

# Maldon District Council (MDC)

## Written Submissions on Oral Representations made at Issue Specific Hearings

MDC Speakers - Mr Robin Green (Barrister) & Mrs Jackie Longman (Officer)

### Issue Specific Hearing 1 Environmental Matters – 28 February 2023

#### 1 Traffic and Transport [MDC Local Impact Report, section 6.13 – REP2- 068]

1.1 MDC noted that the Applicant's Project specific objectives in the Environment Statement [ES6.1 Chapter 2, Table 2.2 – APP-069] include: "Proposed scheme supports the growth identified in Local Plans by reducing congestion related delay, improving journey time reliability and increasing the overall transport capacity of the A12". Maldon District is part of Essex and has had planned growth since the Local Development Plan (LDP) was approved in 2017. MDC strongly supports this aim and the principle of widening the A12.

1.2 The A12 is a crucial element of the strategic road network (SRN) for residents and business in Maldon District travelling to Chelmsford, London and the motorway network to the south and Colchester and Ipswich to the north. The two main access routes to the A12 are (i) along the B1019 Maldon Road via the Duke of Wellington mini roundabout to junctions 20a and 20b at Hatfield Peverel, or (ii) along the A414 to junction 18. The main settlements of Maldon and Heybridge in the Maldon District at approximately 4 miles detailed in the MDC LIR **[REP2-068]**.

1.3 It is common ground that the Duke of Wellington mini roundabout does not operate well; provides a poor level of service; is frequently congested; and is not suited to the amount and type of traffic going to and from the A12. A Statement of Common Ground between MDC, Braintree District Council and Essex County Council dated 2015 in support of strategic growth in the Maldon District in the then Draft Local Development Plan (the North Heybridge Garden Suburb) **[APP-094]** Paragraph 3.1, page 9, 6.3 Environmental

Statement, recognised some 7 years ago the capacity issues on the B1019 to Hatfield Peverel and at the Duke of Wellington Mini Roundabout and its operation at Level of Service D and 85% capacity at off peak and over 85% capacity on peak.

- 1.4 The Project has established traffic flows in **[APP-256]** 7.2 Transport Assessment - Appendix C: Traffic Flow Diagrams and these were screened at the Hearing by the Applicant. MDC requested confirmation of the traffic flow data south of Church Road, Hatfield Peverel (Position 9), is emanating from the Maldon District and how the traffic flows on the Duke of Wellington Bridge (Position 7), currently operating one way, will alter when the Duke of Wellington Bridge is upgraded to 2-way traffic connecting to the new northern arm from Junction 21 (replacing existing 20b off slip).
- 1.5 At the Hearing, MDC's Counsel, Mr Robin Green, asked if all planned economic and housing growth in the Maldon District can still be accommodated with the Project's complete closure of Junction 20a? Mr Robin Green also asked if complete closure of Junction 20a will affect future strategic housing and economic growth scenarios as already planned and largely approved in the north of the Maldon District and constrain Maldon District's growth potential? It would seem the Applicant is concerned about the latter already as it commented on the Council's Reg 18 LDP Review Issues and Options consultation in March 2022 in respects of its views on seven possible new Options for Growth. It stated in its representation that Option 6 – which was exploring focusing growth in the north of the Maldon District: *"...could lead to detrimental impact upon the operation of the A12, even though there is a programmed scheme to widen the A12 between J19 and J25. This would need investigating and mitigating if this option were to be pursued."*
- 1.6 MDC understands the traffic flow data baseline was established in 2019. MDC has reviewed **[APP-264]** 7.3 Combined Modelling and Appraisal Report – Appendix C: Transport Forecasting Package Report and notes the 'Uncertainty Log' relating to Maldon District's planned economic and housing growth within the adopted LDP, 2017 under-represents the District's strategic housing growth numbers and delivery targets in 2027 and does not consider the District's economic growth in its allocated employment sites, including the largest in Heybridge.
- 1.7 Whilst MDC note the operation of the road network could facilitate growth, it could also hinder it with the above. At the outset of the consultation process, MDC has sought the provision of an alternative link from the B1019 Maldon Road to the A12 that avoids the

Duke of Wellington mini roundabout and much of the village of Hatfield Peverel, but this has been ruled out by the Applicant. Instead, the mini roundabout and the Duke of Wellington Bridge, which at the moment takes one-way traffic, but in the Project proposes to widen and make two-way, will connect to the new junction 21.

- 1.8 The Project remains dependent on the Duke of Wellington mini roundabout to take all modes of transport (HGVs, LGVs, vans, cars and motorbikes) **by turning right only** to the new Junction 21 via the upgraded Duke of Wellington Bridge. The Applicant suggested at the Hearing that 'appropriate signage' opposite the Maldon Road junction outside the Duke of Wellington Public House, will inform the motorist to turn right only; but MDC is not convinced this will be effective. MDC feel it is worth mentioning that the Applicant team referred to this junction at the Hearing as a 'roundabout'. For the avoidance of doubt as the Examination Authority will have seen from the Accompanied Site Visits on 2 March 2023, it is mini-roundabout painted onto the surface of the road. MDC have consistently raised this since 2019 that the Level of Service D operation at the mini-roundabout is expected to handle all modes of transport including HGVs, LGVs, vans, cars and motorbikes coming from and going to the Maldon District.
- 1.9 Turning right only at the Maldon Road junction to access northbound and southbound routes via Junction 21 could mean longer waiting times at the Duke of Wellington mini roundabout / Maldon Road Junction (if all of Maldon District's continued growth and regeneration had been modelled as set out above) and safely navigating the Duke of Wellington mini roundabout from the Duke of Wellington Bridge to access Maldon Road.
- 1.10 The Project has established traffic flows in **[APP-256]** 7.2 Transport Assessment - Appendix C: Traffic Flow Diagrams and these were screened at the Hearing by the Applicant. MDC requested confirmation of the traffic flow data south of Church Road, Hatfield Peverel (Position 9), is emanating from the Maldon District and how the traffic flows on the Duke of Wellington Bridge (Position 7), currently operating one way, will alter when the Duke of Wellington Bridge is upgraded to 2-way traffic connecting to the new northern arm from Junction 21 (replacing existing 20b off slip).
- 1.11 Following the Hearings, the Accompanied Site Inspection at the Duke of Wellington Mini Roundabout 2 March 2023 at approximately 15:30pm illustrates the points above.



*Figure 1: Cars giving way to HGV turning left onto Maldon Road from existing 20b off slip over Duke of Wellington mini roundabout – taken at Accompanied Site Inspection at the Duke of Wellington mini roundabout on 2 March 2023 at approximately 15:30.*



*Figure 2: HGVs/LGVs turning right at Maldon Road junction over Duke of Wellington mini roundabout to 20b on slip – taken at Accompanied Site Inspection at the Duke of Wellington mini roundabout on 2 March 2023 at approximately 15:30.*

1.12 In MDC's view therefore, the Applicant is being short-sighted and inconsistent with the scheme specific objectives of the Project to reject the provision of a new link to the A12 that avoids the Duke of Wellington mini roundabout. With cooperation between National Highways and Essex County Council, we consider that an appropriate solution could readily have been found, and the failure to pursue this is going to result in an avoidable drag on growth in the District now and in the future.

1.13 Although MDC understands that the parameters of the Project are largely settled by the terms of the Application, it would be possible to impose a negative requirement ensuring the timely provision of an appropriate new Maldon Link Road.

1.14 To summarise, MDC feels two questions remain outstanding; that is 1) to what extent has National Highways modelling had regard to planned growth in Maldon District; and 2) does National Highways agree that the Duke of Wellington mini roundabout has insufficient capacity at present to support the current and predicted levels of traffic using it and it is only a situation that is going to get worse in the next three or four years.

## 2 Air Quality [MDC Local Impact Report, section 6.2 – REP2- 068]

2.1 As indicated earlier, there are two main routes connecting Maldon District to the A12: the B1019 and the A414. Car ownership in the Maldon District is the highest in Essex (89%) and higher than the regional or national average. Transport makes a significant contribution to poor air quality. There are no alternative transport connections for all modes of transport (HGVs, LGVs, vans and cars) out of Maldon and Heybridge as the main settlements in the Maldon District to the SRN other than the B1019 to Junctions 20a and 20b at Hatfield Peverel and the A414 to the SRN via Danbury in Chelmsford City Council area to Junction 18 at Sandon. Similarly, commuter traffic from the Maldon District connects to the Strategic Rail Network at Hatfield Peverel Station (as the nearest rail connection to Maldon and Heybridge). As set out previously, Maldon and Heybridge have significant allocated strategic housing and employment growth planned in the adopted LDP, 2017.

2.2 Leading on from the Traffic and Transport points above and based on MDC's response to Examiners First Questions, MDC's Counsel, Mr Robin Green, asked if the air quality assessment undertaken supports the traffic modelling conclusions of a Level of Service D waiting times with a junction operating at 85% capacity off peak and over 85% capacity at peak times at the Duke of Wellington Mini Roundabout junction with Maldon Road. MDC understands the baseline data for the air quality assessments is from 2017 and 2018 and the baseline data for the traffic flow modelling is 2019.

2.3 MDC understands from the Environmental Statement Chapter 6 **[APP-073]** 6.8.24 that receptors were located near the ARN (Affected Road Network) '*with potential to cause air quality issues at nearby sensitive receptors, should they exist, based on threshold traffic flows.*' Construction work affecting junction 20(a), upgrading the Duke of Wellington bridge and the new junction 21 are likely to lead to increased traffic on the

A414, which passes through two statutorily designated Air Quality Management Areas (AQMA), including Market Hill in Maldon.

- 2.4 During construction phase, MDC is concerned that Maldon District residents, businesses and visitors may have to find their own alternative routes to and from the SRN. The A414 to Junction 18 Sandon via Danbury is the only suitable route connection to the SRN to and from the main settlements of Maldon and Heybridge for all transport modes. There are two Air Quality Management Areas (AQMA) on the A414 at Market Hill, Maldon and Oak Corner, Danbury. This likely increase in traffic will have an adverse effect on the Market Hill AQMA, and it is not clear that this has been modelled accurately. MDC's Counsel, Mr Robin Green, asked why the Applicant disregards any impacts on the AQMA in Maldon and Danbury on the A414, through increased traffic flows as diversionary or alternative routes as a result of the Project's construction?
- 2.5 Finally, it was queried whether drivers from Maldon & Heybridge queuing at the Duke of Wellington mini roundabout have also been considered as they will also be affected by poor air quality.

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### 3 Cultural heritage [MDC Local Impact Report, section 6.7 – REP2- 068]

3.1 The proposed Cadent gas main diversion includes provision of a maintenance access track from Little Braxted Lane. Little Braxted Lane connects to the A12 at Junction 22, but it is also highly constrained, is a single-track lane, with 2m width restrictions and passing places, which passes over a number of bridges, one of which has a 3-Tonne weight limit and one of which is a listed structure (Little Braxted Mill House Bridge) in its own right. There are a number of other heritage assets Little Braxted Lane covering all Grades, and the entrance to the proposed access track would be opposite the Grade I Listed Church of St Nicholas (Listing Entry 1111066), the Grade II Listed Church of St Nicholas Monument (Listing 1146792) and the Grade II Listed Little Braxted Hall and railings enclosing garden (Listing 1111063) as set out on MDC's mapping extract below, which also illustrates the presence of land in the Order Limits within the red line.

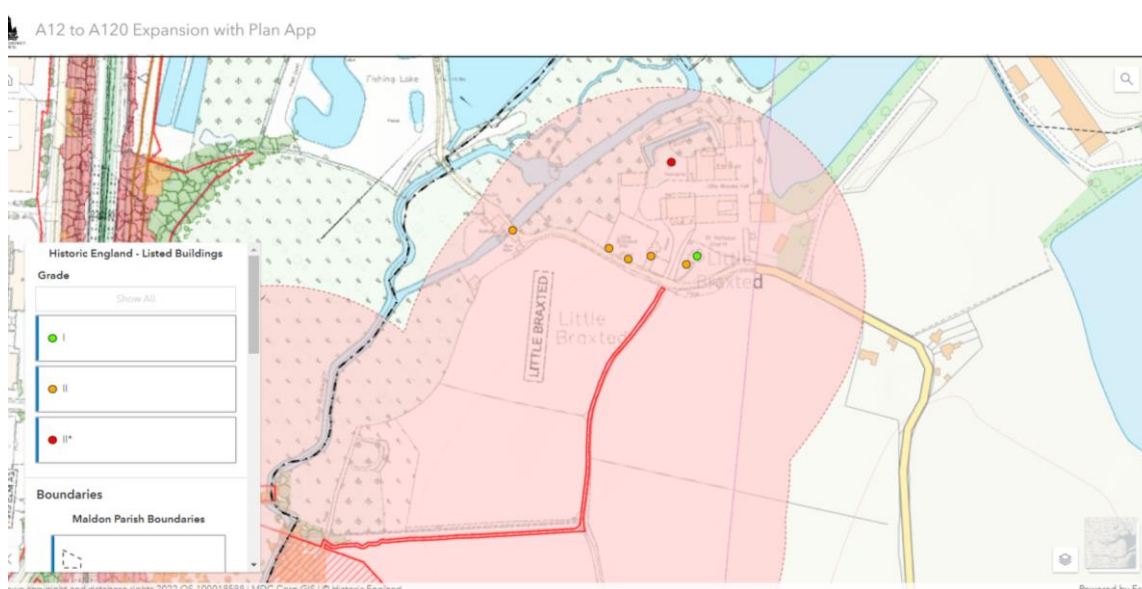


Figure 3: Access track to Cadent Gas Main Diversion

3.2 MDC is concerned to know if the applicant has fully considered the likely impact of the use of Little Braxted Lane for maintenance vehicles on the heritage assets along it. The



Council is concerned after a recent incident involving the Applicant's contractors which is set out in more detail in MDC's LIR, which affected residents and businesses which use the lane for access.

- 3.3 At the Hearing, the Applicant displayed a map showing the location of listed buildings immediately adjacent to and on the LRN. The Examiners confirmed that they had visited Little Braxted Lane on the Unaccompanied Site Inspections and are aware of the locations of the listed buildings and structures on the LRN in relation to the Gas Main maintenance track access.
- 3.4 MDC's Counsel, Mr Robin Green, asked what proposals are going to be included in the order to ensure that vehicles intending to use the access track are not too wide, too heavy or too long to be used on Little Braxted Lane, particularly if they are related to the construction of the A12 or the gas main, or its ongoing maintenance.

#### 4 Biodiversity [MDC Local Impact Report, section 6.3 – REP2- 069]

- 4.1 Just before MDC made representations on this topic at the Hearing, the Applicant's ecologist updated the Examining Authority on the latest survey work; the results of which had not yet been published and fully digested by MDC. Among other things, one Black Poplar at Blue Mills Nature Reserve had been found to be a veteran tree, and the otter holt referred to in MDC's LIR as existing had been confirmed. The Applicant also confirmed the alternative route advocated by MDC in the LIR and supported by the landowners was also being assessed.
- 4.2 Six weeks into the Examination, MDC did not know the final alignment of the gas pipeline diversion, nor does it have full details of the construction methodology, nor the proposed mitigations so MDC is in some difficulty in responding to proposals that have not yet been finalised. It was noted that the Examining Authority asked a similar question about when the proposals for the gas pipeline would be finalised.
- 4.3 At the hearings, MDC noted that the preferred gas main corridor, No. 4 (work number U69 on the works plans), will pass through Blue Mills Nature Reserve; as set out in the LIR, a reserve which has no public access and is a rich wildlife haven for many species of plants and animals. However, the final alignment of the gas main has not been

determined and it is difficult to assess the likely biodiversity impacts before the recent survey work has been completed. MDC has suggested an alternative alignment in the LIR but without having sight of the survey results, and without knowing the details of the proposed alignment, method of construction and proposed mitigation, it is not possible to say more about this at the moment.

- 4.4 The gas main diversion is a significant and albeit discrete element, amounting to an NSIP in its own right **[see the Gas Main Diversion Screening Assessment APP-097]**. The gas main diversion will cause localised biodiversity impacts and MDC considers that any mitigation should be as close to the area of impact as possible. Tree planting or woodland enhancement along elsewhere in the A12 corridor would not be appropriate mitigation for specific impacts on the nature reserve; should be as close to the Blue Mills Nature Reserve as possible.