

Appendix C - Comments on draft Statements of Common Ground & Statement of Commonality

On the 9th February 2023 Maldon District Council (MDC) signed the first draft Statement of Common Ground (SoCG) and sent the document to National Highways ahead of the deadline of the 13th February 2023. The draft SoCG showed the majority of the concerns raised by MDC have not been addressed, including the topic areas of air quality, traffic and transport and biodiversity.

1. Air Quality

1.1 MDC has raised concerns throughout the preparation and discussion of its SoCG regarding the impact on air quality on the A414, particularly the AQMAs of Market Hill (Maldon district) and Danbury (Chelmsford city), due to the Project's closure of Junctions 20a and 20b during construction, and on the residents of Hatfield Peverel post construction.

1.2 The impact during the construction phase of increased traffic flows on alternative routes to connect to the Strategic Road Network (SRN), including on the A414, could lead to NO₂ exceedances in declared Air Quality Management Areas (AQMAs) at Market Hill (in Maldon district) and Danbury (in Chelmsford City Council area).

1.3 Post construction, there could be increased traffic originating from Maldon and Heybridge queuing at the Duke of Wellington mini roundabout / Maldon Road junction. Whilst it is noted that Hatfield Peverel is outside Maldon district, the B1019 provides direct access to the SRN as the nearest junction for Maldon district residents, visitors and businesses. As a result, the traffic generated and congestion arising from the Maldon district would have a direct impact on the air quality within a neighbouring parish of Hatfield Peverel in Braintree district.

1.4 MDC has noted concerns raised by Braintree District Council (BDC) and Essex County Council (ECC) regarding the assessment of air quality with traffic flow data and its effects on human health. An update on air quality during construction was expected by BDC, however the response from the Applicant in the SoCG with BDC, paragraph 2.2 [REP2-020], stated this would not be the case. Comments made by ECC state *'The preliminary*

assessment has concluded that, overall, effects on human health from air quality and noise are uncertain at this stage. Further assessment is needed, the results of which will be reported in the Environmental Statement. It is not considered possible for ECC to comment on these important measures at this stage given that human health impacts from air quality noise are at present uncertain' (ECC SoCG paragraph 2.35 [REP2-018]). It has therefore noted that the effects on human health from air quality and noise are uncertain. The concern regarding air quality is therefore an unresolved issue for MDC, BDC and ECC.

2 Biodiversity

2.1 MDC's concerns regarding biodiversity refer to the impact of the Cadent Gas Main diversion on the Blue Mills Nature Reserve and the loss of trees and vegetation as a result of the Project. The preferred corridor of the proposed gas main would cut through a recommended Local Wildlife Site which is host to two rare female Black Poplar trees (one of which has been designated a veteran tree by the Applicant, an otter holt and a Red Kite nesting area. MDC remains concerned about the potential loss of these trees and significant amounts of other trees and vegetation within the parish of Wickham Bishops, as shown on the *Retained and Removed Vegetation Plans* [APP-035]. Similarly, ECC has raised concerns regarding the loss of trees, including category A and veteran trees and has suggest more work should be done to enable those trees to be retained.

3 Traffic and Transport

3.1 MDC has raised concerns regarding the level of traffic that would be emanating from Maldon district and using the Duke of Wellington mini roundabout / Maldon Road junction to access the A12 via the new Junction 21. Maldon district is constrained in its connections to the A12 from Maldon and Heybridge – the main settlements and planned locations for significant economic and housing growth – with the only direct accesses being via the B1019 (which runs from Heybridge through to Hatfield Peverel and the DoW mini roundabout) or the A414 (from Maldon through Danbury, each of which has an Air Quality Management Area (AQMA)). The majority of the traffic using the B1019 to Hatfield Peverel Junctions 20a and 20b and the A414 to Sandon Junction 18 would originate from Maldon district.

3.2 The Project proposes the use of the Duke of Wellington mini roundabout / Maldon Road junction for traffic turning right to access the A12 Strategic Road Network (SRN) via the construction of a new two-way Duke of Wellington bridge linking to a new Junction 21. The

impact of this development on the residents, visitors and businesses of Maldon district (and inadvertently the residents of Hatfield Peverel) are areas of commonality between MDC and ECC. MDC highlights the poor Level of Service (LoS) D at the Duke of Wellington mini roundabout for all modes of transport, both currently and in the future, and therefore questions the data that has been fed into the modelling. The Applicant has maintained the position that the modelling has taken into account all of the future growth approved in the Maldon District Local Development Plan 2017 and therefore predicted traffic levels are accurate. However, ECC has raised similar concerns in regard to the modelling of the traffic at the Duke of Wellington mini roundabout and Junction 21 and therefore requested further modelling of cycle facilities, redistribution of traffic on local junctions and reasonableness of strategic journey times at key locations *‘over and above the ‘SATURN results for Junction 21’*”.

3.3 MDC notes that ECC shares its support for a “Maldon Link Road”. ECC has raised concerns that the modelled data for future ‘with’ and ‘without’ scenarios of the Project on the Duke of Wellington mini roundabout / Maldon Road junction may underestimate the impact of the Project on the local road network (LRN). ECC has therefore requested a contribution from the Applicant for the scoping the work to create a bypass of the Duke of Wellington mini roundabout / Maldon Road junction that would link directly into the new Junction 21. However, whilst the Applicant has conducted research into the need for a link road, due to the current and future traffic issues being on the LRN (albeit within the Order Limits of the Project), the Applicant consider that a link road is outside the scope of the Project and ultimately is not its responsibility. ECC has asked for continued monitoring of the Duke of Wellington mini roundabout / Maldon Road junction and the operation of Junction 21 to be secured by amendments to the DCO in order to assess the impacts of the Project on the village of Hatfield Peverel. National Highways has, however, rejected this approach.

4 Little Braxted Lane

4.1 In Little Braxted, a field access track currently gated by a five-bar gate opposite St Nicholas Church has been included in the Order Limits. It is understood from the Applicant that Cadent requested this track be included in the Order Limits to support maintenance of the pipeline. MDC has raised concerns regarding the use of Little Braxted Lane for access to the Cadent Gas Main diversion for maintenance purposes. Little Braxted Lane is a narrow lane with passing places, with listed buildings lining the road and listed structures forming part of the LRN. The lane itself is limited to vehicles no wider than 2 metres and it contains

a Grade II listed mill race bridge with attached mill house and a bridge over the River Blackwater with a 3T weight limit.

4.2 MDC has continually raised concerns regarding the proposed use of Little Braxted Lane as it is an important connection to the SRN for the residents of Little Braxted village and the businesses at Braxted Hall Business Park. The Project proposes realignment of Little Braxted Lane at its access from Junction 22 with the current width restriction and weight limit remaining in place to deter HGVs. It is noted within ECC's SoCG that the Applicant made the following comment – *'National Highways will proactively work with Essex Highways to design Little Braxted Lane in a manner that deters HGV's and oversize vehicles from travelling southwards from the A12 beyond the access to Colemans quarry, whilst recognising that this will remain an Essex Highways asset. This might include a series of design elements including highway geometry and cross section, signage and road markings, street furniture, including advance signage'*. MDC would welcome interventions to deter unsuitable vehicles from accessing Little Braxted Lane beyond the Colemans quarry entrance, however the 3T weight limit on the weak bridge has already been breached by an 18T excavator commissioned by the Applicant to carry out pre-works at the maintenance site. The excavator used Little Braxted Lane to access the site of the gas main diversion despite being provided with a set route that avoided Junction 22, the weak bridges and the width restrictions over the bridges on Little Braxted Lane.

5 Statement of Commonality

5.1 The Statement of Commonality (SoC) issued by the Applicant aims to capture all of the topics raised by the host authorities, consultees and interested parties with which the Applicant has a SoCG. A table has been produced highlighting the topics of concern for each authority/organisation. It is noted that air quality has not been shown to be of concern to MDC, however whilst there is no separate air quality section within MDC's SoCG, concerns regarding air quality feature throughout MDC's SoCG in relation to the traffic and transport Principal Issue.

5.2 Whilst the SoC is brief, simply listing the topics of interest for each party, it shows areas of joint concern between MDC, ECC and BDC being traffic, Junction 21 and air quality. Whilst air quality does not feature specifically on the list for MDC it is mentioned within the SoCG and within MDC's Local Impact Report [REP2-068] and was an issue raised by MDC at the Issue Specific Hearing 1 on the 1 March 2023.