

Messing and Inworth Action Group (MIAG)
and
Messing-cum-Inworth Parish Council (MCI PC) responses to
The Planning Inspectorate
Examining Authority (ExA)

**Various ‘Issue Specific Hearings’, 28th February and 1st March, 2023
in direct response to statements made by National Highways (NH)
experts.**

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

These notes as a consequence of statements made by several NH experts, are intended to illustrate that NH have failed to consult, continue to exhibit confirmation bias, and have generated a false narrative.

During the course of several Issue Specific Hearings (ISH) over the period of 2 days, (28th February and 1st March) experts from NH repeatedly stated there was a ‘1.6km’ buffer zone from their planned roundabout at Inworth for enquiry and investigation into possible harms and damage.

This ‘buffer zone’ was cited during the ISH for Cultural Heritage, Biodiversity, Noise, Traffic ‘General’, and Traffic Junction 24.

These limits have been notionally, and in the self-fulfilling interest of NH, used to prevent and exclude analysis of potential exposures to increase Noise (to severe SOAEL extent in 71 properties in Messing), potential damage through vibration to properties abutting the road ways (not ‘near them’ as falsely and misleadingly stated by one expert), and to the Cultural Heritage risks associated primarily with ancient memorials, ancient buildings and the conservation zone.

Further, it is our shared belief that this notional ‘buffer zone’ was created for the convenience of NH without due reference to any precedent set for such zones, nor the consultation process that should have taken place.

The assertions from various experts, and indeed the legal representatives of NH, Wombles Bond Dickinson, (WBD), gave rise to the impression that this limit is somehow established at law, is fixed or is an indisputable ‘fact’.

If this ‘buffer zone’ actually exists, why did NH spend time and effort in so called ‘consultation’ with the villagers of Messing?

In any case the Parish Boundary, and at least 6 properties paying the Mcl Precept, are well within NH's arbitrary and false 'buffer zone' and they have effectively been prejudiced by being arbitrarily excluded.

That NH noise expert quoted 71 (62%) of Messing properties being severely affected demonstrates that some subsets of NH investigation were not all working to the same arbitrary and false 'buffer zone'.

Why did NH feel it necessary to speak with all residents if the buffer zone excluded the entire village?

On further investigation of these misleading statements, and the false narrative invented by experts to justify the failings of proper process, **it transpires the 'buffer zone' should be identified on a case by case basis. It should include all areas that may be materially affected by development. As such it is not the case that a blanket line at 1.6km (or any other distance), should be drawn from the limit of any planned works. Instead designers should draw ribbons down corridors of properties and other sensitive areas to fully test potential impact and mitigation requirements. (Source - John Hopkins, qv Transport Planning Associates).**

Why has NH not done this and failed to operate on a 'best practice' fashion?

At what point, and after what consultation, were these fictitious lines established? With who and on what authority were these lines agreed within NH?

Who gave authority for this misleading, false and incorrect position to be cited as 'fact' and presented to the ExA as such?

This was presented to the ExA in such a way that no reasonable person would have been able to draw the inference that these lines were selected by NH for its own convenient reasons and were not a matter of their choice, made for their convenience.

It is the established belief of MIAG and Mcl PC that as a result of the misleading statements made to the ExA endorsing the false narrative, this matter now needs to become **the sole basis for an Issue Specific Hearing**. We respectfully request a date to be established to review this critical and previously unknown information situation. The ISH should consider the implications of this NH behaviour on the entire planning process.

Appendix 1. Further notes from Transport Planning Associates

John Hopkins, Partner and Director of Transport Planning Associates;

Transport Assessment

2.3.1 The study area for the traffic model, which uses the industry-standard SATURN software, covers the area directly affected by the proposed scheme on both the SRN and on the LRN. Plate 2.1 shows the simulation area (where the greatest impacts will occur), and surrounding buffer area (rest of the fully modelled area (ROFMA)), which links trips to other regions of the UK into the Fully Modelled Area. Further details regarding the study area can be found in the Combined Modelling and Appraisal Report [TR010060/APP/7.3].

It is clear from the review undertaken by TPA that neither the simulation area nor the extent of detailed traffic surveys was sufficiently detailed in terms of the roads included where potential impact and margin of error are at their greatest in and around Messing.

Noise and Vibration

12.7.1 Instructions on how to set the study area for an assessment of noise and vibration are provided within DMRB LA 111 (Highways England, 2020b). The distances used for the study areas have been informed by professional judgement and correspond to the distance where it is considered that receptors could potentially be affected by noise or vibration.

It is always concerning to read that something has “been informed by professional judgement” without any context being given to the exact nature, extent and level of judgement used. I question whether the operational assessment adequately complies with DMRB LA11, which addresses the area within 600m of new road links or road links physically changed or bypassed by the project or the area within 50m of other road links with potential to experience a short term change of more than 1.0dB(A) as a result of the project.

The above criteria bring in the roads through Messing for a more detailed assessment.

John Hopkins | Director
Transport Planning Associates