

27th Feb, 2023;

**Messing and Inworth Action Group Limited (MIAG)**

**Messing-cum-Inworth Parish Council (Mcl PC)**

**The documents analysed are;**

**Essex County Council (ECC) -**

**Local Impact Report (LIR);**

**Letter of 7<sup>th</sup> February, 2023 to NH;**

**Essex Highways (EH) -**

**Inworth, Messing and Tiptree Technical Note (IMTTN);**

**National Highways Limited (NH) -**

**Statement of Common Ground (SOCG)**

**Email 08.02 Mcl PC**

**Email chain 22.02.23 - *iro* resident of Messing**

**OFH 1/OFH 2 - NH written responses;**

**Letter from Ms Priti Patel, MP**

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The overarching objective for both Mcl PC and MIAG continues to be that the Examining Authority, Planning Inspectorate and Secretary of State, recommend the adoption of **The Main Alternative** for Junction 24 of the A12/A120 Widening Scheme.

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On detailed review of all the documents detailed above, they show that NH has continually failed to properly consult with all stakeholders (including ECC and EH). NH continue to delay, obscure and avoid questions that do not align with their predetermined view. NH continue to press ahead with discredited statistics and questionable justifications to the frustration of all stakeholders and consultees.

These notes will highlight just some of those flaws, and it is the hope of MIAG and Mcl PC that the Examining Authority (ExA) will study the failings of ECC and NH in light of the various criticisms and commentaries provided.

*(For the purpose of this response paper, MIAG and Mcl PC shall be referred to simply as MIAG, unless the matter is more directly and specifically related to Mcl PC - nothing shall be construed to diminish or set aside each position).*

## Essex County Council -

### Local Impact Report (LIR);

MIAG is pleased to note that the document, submitted and headed 'ECC Deadline 2 Submission – Local Impact Report', is alert to the concerns of the communities affected by NH Junction 24 plans, and supportive of the commentary, papers, reports and notes submitted by MIAG.

This review is not intended to rehearse statements previously made and submitted but is instead a review of the matters where MIAG believe that ECC in their LIR has failed in its obligations to all communities within its purview, and specifically failed to robustly defend communities from the Junction 24 plans of NH.

In MIAG's view, which ECC has failed to address in the LIR, is that the proposed scheme as designed is not supported by the policies of the National Networks National Policy Statement (NNNPS) and is therefore contrary to section 104 of the Planning Act 2008.

MIAG have reviewed the draft Development Consent Order (dDCO) and Explanatory Memorandum (EM) submitted in support of the DCO application. MIAG has a number of concerns to raise with the content of the dDCO. Again, MIAG is most disappointed that ECC have failed to raise these same concerns, and have failed to bring them to light in the LIR.

MIAG is not convinced that the EM is correct in its assertion that the scheme is an alteration proposal under s. 22(1) (b) of the Planning Act 2008. It is clearly the case that the section of the A12 to the south of Feering running north to Marks Tey (an approximate distance of between 5km and 6km), constitutes the construction of a new highway (satisfying the definition of s.22 (1) (a)).

This stretch of new highway contains little, if any, 'alteration' to the existing A12 and is not supported by s. 22(1) (b). As such, MIAG considers that the section of proposed new road between Feering and Marks Tey is a separate NSIP for which NH has not applied for consent as part of this application. The application form [APP1.2] refers to 'construction of a highway' and not the 'alteration' of a highway. (LIR - 7.5, 8.3.76).

At this stage therefore, MIAG believes the entire dDCO fails as a result of these breaches of NSIP and NNNPS planning requirements and should be sent back.

MIAG is disappointed that ECC and its legal advisors have failed to notice this, and have made no comment or observation.

At 9.2.12, ECC state 'there is a lack of clarity of the scheme'. Whilst this is in specific reference, it holds for the wider adverse impacts on NH Junction 24 and its surrounds. For example, ECC and NH are pointing at each other concerning Hinds Bridge and who will be 'responsible'. The plan should not be allowed to continue until this is clarified. NH have arrived at the point where they are abrogating responsibility to ECC who in turn are refusing (citing cost and related factors), to accept it. Where does that leave the users of the B1023 and the villagers of Messing and Inworth - as well as those of Feering, Tiptree and Kelvedon?

MIAG do note with considerable concern the comments from ECC that they are 'significantly stretched' in terms of resources (1.32). It is the belief of MIAG that NH have deliberately used this situation to fail to give timely responses, to fail to satisfactorily answer questions and fail to allow ECC a proper chance to fully consider the 'adverse impacts on local roads' (8.3.4). This deliberate tactic echoed several times in the LIR, including;

1.1.6, 1.1.7 and 1.1.8 - ECC observe that 'adverse impacts' should be minimised - ECC fails to note that the **Main Alternative** provides ample scope and opportunity for that;

1.1.9 - ECC notes that several communities will be 'severely impacted by the proposals as they stand' and even at this stage of the LIR, ECC opine that 'fundamentally some material changes to the proposals are required';

8.2.8 - NH have 'not given meaningful consideration';

8.2.28 – ECC observe that concerns about NH strategic modelling is 'skewing forecasts';

8.2.35 - ECC notes it is 'still waiting' for justification of forecasts;

8.3.66 - there is 'no evidence that NH have 'assessed a suitable range of options';

8.3.72 - NH have 'seemingly given limited consideration'.

ECC also note of the entire project that it is 'incredibly challenging, with demand uncertainty market volatility and rising inflation and interest rates' (6.8.3). MIAG are concerned that the entire plan does not address new working formats and the modern 'WFH' environment with a project scheduled to take nearly a decade to complete and full of 'road safety difficulties', (6.8.5).

This NH plan at Junction 24 clearly precludes ECC - ESSEX LTP from 'delivering the best quality of life for the residents of Essex' (6.7.3). MIAG feel that this statement, by default, specifically excludes the villages of Messing and Inworth. This same paragraph refers to 'sustainable communities'. It is again clear that the plan promulgated by NH will destroy our communities - totally unnecessarily. By 8.2.2., this exclusion of our villages from the grandiose ECC plans is obvious.

How can the villages of Messing and Inworth have an 'enhanced sense of space' and feel the 'conservation of the natural and built environment' when our views, alternatives and workable solutions are ignored and marginalised?

MIAG continues to feel, and has seen no commentary to change this view, that Messing and Inworth are sacrificed for the Junction 24 NH plan without proper consideration of alternatives and likely devastating adverse impacts. Indeed ECC, in echo of their 'stretched state', observe that 'availability of officer time and resourcing has influenced their methodology' (9.10.2), but they 'expect District or Parish Councils will be better placed to identify and assess these'.

This is an outrageous abrogation of ECC responsibility to all its residents and communities, and the scale of impact in terms of those small communities' verses larger ones should not be the maxim by which a judgement is reached. ECC should be allowed the resources and officer time to consider the impacts on all communities.

MIAG believes that ECC has not been able to address many of the concerns raised because NH have failed to supply relevant or meaningful answers to questions. In some cases these matters have been outstanding for months (one such delay has been since March, 2022);

MIAG challenges the assertions made by ECC in several instances. The so called 'cumulative impacts' (6.1.1) are not assessed by ECC, and MIAG feel that all strands of the dDCO that adversely impact Messing and Inworth have not been assessed 'together'. In isolation, each point, whilst ECC is often critical of NH, is not linked to the cumulative 'whole' of the resultant destruction of the two villages, or the way of life nor in 'delivering the best quality of life for residents'.

The ECC LTP4 - (6.7.8) specifically notes the 'direction of travel' for this as yet un-adopted plan. It notes 'sustainable communities' and 'connecting people and places' as two of its aspirations. MIAG questions how dividing villages and allowing vast increases in traffic to destroy two small communities achieves this. ECC deferentially 'asks' that NH pay attention to this 'direction of travel'.

There is no evidence that any such consideration or consultation has taken place.

8.2.29 - ECC apparently accept the modelling assessment, but then spend several paragraphs questioning it. MIAG find this contradictory and without merit. In fact, despite their statement here, ECC evidently do not accept the modelling assessment. Indeed ECC own Essex Highways documents (*qv herein*), seriously call these NH studies into question.

MIAG finds this confusing and would request ECC make a clarifying statement about their position *vis a vis* Traffic Modelling, Traffic Assessments and all related extrapolations.

It is essential in understanding the contradictory nature of ECC position to also see paragraphs 8.2.24 - 'uncertainties', 8.3.1 - 'not the case in all instances' (but ECC fails to note which are not so), 8.2.6 NH proposals 'are at odds with ECC pace making agenda' *iro* of several features of the Junction 24 plan - all of which relate to traffic and forecast flows;

8.3.67; MIAG do not accept ECC traffic modelling reductions and their explanations which are contradicted by their own EH report IMTTN. ECC even go so far as to say there is 'insufficient information on traffic flows' - (8.3.62)

This causes MIAG to question how ECC can credibly say it 'supports' the modelling and flow forecasts. This lack of cohesion in robustly questioning NH is deeply concerning;

ECC note that NH are not in line with NPSNN or DMRB designs and do 'not go far enough'. It is again disappointing to MIAG that ECC are not more forceful in this regard, and this failure to robustly engage with errors and failings of NH points to the issue of resource, but possibly and significantly, of conflict of interest, with 'payment of an agreed sum' (1.3.1).

MIAG is most concerned at the lack of transparency, their purpose and the clarity of these 'agreed' sums.

ECC comment that 'in order to reduce the likelihood of traffic over and above' those forecast. Why has ECC not challenged NH about what it sees as 'likelihood' of error in a forecast? The measures proposed at 8.3.4 over which the ECC has 'concerns' would all be obviated by **The Main Alternative**.

These noted factors of speeding excess, width improvements, and traffic impacts on junction capacity are all addressed in the MIAG - TPA report submitted to the ExA (13.02.23).

The matter of the 'Inworth Roundabout' design and ECC position is deeply concerning.

Several opinions cite that the current design is dangerous and not fit for propose. An example is possible traffic incidents as drivers look back over their shoulders to join the traffic flow. The Stopping Sight Distance (SSD) is challenged by several independent experts, and neither ECC nor NH seem to know how to respond. The Segregated Left Turn Lane (SLTL) is also design flawed.

Yet ECC, despite requests from MIAG, have not supplied copies of the current roundabout planning.

8.3.64 - ECC acknowledge the risks of 'rat running' and whether the current design can accommodate traffic predictions - which they already state they disagree with as 'too low'.

No amount of 'subtle intervention' from ECC 8.3.70 - for the 'significant concern of the uncertainty of the traffic modelling forecasts' - allows for the working village nature of these agrarian communities. Road narrowing would hamper or prevent farm vehicles movements. 'Signage' will only be observed if it is programmed into satnav machines. Widening is largely discredited by all technical and speed studies. 'Enforcement measures' are not going to benefit the villages as 'rat running' car drivers avoid some enforcement on B1023 by speeding through the narrow lanes of Messing. All this is acknowledged without solution by ECC.

MIAG believes that both ECC and NH have abandoned their obligations and responsibilities in the face of these problems, and have determined to leave them unanswered despite the evident peril and danger to the villages.

These matters are highlighted in EH report IMTTN, which is heavily critical of the NH assessments and calculations.

The solution is **The Main Alternative**, where the need for all these measures is obviated.

9.4.14 - Inworth Road is acknowledged as already prone to severe flood risk. The NH plan only mitigates the impact 'of the additional paved areas as a result of proposed ... widening'. It does not attempt to address the collateral and cumulative effects of the design plan, existing flood risk and the predicted increase in road traffic, with consequent safety risks and dangers.

MIAG is concerned that our local wildlife and eco systems (9.6.1), will be seriously jeopardised by increases in traffic flows and no attempt has been made by ECC or NH to study this in either village. Mention is made of veteran trees and bat populations. Both of these are 'at risk' through the villages of Inworth and Messing if this Junction 24 NH plan goes ahead without robust intervention by ECC to protect the species found in these environs, and to maintain its avowed goals of 'sustainable communities' and 'best quality of life'.

The heart of Messing is a conservation area and as such is subject to specific protections (Listed Buildings and Conservation Areas Act 1990 (section 72)). NH and ECC have failed to address the concerns of the Messing village conservation area and have failed to mitigate, discuss or consult on the consequences of the Junction 24 plan to this highly specific area. (9.7.33).

It is another regrettable failing on the part of over stretched ECC, but it is a substantial failure nonetheless.

MIAG does not agree with the statements at 9.8.10 and feels that ECC has once again taken a line of least resistance with its approaches to NH and with a ready acceptance of flawed and incorrect plans. It is clear that the 'local landscape character' will be irreversibly and disastrously altered by the NH plan. Whilst MIAG acknowledges some impact from **The Main Alternative**, it would be minimal in comparative terms.

ECC has failed to recognise this.

It is clear (10.18/19/20), that there are 'no clear advantages' to the plan submitted by NH for Junction 24.

MIAG respectfully challenges NH and ECC to clarify why **The Main Alternative** has not been properly and thoroughly investigated and detailed plans and studies made.

## ECC letter of 7<sup>th</sup> February to Mr P Davie, NH

This is the current final part of a chain of correspondence that has several weeks of interval between exchanges. This does not appear to be related to work done in the intervening period. This response relates directly to exchanges in October 2022 - some 5 months earlier.

MIAG is aware of ECC claims of 'stretched resources', but these periods of time are simply unacceptable.

In the generality, MIAG would refer to pages 3-6. However, in broad terms it should be noted that MIAG has concerns surrounding matters that are specific to other constituent parts of the scheme and echoes very many of the concerns voiced by other stakeholders about failings in communication and strategy from ECC.

The final paragraph on page 3 draws together just 3 of the concerns of MIAG highlighted by ECC. There are very many more which are noted in the silence from ECC. These comments are also made in the LIR (*qv MIAG comments*).

1. It would appear that there is a new drawing of the 'proposed' roundabout. MIAG have made several requests for sight of this and at 27.02 we have not been provided with a copy to review and consider. MIAG feels this to be egregious and hurtful to our position and requests the ExA note not only that concerned villagers are being prevented from studying these developments, but are actively being denied sight of material information;

2. MIAG does not accept the false modelling and challenges both ECC and NH to explain and justify their calculations, especially in light of ECC own report IMTTN which clearly calls them into question. MIAG firmly believes, as do several other Interested Parties, as well as regional and local councillors, that Hinds Bridge is inadequate for current traffic needs and will not be robust, wide or structurally able to handle the proposed increases in traffic.

MIAG challenges ECC and NH to provide studies and full analysis of this vulnerable bridge. ECC hold the view that it should be widened. This contradicts their own statement and is further illustration of the lack of robust thought and planning from ECC on this specific issue. ECC seem to agree with NH on various 'pinch point' observations, then confusingly go on to disagree. This lacks clarity of thought and structure.

MIAG requests that ECC make a definitive statement about Hinds Bridge and pinch point planning as part of their strategy for B1023;

3. MIAG does not believe nor understand the use of the word 'subtle' in relation to the anticipated volumes of traffic, speeding and 'rat running' from the Junction 24 NH plan in specific regard to Messing.

MIAG believes that ECC have assumed that NH plan will be accepted, and have made no rational attempt to consider the consequences on Messing and Inworth. They have instead sought further 'studies' and discussion. As this letter shows, it has taken over five months just to get to this stage. In our view it is highly unlikely that any reasonable position can be reached in a timely manner. This is irrespective of an SOCG between NH and ECC, which must reflect and addresses the real and dangerous issues surrounding the NH plan.

Once again, **The Main Alternative** represents the best option to negate or mitigate all these matters.

Finally, ECC comment that they are still waiting for modelling enquiry answers to questions sent in September. Once again, this is a ridiculous time line and one which ECC should have been robust in challenging and in holding NH to account.

## Essex Highways (EH) -

### Inworth, Messing and Tiptree Technical Note (IMTTN);

The technical note (TN) firstly provides an overview of three different options for Junction 24 and Inworth Road. These are DS2, DS3 and DS4 detailed in the Preferred Route announcement (DS2) and the technical note "Junction 24, Inworth Road and Community Bypass Technical Report, 25-05-22" (DS3 and DS4). The technical note shows that the DS2 option significantly increases traffic flows through Messing for both AM and PM peaks. Option DS3 would not cause as great an increase in traffic through Messing, since access to Kelvedon Road would not be quite as easy as for Option DS2.

Predicted traffic flows through Messing for Option DS4 - **The Main Alternative** - would be far less than for either Option DS2 or Option DS3.

This section of the TN finishes with the NH conclusion that:

*"Although the scoring was close, on balance of all considerations the mitigation measures on Inworth Road (Option DS2) were found to be the preferred option when scored against either a DS3 or DS4 community bypass"*

Following the above statement the TN goes on to question the criteria by which NH have analysed each of the three options. NH have stated that they have based the assessment on the Road Investment Strategy (RIS) objectives, but the TN finds it unclear where these objectives have been obtained from. The TN continues by saying that some of the assessment categories seem to share similarities with NH 'RIS2 Vision and Performance' specification headings but with no direct correlation to these. The technical note highlights a concern that by using only selected criteria the scoring for each of the three options is not robust and could distort the ranking of the options.

MIAG draws the conclusion of conformational bias on the part of NH which is exposed here by EH, and shapes and impacts all subsequent determinations and judgements made by NH.

As an independent check, Essex Highways have carried out their own assessment of the different options using the Department for Transport's (DfT) Early Assessment Sifting Tool (EAST).

MIAG is pleased to see this and feels that EH have not simply accepted NH statements, as ECC evidently did.

Firstly, they made a comparison by only matching equivalent objectives used in the NH assessment with EAST objectives, meaning a significant proportion of the EAST objectives were not considered. The results for all options in this case were all negative but retain the same order and similar differences in scores as for the NH assessment.

When the assessment was repeated, but with all the EAST criteria included, the scores were again all negative but closer for all options than had been shown by previous assessments. Regarding the negative scores of all options, the recommendation of the TN is that further mitigation should be investigated, over and above the measures proposed by NH.

What has ECC done about this and where are NH responses to this? The dialogue has been going on for months and months and we are now within the Examining Authority review period for the dDCO with substantial and critical questions unanswered.

The TN suggests that NH have only chosen criteria that are biased to show Option DS2 to be the better route.

MIAG believe that EH have exposed the false narrative of the criteria used by NH and respectfully ask that the ExA hold NH to account on this matter.

None of these assessments have included for the cost of a possible replacement for Hinds Bridge, which would become a serious pinch-point with the increases in traffic caused by Option DS2 and to a lesser extent by Option DS3. This would, of course, further reduce the scores for both the Option DS2 and Option DS3 routes.

With reference to Hinds Bridge, the TN states (para. 5.3.2) that “In line with the localised widening proposed elsewhere on Inworth Road, it would be logical for this structure to be widened so that it can accommodate two large vehicles passing in opposite directions.”

ECC have taken no note of EH observations, nor the repeated statements from MIAG on this matter. This shows yet another serious failing on their part, and whilst ‘stretched resources’ may be the proffered excuse, ignoring advice and guidance from EH is inexcusable.

Option DS4 (**The Main Alternative**) would not require Hinds Bridge to be replaced and would not cause any delays to traffic on Inworth Road while a replacement bridge was being constructed. The technical note does not discuss the concerns over the design of Inworth Road Roundabout used by Options DS2 and DS3.

MIAG believe that this is an oversight, and respectfully ask that the ExA request EH to conduct investigations into such concerns.

Option DS4 would have roundabouts designed consistently to DMRB standards, which would represent less of a risk of the future remedial works that Inworth Road Roundabout will require due to the incorrect and design flawed mixture of Rural and Urban design standards being used.

Option DS4 (**The Main Alternative**) should therefore have a score closer to Options DS2 and DS3 than given by both the NH and Essex Highways assessments.

MIAG point to this as evidential proof that The Main Alternative was dismissed ‘out of hand’, was then passingly studied, and results used to simply confirm the already made decision. MIAG points to basic tenets of ‘fair and open minded review’ and to the legal doctrine known as ‘The Gunning Principles’.

In the view of MIAG, NH have breached all of these, and ECC have supinely accepted statements made by NH without robust challenge.

The TN has a detailed assessment of the route characteristics of alternative routes to Inworth Road.

It demonstrates clearly and very well the unsuitability of Kelvedon Road, The Street (Messing) and Harborough Hall Road to carry the high levels of increased traffic flows expected with the Options DS2 and DS3.

The question of preventing traffic from rat running through Messing from B1022 to B1023 is discussed but without a satisfactory conclusion.

MIAG is convinced that both ECC and NH have abandoned this problem as being unsolvable within their Junction 24 plan, which is a direct dereliction of the obligations and duties of ECC to its communities.

The TN suggests measures such as village entry gateways and signs stating “Unsuitable for HGVs” should be provided to reduce traffic through Messing, and that these should be investigated in more detail.

It is the view of MIAG that the agrarian nature of the local workforce precludes the use of gateways. These village entry gateways would have only a small effect on vehicle speeds and to no significant extent.



The suggestion of providing "Unsuitable for HGVs" signage may deter HGVs from taking this route but would not do anything to stop cars and LGVs. Vehicles would be attracted to this route by a saving in journey time in certain traffic conditions.

Road humps are effective in slowing vehicles, but have been ruled out by the report.

MIAG believe that the implication is the Inworth Road Roundabout would be constructed as part of the preferred route DS2 (or DS3), since Option DS4 would not create the problem of 'rat running'.

Once again, **The Main Alternative** has had no attention drawn to its inherent benefits because it does not suit either ECC or NH to have to do so.

Conclusion;

- The TN calls into question the criteria used by National Highways in their selection of a preferred route, which tends to favour Option DS2, and reinforces MIAG belief in the confirmation bias of all design decisions;
- It assumes that the Inworth Road Roundabout will be constructed, as shown by Options DS2 and DS3. The TN suggests both these options would require a widened Hinds Bridge which has been ignored. DS4 has never been fully examined. Decisions that pre-empt the ExA are inappropriate;
- Necessary works on Hinds Bridge have not been accounted for, nor costed, in the selection of the 'preferred route', despite all evidence that it should be widened and strengthened;
- Measures to stop traffic 'rat running' along Kelvedon Road, The Street (Messing) and Harborough Hall Road are all discussed but without any conclusion to that problem;
- The TN ignores Option DS4 (**The Main Alternative**), which would not require a widened Hinds Bridge, nor would it require measures to moderate traffic flows through Messing. It would also obviate the need for substantial mitigation works in Inworth;
- Comparative costs assessments with a more reasonable scoring and unbiased review are necessary;
- The difference in scores for each of the options is small, and Option DS4 should have scored higher in a fairer assessment, thus making it the preferred option.

## **National Highways -**

### **Statement of Common Ground; (SOCG);**

*(NH draft submitted 13.02, MIAG commentary submitted 13.02 - no response from NH);*

MIAG still believe that the SOCG presented by NH is an invalid document and should be struck away;

MIAG have submitted extensive and detailed analysis of NH SOCG, and at the time of writing (07.03) no substantive responses or communications have been received from NH;

NH have attempted to circumvent the established lines of agreed communication between legal representatives (their own and MIAG/Mcl PC), by repeatedly contacting the Mcl PC and ignoring any statements made by them (*email attached here as appendix 1*);

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#### **Email from Mr P Davie, NH to Mcl PC, 08.02.2023**

This email demonstrates that NH are disregarding agreed routes of communication established for the SOCG. MIAG believe this is done in order to hamper clear lines of communication and swift resolution of the SOCG.

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MIAG further believe that NH are continuing to create a false narrative surrounding communications with Mcl PC, and local consultation in general.

MIAG maintains and acknowledges the need for clarity and resolution in the SOCG, but protests that NH are failing in their reasonable duties to attempt to seek a meaningful compromise or agreement;

MIAG continues to use 'reasonable endeavours' in its approach and response to the SOCG, and has submitted an extensive and detailed response to NH which clearly indicates how far from consensus we are, and how far from making any meaningful attempt to consult with stakeholders NH have positioned themselves;

## **National Highways –**

### **Written responses to OFH 1**

MIAG has full authority and permission from all named persons who made oral submissions to the ExA on 13<sup>th</sup> January, 2023 to respond and comment on NH written responses to those submissions. Most of these submissions were subsequently also given in written form.

MIAG is disappointed that NH have simply relied upon earlier, often incorrect statements, and have made no reasonable attempt to answer the valid points raised. The representations from the villages of Messing and Inworth groups, as well as through individual representations, demonstrate a repeated view of failed communication on the part of NH.

Attached to this analysis (*email attached as appendix 3*) is the letter from Ms Priti Patel MP. This not only outlines questions about NH Junction 24 plans raised in Parliament to the Secretary of State, but also directly comments on NH and its failure to communicate or orchestrate a meeting with her. NH have repeatedly denied all knowledge of this.

MCI PC presented part of a detailed analysis of those proposed meetings and consultations with NH. Statements made by NH about local community engagement are false and misleading.

MCI PC points to the Gunning Principles and challenges NH to prove they have made reasonable and unbiased attempts to consider the position of all the Relevant Representations, especially that of **The Main Alternative**. (The ExA is respectfully especially asked to consider the review of EH IMTTN which is noted above).

#### **OFH1.2.9 - 12; MCI PC presentation;**

MCI PC does not accept that NH have fully discharged their duties to consult (Gunning Principles) nor do we accept there is 'no justification' for **The Main Alternative**;

For clarity the MCI PC meeting that was postponed by NH was as a direct result of the failure of NH to supply requested materials 5 days prior to the scheduled meeting;

For clarity, at no point has Mr Kevin Bentley, Leader of ECC, request NH to cancel a meeting. This has been the subject of very specific investigation and NH are maintaining an incorrect position;

MCI PC believes that NH traffic models and assessments have been shown to be biased and calculated to present a predetermined result;

MCI PC does not feel statements from NH are credible, especially as much of the information lacks the ability to withstand robust examination.

#### **OFH1.2.29 - 36; MIAG presentation;**

MIAG does not accept that the traffic models and assessments were fairly or impartially calculated;

MIAG does not believe that Hinds Bridge will be robust enough for predicted traffic flows, or that NH have properly studied this;

MIAG does not accept that modelling without correct and adjusted scoring is a fair and reasonable procedure;

MIAG is concerned that despite assurances of responses to detailed reports submitted by them (TPA, SOCG), no responses have been received;

MIAG believes that the costings and calculations of **The Main Alternative** are incorrect and biased;

MIAG believe that the costings for the NH plan are understated and show continued confirmation bias;

NH responses to matters concerning noise, vibration and severance are incorrect poorly considered and need substantive investigation.

**OFH1.2.37 - 42; Andrew Watson;**

The responses from NH show a continued failure to understand the significant personal impact;

There is no attempt to proffer workable mitigations and NH have abandoned the problem;

Repeated attempts at discussion and consultation have been totally unproductive.

**OFH1.2.55 - 63; Anne Green;**

These answers reflect a repeated failure of NH to directly address the harm and damage caused to the living standards and property value of this resident;

The answers are generic and fail to properly address the individual concerns.

**OFH1.2.73-78; Cllr Kevin Bentley;**

The answers provided do not adequately deal with the concerns and representations made by the various Interested Parties;

Consultations have been inadequate, poorly prepared and insufficiently open to dialogue;

NH repeated statement that the Mcl PC meeting was cancelled by 'request' from the office of the Leader of Essex County Council are incorrect.

**OFH1.2.79; Mary Lindsey;**

Although this property is on the list for an ASI, the answers here are generic and unhelpful;

**OFH1.2.80 - 87; Mark Tonge;**

NH have deliberately failed to answer the strategic questions on cost, Hinds Bridge and the relocation of the A12 south of its current route as a 'new' road;

NH have ignored the NSIP failings and are creating a 'new road' not altering a route as their documentation implies;

NH have failed to answer why this is even necessary;

NH repeats challenged, incorrect and misleading statistics that have been shown by various Interested Parties to be biased and 'pre-determined';

NH have failed to address safety and design concerns in regard to the 'Inworth Roundabout' despite being given accurate design commentary;

NH have failed to abide by the Gunning Principles;

Subsequent documentation submitted to the ExA concerning 'Stonehenge' clearly demonstrates the position taken and NH are wrong to maintain their stance.

## **National Highways written responses to OFH 2**

MIAG is concerned to note that NH have failed to carry through several statements made at both OFH 1 and 2. MIAG are awaiting substantive responses to all reports and submissions made in a timely manner and in accord with the ExA deadlines and requests.

MIAG are also concerned that despite a specific request to meet a severely disabled child Mr Davie has been unable to respond to requests for dates and arrangements in the intervening two weeks. It now transpires, and the email chain is attached for the ExA, that dates suggested are actually the dates of ISH convened several weeks ago. Mr Davie himself appears unable to attend, and the representative of NH issued a secondary deadline for the meeting to be arranged.

This is beyond any reasonable conduct and illustrates the arrogant disregard and dismissive corporate mentality of NH - this is a severely disabled child, his parents are extremely stressed, and NH made no attempt to contact them until embarrassed into doing so at the OFH. Their statements about 'meetings' are hollow and insulting to William, his parents and concerned villagers.

(After the last note from MIAG, NH have been stung into a swift response and a date is now being arranged. It is clear that once again NH have been embarrassed into doing the right thing).

*(Email 'chain' is attached hereto as appendix 2)*

### **OFH2.1.2.1 - 5; Andrew Harding;**

There is continued emphasis on consultation failings despite statements to the contrary from NH;

There are continued failings of assessment criteria used by NH;

Costings are not explained, nor are payments made between NH and ECC;

There is a lack of transparency and serious reservations exist about conflicts of interest - all unresolved by bland and unspecific answers from NH;

The statements made by NH in broad dismissive terms are not recognised as reflecting the reality of failed consultation and communication.

## **Appendix 1; Email from Mr P. Davie, NH to Clerk @ Mcl PC**

Dear Linda

Many thanks for your letter of 30 January 2023.

I did know that we agreed to a statement of common ground jointly with Messing and Inworth Action Group and the Parish Council, in correspondence just before the open floor hearings on 12 January 2023.

I know that WBD have asked Ashford's to confirm whether they are now also representing the Parish Council. I do not believe a response has been provided yet.

On that basis I anticipate that both WBD and I would continue to liaise directly with you as the Parish Clerk in relation to the Parish Council's input on the SOCG and more generally.

Draft statements of common ground need to be submitted on 13 February 2023. Comments have not been received from either yourself or MIAG and as such we will be submitting the current draft SOCG. It is probably now too late for markups to be reviewed between the parties prior to next week's deadline. You are of course welcome to put in your own markup of our draft should you wish to do so.

Whilst I note the Parish Council's view that submitting the current draft would confuse matters, you will see from the examining authority's rule 8 letter that NH is required to do this at deadline 2.

You can supply your own markup on 13 February 2023 or provide comments on SOCG at deadline 3 on 9 March 2023.

If you would like to discuss the SOCG with the National Highways team, then of course please do let us know and we can arrange a meeting or telephone call.

Yours sincerely

**Phil Davie**  
**National Highways, A12 Project Director**



## **Appendix 2; email chain with MIAG/NH concerning Messing resident William, and NH response to ExA**

Ms Harvey

It has taken you 9 days to respond on Mr Davies behalf. It was his suggestion during the OFH to arrange a meeting. I am disappointed, again, that he does not appear to be available. Yet further proof, if it were needed, of the dismissive attitude of National Highways. Or was this simply a ploy at the OFH and subsequent notes for the ExA?

You should know, after 9 days in which to do your research, that the dates you have chosen are dates for further hearings with the ExA. As such they are not available for a meeting. Perhaps that is where Mr Davie will be? Was he not expecting any further representations?

You have wasted 9 days before you sent this 'false' offer, and then you make an outrageous attempt to impose a deadline for a further response from me? That is disgraceful.

**The well-being, safety and security of William is a very serious matter.** It is a great shame that National Highways felt no sense of urgency or importance for his well-being. Apparently, the stress and anguish of his parents is of no consequence either.

You have offered two already booked afternoons – less than 4 hours of unavailable window at best. I suggest you speak to Mr Davie, and find a date when he is available. We will then see what we can do.

In the meantime, I have copied this to our lawyers to add to the litany of failed communication with, and from, National Highways.

Regards

**Messing and Inworth Action Group Limited**

**MIAGLTD@outlook.com**

*'To successfully campaign for the Secretary of State, through the Planning Inspectorate, to accept and adopt the Main Alternative proposed by The Messing-cum-Inworth Parish Council'*

**From:** A12 Chelmsford A120 wide [<mailto:A12chelmsfordA120wide@nationalhighways.co.uk>]

**Sent:** 22 February 2023 15:43

**To:** Andrew Harding [REDACTED]

**Subject:** National Highways response - A12 Chelmsford to A120 widening - ExA Open Floor Hearing 2 - NH written responses CRM:0868301

Dear Mr Harding

Thank you for your email. We are happy to meet with the parents of William to discuss the specific circumstances and concerns regarding accessibility. Attendance from the project will be Tracey Harvey, National Highways Project Manager, Kate Carpenter, Operational Safety Lead, and Lindsay Plumridge from our stakeholder team.

Preferred dates and times for meeting in Messing are Wednesday 01 March 2023 afternoon from 1200 onwards or alternatively Thursday 02 March 2023 afternoon from 1200 onwards.

Could you please confirm the preferred slot and venue before 28 February 2023 so that we can finalise arrangements.



When corresponding with National Highways please can you use the project correspondence address, [a12chelmsforda120wide@nationalhighways.co.uk](mailto:a12chelmsforda120wide@nationalhighways.co.uk).

Many thanks.

Yours sincerely

**Tracey Harvey** Project Manager

[A12 Chelmsford to A120 Widening Scheme](#)

Major Projects | Regional Investment Programme (East)

National Highways | Woodlands | Manton Lane | Bedford | MK41 7LW

**Web:** [REDACTED]

**From:** Andrew Harding [REDACTED]

**Sent:** 13 February 2023 09:53

**To:** Philip Davie [REDACTED]

**Subject:** ExA Open Floor Hearing 2 - NH written responses

**Importance:** High

Mr Davie

In the NH written responses to the presentation I made at OFH 2, you have commented that you are willing to meet with the family I specifically mentioned. This was in relation to NH disastrous plan for Junction 24, and the potential results for this severely disabled child.

I have spoken with the parents of William, and they are willing to meet you if I am in attendance. I think that this meeting should be in the Village Hall at Messing, and I ask that you supply a few dates when you will be available to meet. I will then coordinate with the Hall and the family.

Please select dates after 22.02 and before 08.03.

I await your response in due course.

Andrew Harding

**Messing and Inworth Action Group Limited**

[REDACTED]



**Appendix 3; Ms Priti Patel, MP, letter *iro* Parliamentary questions and NH failures**

Our Ref: ZA77794

27 January 2023

Dear Mr Harding,

Thank you for your email regarding the A12 Widening Scheme and for enquiring about my work and activity on this issue.

As you will know from our previous correspondence, I have supported local residents in the Messing and Inworth area in raising concerns with National Highways and with the Department for Transport over the designs for Junction 24. Representations have been made by me over a number of years regarding the Widening Scheme and highlighting issues and concerns held by residents and community groups across the Witham constituency. I have been working very closely with Cllr Kevin Bentley on these matters as we are keen to see the Widening Scheme be delivered in a way that benefits as many communities as possible and minimises adverse impacts.

I understand the frustration that local residents feel with the current proposals and would have preferred for National Highways to have put forward a revised proposal before submitting the widening scheme to the DCO process.

The local community has undertaken a considerable amount of work in developing the community bypass alternative and I have pressed that case with National Highways and the Department for Transport to consider. However, we are now at the DCO stage and I would expect the Inspector as part of that process to fully consider this option and the representations we have all put forward.

You will be interested to know that back in November 2022 I asked a Written

Parliamentary Question to the Government regarding Junction 24 specifically and have attached for your information a copy of my question and the answer I received from Transport Minister Richard Holden MP. The answer confirms that the proposals will now be independently assessed as part of the DCO process.

I will continue to look for opportunities to highlight the concerns that you and other residents hold with the current proposals and please be assured of my ongoing support.

I do appreciate that residents will continue to be concerned until National Highways revise their plans. However, at this stage we have to accept that this is unlikely and the focus needs to be on making the case to the Inspector, while also working constructively with National Highways to develop mitigations to see what further steps can be taken to minimise disruption should their current proposals be agreed through the DCO process. I have sought to facilitate meetings with National Highways and hope that an agreement to meet with them can be reached.

Yours sincerely,