

PINS Casework Team
A12/A120 National Strategic Infrastructure Project
The Planning Inspectorate

By e-mail only to:

A12chelmsfordA120@planninginspectorate.gov.uk

Our ref: MW/G&D/A12
Your ref:
Date: 09 March 20232020

Dear PINS Casework Team

**Re: A12/A120 National Strategic Infrastructure Project.
Response to the questions as raised by the Examining Authority at Ex01 to the
applicant, National Highways, and their response to the Examining Authorities.
Essex County Council (ECC), reference 20033137**

ECC has been asked by the Examining Authority (ExA) to respond to the above by the set Deadline of the 09th March 2023 as far as they relate to ECC.

Our comments on the same are as follows, to assist the ExA, where no response to specific questions is mentioned, it should be correctly interpreted that we have no comments to make. Where we refer to Questions this relates to those responded to by the applicant.

In responding to this we have not sought to duplicate comments as made previously, in particular those contained within our Local Impact Report [REP2-055] not in our response .to the ExA's questions [REP2-054]

Economy and Skills

Question 16.0.1 covers potential 'sterilisation' of land with development potential.

The questions does not explain which land is being referred to. From a public interest perspective, ECC wants to ensure that strategic sites that are allocated for development, or benefit from planning permission, will not be sterilised or have their prospects of development negatively impacted by the DCO scheme.

The response is comprehensive, and this issue is covered in the DCO application mainly in section 8.13 of the Case for the Scheme. Having reviewed this again, we have nothing to add to comments already made in our Local Impact Report.

Biodiversity

We have reviewed the Applicant's response to ExQ1 (NH, Jan 2023) relating to Biodiversity and note that the response to 3.01-3.04 is N/A.

At the Hearing last week we secured some limited information regarding Barbastelle bats and Hazel Dormouse, however we obviously will need to review the bat information when it is available on the PINS website, but there is still general uncertainty on the adequacy of the mitigation measures so we would appreciate answers to the missing ExQ1.

The only response provided is to ExQ1 3.05 relating to Whetmead LNR/LoWS and the proposed offsite compensation. We did not comment on the decision not to restore any habitats within the designated site. Our concerns are related to the suitability of the “ecological mitigation area” (immediately south-west of the LNR/LWS) for creation of all the different habitats proposed, remains and the Applicant’s response lacks any reassurance on this matter.

Historic Environment

Question 11.0.1 Response

The approach to archaeological assessment is satisfactory and the applicant have carried out a significant amount of work for the assessment of archaeological remains however there are areas where this has not been quite as comprehensive and these will need addressing. This information has been submitted as part of the Local Impact Report and will be summarised below:

1. The Palaeolithic Desk Based Assessment (6.1 Environmental Statement Appendix 7.3 Palaeolithic DBA) covered only part of the Order Limits and so has not provided an adequate assessment of Palaeolithic potential for the whole scheme.
2. The Palaeolithic and palaeoenvironmental evaluation has not provided full coverage of the order limits and the works carried out have been based on initial design schemes where impact to deeply buried geoarchaeological deposits were predicted.
3. The Palaeolithic and palaeoenvironmental fieldwork carried out so far has identified areas of high significance for Potential archaeological remains and palaeoenvironmental potential, there may be remains of national significance which would be worthy of preservation. There is no consideration for the potential for preservation in situ should nationally significant deposits or sites be discovered which will be impacted upon by the scheme.
4. The submitted trial trench evaluation report (6.1 Environmental Statement Appendix 7.7) is a draft version that required considerable edits. A revised updated report should be submitted as part of the DCO application as soon as possible and definitely prior to determination.
5. The submitted Archaeological Mitigation Strategy (6.1 Environmental Statement: Appendix 7.10 Archaeological Mitigation strategy) has been agreed in part, however revisions are required and will need to be agreed and resubmitted in advance of a decision being made. The archaeological mitigation strategy for Palaeolithic and palaeoenvironmental remains is not yet agreed.

Question 11.0.5

It is considered there would be scope to demonstrate a commitment to delivering enhanced public understanding/benefit and legacy as part of the mitigation considering the significant size of the scheme and the interest in the heritage of the area. The details of outreach should be included within the overarching WSI.

Minerals and Waste

At 14.0.5 the applicant indicates that following discussions with the operator of Coleman's Quarry an application will be submitted to vary the location of the on site processing plant. At this time (09 March 2023) ECC no such submission has been made. ECC determined by way of a Screening submission made by application ESS/45/22.BTE/SO that such a development would require an Environmental Impact Assessment.

Public Rights of Way

At 13.02 the retention of Woodend Bridge for WCH would provide a better link for users from Witham entering the footpath network at Latney's. The alternative suggested by NH is less convenient and includes several road crossings around a busy junction.

NH states that the proposed walking-cycling provision includes a segregated off-road walking/cycling route on the north side of the A12 via Wellington Bridge, at the toe of the embankment of J21. However, the DCO plans show a shared use footway/cycleway. It is ECC's view that the cycleway between Hatfield Peverel and Witham should be segregated rather than shared use. The number of cyclists and pedestrians is likely to increase significantly in the future, as the housing developments in Witham are built out. The space is available for segregation; it would provide a safer facility in this location and help to encourage active travel more.

For 13.04 the DCO proposals include new cycling facilities in the vicinity of the de-trunked sections of the A12. However, the proposals do not accord with LTN1/20 best practice guidance. ECC has set out the deficiencies in the NH cycling infrastructure proposals in its Local Impact Report [REP2-055] and made recommendations as to how these should be improved.

Paragraphs 8.3.42 to 8.3.52 of REP2-055 set out ECC's concerns regarding the proposed cycling facilities between Witham and Kelvedon.

For the majority of the length of the de-trunked A12 between Feering and Marks Tey, NH are not proposing to improve the existing footway/cycleway provision (which does not accord with LTN1/20 guidelines, in terms of its width or design). In order to bring the proposals more into line with current national and local policy and strategy, the council has considered how the opportunity can be maximised particularly for active and sustainable modes of travel. This is set out in paragraphs 8.3.77 to 8.3.82 of REP2-055.

At 13.05 ECC has set out its concerns regarding the proposed cycling facilities at Jn25 in REP2-055 (paragraphs 8.3.85 to 8.3.94). These concerns have been raised with reference to the documents mentioned by NH in its response to Colchester Cycle Campaign (AS-027 and AS-028). As such, they remain ongoing concerns for ECC.

At 13.06 all pedestrian routes should be designed in accordance with DfT Inclusive Mobility Guide to Best Practice on Pedestrian and Transport Infrastructure – regardless of the onward journey outside of the order limits. The HA can make improvements in the future to these routes should this be necessary.

Yours sincerely

 [signature]

Mark Woodger
Principal Planner, National Strategic Infrastructure Projects

Contact: Mark Woodger
Principal Planning Officer (Major Development and New Communities)


Internet: www.essex.gov.uk
 [@essex.gov.uk](mailto: [redacted]@essex.gov.uk)