dust deposition, dust flux, real-time PM10 continuous monitoring and/or visual inspections'.</i></p> <p>Good practice guidance for controlling dust is available within the IAQM 'Guidance on the Assessment of dust from demolition and construction' (2014).</p> <p>BDC Environmental Health requires that any CEMP or DMP must contain clear statements of intent and absolute requirements rather than optional ones. The measures and controls undertaken must be in line with appropriate guidance and the submission makes reference to adopting good practice for high risk sites (as detailed within the aforementioned IAQM guidance) as being embedded within the mitigation. As the DMP is developed then the applicant will need to confirm what emissions to air monitoring is to be carried out and it will need to be agreed with the local authorities for specific activities/incidents. Appropriate monitoring would be a combination of that highlighted in bold above but as a minimum there would be the</p>

			expectation of documented visual inspections to assess any emissions beyond the boundary of the site.
2.0.4	CoCC, CCC, MDC, BDC, ECC	Has Table 6.5 of ES Chapter 6 [APP-073] identified all the key relevant local policies that relate to air quality? If not, please identify those that are missing.	<p>Policy LPP70 of the Adopted Local Plan requires proposals for all new development to prevent unacceptable risks from all emissions and other forms of pollution and to ensure no deterioration of air quality. It states that development will not be permitted where there are likely to be unacceptable impacts upon air quality and the health and safety of the public.</p> <p>Policy FI1 of the Hatfield Peverel Neighbourhood Plan is primarily a Transport and Access Policy but does also specifically state that ‘all new developments should prevent unacceptable risks from emissions and all forms of pollution (including air, water and noise pollution) to ensure no deterioration of current standards’.</p> <p>Policy NE7 of the Kelvedon Neighbourhood plan on pollution generally states that ‘development proposal should avoid any significant increases in... air pollution...’. It requires that proposals demonstrate potential risks to human health and environment, and that risks will be adequately addressed by appropriate avoidance, alleviation and mitigation measures.’</p> <p>Limb A of Air Quality, dust and odour requires that mitigation must be in accordance with up-to-date guidance issued by the Institute of Air Quality Management and limb B encourages a preference for locally dominant native species in either deciduous or evergreen planting.</p> <p>Policy 9 of the Feering Neighbourhood plan is a policy on Moving Around and requires that new development should not have a severe detrimental impact on air quality and public health as a result of increased traffic flows and congestion. The Plan also supports development proposals that provide air quality assessments and detail mitigation measures in accordance with Policy 12 on Climate Change and Sustainability.</p>
3. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))			

3.0.1	NE, CoCC, CCC, MDC, BDC, ECC	In relation to Applicant's approach toward biodiversity net gain, are the parties satisfied with this approach and the Applicant's conclusion? If not, please explain why.	No comment
3.0.2	NE, CoCC, CCC, MDC, BDC, ECC	Has ES Chapter 8: Biodiversity [APP-076], identified all relevant legislation and policy, in particular local policy? If not, please identify which elements are missing and how this relates to the proposed development.	<p>Policy SP7 of the Local Plan requires all new developments to protect and enhance assets of natural value and to incorporate biodiversity creation and enhancement measures. It also requires an integrated and connected network of green and blue infrastructure.</p> <p>Policy SP2 of the Adopted Local Plan secures financial contributions from relevant developments toward mitigation measures in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy 2018-2023 (RAMS) (although the requirement for such contributions relates only to residential schemes). The Policy does however identify the importance of ensuring the safeguarding of these protected coastal sites.</p> <p>Policy LPP63 of the Adopted Local Plan states that development must take available measures to ensure the protection and enhancement of the natural environment, habitats, biodiversity and geodiversity of the District. All developments are expected, where appropriate, to contribute towards the delivery of new Green Infrastructure to develop a network of multi-functional green spaces and natural features throughout the District.</p> <p>Policy LPP64 of the Adopted Local Plan seeks to protect nationally or internationally designations of protected species, priority species and priority habitat. It states that in relation to sites of national or international designation '<i>sites designated for their international importance to nature conservation; including Ramsar sites, Special Protection Areas, Special Areas of Conservation, should be protected from development likely to have an adverse effect on their integrity whether they are inside or outside the District. Proposals which are considered to have a likely significant effect on these sites will require an Appropriate Assessment in line with</i></p>

			<p><i>European and domestic legislation</i>'. Proposals which result in a net gain in priority habitat will in principle be supported, subject to other policies in the Development Plan. It goes on to state that <i>'Where priority habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of priority habitat in Braintree District'</i>. It also requires Ecological Surveys to be submitted by Developers to demonstrate that an adequate mitigation plan is in place.</p> <p>Policy LPP64 also states that <i>'proposals resulting in the loss, deterioration or fragmentation of irreplaceable habitats such as ancient woodland or veteran trees will not normally be acceptable unless the need for, and benefits of the development in that location clearly outweigh the loss'</i>. Finally, the Policy also seeks to protect Local Wildlife Sites, Local Nature Reserves and Special Roadside Verges.</p> <p>Policy LPP65 of the Adopted Local Plan covers Tree Protection. Preservation Orders may be placed on prominent trees which contribute to the character of the local landscape and have a reasonable life expectancy and trees which make a significant positive contribution to the character and appearance of their surroundings should in general be retained unless there is a good Arboricultural reason for their removal. Trees of higher quality are also identified as being a material consideration in the planning process. Overall, the Policy seeks to retain and protect trees and to ensure that unnecessary, poorly considered or excessive tree loss is prevented.</p> <p>Policy LPP66 of the Adopted Local Plan addresses the protection, enhancement, management and monitoring of Biodiversity. It states that <i>'Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development'</i>. Some examples of enhancement are given such as watercourse improvements to benefit biodiversity and water quality, habitat creation and wildlife links.</p>
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3.0.3	NE, CoCC, CCC, MDC, BDC, ECC	In terms of ES Chapter 8: Biodiversity [APP-076] and its Assessment Methodology, including scope, approach, assessment of significance, assumptions and limitations and study area, do the parties consider the approach and conclusions to be robust? If not, please explain why and what is required.	No comment
3.0.4	NE, CoCC, CCC, MDC, BDC, ECC	Are the parties satisfied with Applicant's approach towards mitigation of impact upon protected species? If not, please explain why	No comment
3.0.5	The Applicant, NE, CoCC, CCC, MDC, BDC, ECC	Paragraph 9.10.26 of ES Chapter 9 [APP-076] states 'Impacts to Whetmead LNR and LWS would be offset through creation of habitats within the proposed scheme. Due to ground conditions, there is limited scope for additional planting to improve the existing LNR/LWS or to restore or improve the condition of formerly wet habitats within the site.' Please explain in more detail and in particular, identify where within the proposed	BDC believes this query is addressed to the applicant who would need to identify where the habitat offsetting is taking place. We reserve the right to comment further once this information is submitted.

		scheme will the impact be offset. Are the parties satisfied with the Applicant's approach?	
8. Geology and Soils			
8.0.1	CoCC, CCC, MDC, BDC, ECC	In relation to best and most versatile land, are the LPAs satisfied with the approach and conclusions taken by the application with regards to unsurveyed agricultural land? If not, please explain why.	Yes, BMV is addressed in the Geology and Soils section of the Council's Local Impact Report. A total of 544.5ha of agricultural land was identified and only a small fraction of that remained unsurveyed. The Council is satisfied with the approach taken and the ES conclusions.
11. Historic Environment			
11.0.1	The Applicant Historic England Local Authorities	There are a number of archaeological remains, in and close to the Order Limits, which would be adversely affected by the construction of the Proposed Development. In addition, please provide more detailed justification for concluding moderate adverse residual effects from the Proposed Development on the archaeological remains [APP-074]. Historic England and LAs to comment. Applicant – what consideration has been given to the effect of the Proposed Development on all these remains combined? Are parties satisfied with the approach, scope and conclusions of the	Refer to ECC as statutory undertakers for Archeology

		archaeological assessment, and proposed mitigation?	
15. Noise and Vibration			
15.0.1	CoCC, CCC, MDC, BDC, ECC	ES Chapter 12: Noise and Vibration [APP-079], does table 12.4 reflect the latest and most relevant development plan policies? If not, please identify those that are missing.	Yes, please see the Council's Local Impact Report
15.0.2	CoCC, CCC, MDC, BDC, ECC	Are the LPAs satisfied with the Applicant's identified methodology as set out in 12.5 of ES Chapter 12: Noise and Vibration [APP-079]? If not, please explain why. In particular, do the parties have any views on the Applicant's use, approach and conclusions with regards to the use of SOAEL and LOAEL?	Yes, please see the Council's Local Impact Report
15.0.3	CoCC, CCC, MDC, BDC, ECC	Paragraph 12.5.24 of ES Chapter 12: Noise and Vibration [APP-079]? identifies the Applicant's consideration of significant effects from construction activities. Are the parties satisfied with this approach as set out? If not, please explain why.	Yes, please see the Council's Local Impact Report
18. Water Environment			
18.0.1	EA, CoCC, CCC, MDC, BDC, ECC	Are the parties content with the Applicant's Flood Risk Assessment (FRA) and drainage proposals as detailed in Appendix 14.5 [APP-	No comment

		162] and Appendix 14.6 [14.6] of ES Chapter 14: Road drainage and the water environment [APP-081]? If not, please explain why and what additional information is required.	
18.0.2	EA, CoCC, CCC, MDC, BDC, ECC	ES Chapter 14: Road drainage and the water environment [APP-081], do the parties agree that section 14.8, baseline conditions, is an accurate assessment of the current situation? If not, why not.	Refer to ECC as statutory undertakers for surface water flooding