

# **A12 Chelmsford to A120 widening scheme**

**TR010060**

## **9.34 Applicant's Comments on Maldon District Council's Local Impact Report**

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**A12 Chelmsford to A120 widening scheme**  
Development Consent Order 202[ ]

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**Applicant's Comments on Maldon District Council's Local Impact  
Report**

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# 1 Introduction

- 1.1.1 The Development Consent Order (DCO) application for the A12 Chelmsford to A120 widening scheme (the proposed scheme) was submitted by National Highways to the Secretary of State for Transport via the Planning Inspectorate on 15 August 2022 and accepted for Examination on 12 September 2022.
- 1.1.2 The purpose of this document is to set out the Applicant's comments on the Local Impact Report (LIR) received by Maldon District Council (MDC) [REP2-068], one of the proposed scheme host authorities.
- 1.1.3 MDC's LIR [REP2-068] was published on the Planning Inspectorate website on 15 February 2023.
- 1.1.4 The Applicant has responded to each of the sections in the LIR in the table below.
- 1.1.5 The Applicant has responded to paragraphs numbers found in the MDC LIR [REP2-068], grouping paragraphs where relevant. The paragraph references can be found on the right-hand side of the table below.

## 2 Comments on Maldon District Council's Local Impact Report

<b>Terms of Reference, Scope of the Project, and Structure of the Local Impact Report</b>	<b>1.1 - 1.3.2</b>
<p>The Applicant notes Maldon District Council's comments. The Applicant further notes the comment regarding the Statement of Common Ground and looks forward to continued engagement.</p>	
<b>Maldon District Council's Position</b>	<b>2.1 - 2.2.1</b>
<p>The Applicant notes the comments made by the Interested Party.</p> <p>The Applicant has engaged with the Interested Party, via a series of Statement of Common Ground meetings, to discuss these topics in detail. The Applicant looks forward to this continued engagement.</p> <p>The Applicant has provided detailed responses in regard to the topics listed in subsequent sub-parts.</p>	
<b>Description of the Area</b>	<b>3.1 - 3.2.11</b>
<p>The Applicant notes and thanks the Interested Party for this detail regarding the Maldon District.</p>	
	<b>3.3 - 3.4.7</b>
<p>The Traffic Model Core Scenario (see Combined Modelling and Appraisal Report [APP-261]) has taken account of committed</p>	

development in the form of planning applications, planning permissions and local plan site allocations. This is in accordance with the Department for Transport, Transport Analysis Guidance (TAG M4) for developments that should be considered in the scheme traffic model, which serves as the basis of the Environmental Assessment. The A12 traffic model takes into consideration the adopted and emerging local allocations in the traffic forecast background growth for the area, as explained in section 8.4 of the Combined Modelling and Appraisal Report [APP-261].

The Applicant notes the employment and traffic statistics provided by the Interested Party.

## **Details of the 'Project'**

**4.1 - 4.2.6**

The Applicant notes the Maldon District Council's comments.

**4.3 - 4.3.2**

The Applicant notes the Interested Party's comments.

The Applicant is aware of the demountable structure as a café under application 00/00055/LDE1, please see plot reference 13/12b in the Book of Reference [APP-044]. Once the scheme is operational there will no longer be a layby in this location and therefore the café will no longer be able to operate here. Any compensation due for the loss of the café will be assessed in accordance with the compensation code.

## **Relevant Planning Policy**

**5.1 - 5.5.10**

The proposed scheme's assessment against the National Policy Statement for National Networks is discussed in Appendix A: National Networks National Policy Statement Accordance Table of the Case for the Scheme [APP-250] and the assessment against

the relevant Development Plan policies is discussed in 7.1 Case for the Scheme - Appendix F: Local Planning Policy Accordance Tables [APP-252].

The Applicant has reviewed the views identified in the Wickham Bishops Neighbourhood Plan Environment Policy WBen03 Special Views and Vistas and Landscape Character Assessment Local Landscape Character Area 1: Blackwater Valley – Valley Floors and there are no views affected by the proposed scheme.

Where the Applicant considered the policy not to be relevant to the proposed scheme, for example Policies S2, S3, S4, S5 and T1, the Applicant has not included these policies within the accordance table. Here, this decision was based on the policies not being directly relevant to the proposed scheme, as the scope within Maldon is in relation to the Cadent diversion opposed to travel and road infrastructure .

With regards to the Interested Party's reference to allocated sites, the A12 traffic model takes into consideration the adopted and emerging local allocations in the traffic forecast background growth for the area, as explained in section 8.4 of the Combined Modelling and Appraisal Report [APP-261].

As outlined in previous correspondence with the Interested Party [RR-040-003], a detailed assessment has been undertaken regarding the Maldon Road and Hatfield Peverel bypass [APP-094]. This assessment of potential bypass options found serious challenges to feasibility, including significant carbon, land, environmental, construction and cost impacts, which outweigh the benefits that may accrue. Accordingly a bypass has not been included as part of the proposed scheme.

The proposed diversion of the Cadent high pressure gas main through the parish of Wickham Bishops is described in Section 4.5 of the Case for the Scheme [APP-249] and Chapter 2: The Proposed Scheme of the ES [APP-069]. It is referred to throughout the ES

as 'the gas main diversion' and is of particular importance due to the extent of the diversion required. It has been assessed accordingly throughout the ES. At present, the Applicant is continuing to work with Cadent Gas Limited to develop a detailed design for the gas main diversion. The design will seek where reasonably possible to minimise the environmental impact of these works including the impact to the existing landscape, development land, biodiversity and heritage.

The Applicant acknowledges the WBNP's and the Essex Wildlife Trust's characterisation of wildlife along the River Blackwater and within the Blackwater Valley landscape. Riparian mammal surveys for the proposed scheme were conducted in 2017 and between 2020 - 2022 on various stretches of the River Blackwater. Survey areas, methodologies and results are available within Appendix 9.10: Riparian Mammal Survey Report [APP-134] and 9.18 Supplementary Riparian Mammal Survey Report [REP2-029]. The Applicant acknowledges the presence of otter along the River Blackwater. No water vole signs were recorded along the River Blackwater as a result of riparian mammal surveys conducted for the proposed scheme. The desktop records and field surveys indicate the presence of American mink in the wider environs. This species has a negative impact upon the water vole population, as described in Appendix 9.10: Riparian Mammal Survey Report [APP-134]. Surveys carried out in 2017 identified higher numbers of water vole within the wider study area, suggesting a decline of the water vole population since this time. Chapter 9: Biodiversity [APP-076] provides a full assessment of the potential impacts to otters and water vole from construction and operation of the proposed scheme.

Detailed traffic modelling indicates that traffic on The Street and Church Road in Hatfield Peverel is forecast to decrease as a result of the proposed scheme, and although there is a small forecasted increase in traffic on Maldon Road, this is within the capacity of the the existing road. The forecast traffic flow is not at a level that would prevent emergency services from reaching the village or using Hatfield Peverel as an emergency route when there is a closure of the A12. More information can be found in the Transport Assessment [APP-253].

With regard to air pollution, the levels predicted within Hatfield Peverel remain within the UK Air Quality Standards and are not



considered to be at levels harmful to health or the environment as outlined in the air quality assessment in Chapter 6 of the Environmental Statement [APP-073].

With regard to noise, there is expected to be a negligible change in noise in the village of Hatfield Peverel due to the reduction in traffic on The Street as vehicles use junction 21 to access the A12. The Applicant has also committed to using road surfacing with better noise reducing properties compared to conventional surfacing on the A12 at Hatfield Peverel, which would achieve either a negligible, minor or moderate reduction in noise for the majority of sensitive receptors within Hatfield Peverel. This is shown on Figure 12.8: Noise Change Contour Map – Opening Year (2027), of the Environmental Statement [APP-235].

While Neighbourhood Plans are not directly referenced within Case for the Scheme - Appendix F: Local Planning Policy Accordance Tables [APP-252], the accordance tables still demonstrate compliance through relevant Local Plan policies which are complimented by Wickham Bishops Neighbourhood Plan.

## Principal Issues

6.1 - 6.1.2

The Applicant notes the Interested Party's comments.

6.2 - 6.2.10

Point 6.2.1

Noted by the Applicant

Point 6.2.2 and 6.2.3

The air quality assessment outlined in Chapter 6 of the Environmental Statement [APP-073] considered all changes in emissions with respect to the predicted total concentrations of NO<sub>2</sub> and particulate matter (PM<sub>10</sub>). The assessment concluded that there would be no significant effects to human health during the construction and operation of the proposed scheme, in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 significance criteria. The Applicant notes that Maldon and Danbury were scoped out for further assessment of construction and operational impact owing to the threshold screening criteria not being triggered (see ES Chapter 6 Air Quality Section 6.7.2 to 6.7.6).

Point 6.2.4

The strategic traffic model accounted for committed development, which was applied within the air quality assessment.

Point 6.2.5.

The Applicant acknowledges concerns that some traffic is likely to flow via Main Road in Boreham and the A414 to bypass the construction works around junction 20a and 20b. Construction of the new junction 21 and the removal of junctions 20a and 20b would be phased and temporary in duration. DMRB LA105 Air Quality does not offer guidance on changes in personal traffic behaviour due to diversionary events. However, if traffic emissions and subsequent concentrations did change as a result of the closures, the temporary nature of the construction phase would not significantly affect air quality within the Maldon and Danbury AQMAs. Whenever there is a closure of an A12 carriageway traffic would be diverted via the strategic diversion route shown in the OCTMP via Junction 19, Braintree towards Junction 25 via the A120.

Point 6.2.6

As stated in Point 6.2.2 and 6.2.3.

Point 6.2.7

As stated in Point 6.2.5.

Point 6.2.8

The Outline Construction Management Plan (OCTMP) [REP2-003] describes the traffic management processes that would be followed to ensure the construction phases of the proposed scheme are completed safely and efficiently, while minimising impact on customers and stakeholders.

Point 6.2.9

As stated in Point 6.2.5. However reference is made to assessment for Danbury and Maldon AQMA. This is incorrect as these locations were scoped out of further air quality assessment. Regarding future housing and employment growth see Point 6.2.4. The Applicant acknowledges that Chapter 12 Noise and Vibration [APP-079] of the Environmental Statement accounts for the impact of diversionary traffic behaviour (see Point 6.2.5 for air quality).

6.2.10.

See the response to 6.3 - 6.3.23.

**6.2.11 - 6.2.12**

The Applicant included diversion routes in the Outline Construction Traffic Management Plan - Appendix A: Proposed Diversion Routes [APP-273] [APP-274] for roads that would be closed due to construction activities.

Maldon District residents or businesses needing to use any of the closed roads would be expected to follow the signed diversion routes.

As the Construction Traffic Management Plan is developed plans with further detail including signage details would be issued.

The Applicant acknowledges concerns that some traffic is likely to flow via Main Road and the A414 to bypass the construction works around junction 20a and 20b. Construction of the new junction 21 and the removal of junctions 20a and 20b would be phased and temporary in duration. Section 5.9 of the OCTMP [REP2-003] describes this phasing as it relates to closures of bridges in Hatfield Peverell and how they are planned to minimise disruption and the desire to seek alternative routes. DMRB LA105 does not offer guidance on changes in personal traffic behaviour due to diversionary events. However, if traffic emissions and subsequent concentrations did change because of the closures, the temporary nature of the closures would not significantly affect air quality within the Maldon and Danbury AQMAs. The Applicant notes that air quality is assessed on an annual basis and compared against Air Quality Objectives. Whenever there is a closure of an A12 carriageway traffic would be diverted via the strategic diversion route

shown in the OCTMP via Junction 19, Braintree towards Junction 25 via the A120.

The Interested Party refers to the impact on air quality owing to construction traffic related diversions at Hatfield Peverel and Boreham. There is potential for this to occur, however as noted above these events will be temporary and will not be significant to air quality.

**6.3 - 6.3.23**

The Applicant acknowledges the concerns raised by the Interested Party.

The response has been structured under the following headings in order to address the points raised by the Interested Party:

- Local development plan
- Retained and removed vegetation
- Site designations
- Habitat and protected species surveys
- National Planning Policy Framework
- Biodiversity net gain
- Habitats Regulations Assessment
- Red kites

- Mitigation for loss of habitat
- Screening assessment
- Local Impact 5
- Local Impact 6
- Local Impact 7
- Local Development Plan

The proposed scheme has had regard to relevant local plans and policy. A summary of the policy framework is provided in Appendix 1.1: Legislation and Policy of the Environmental Statement [APP-092]. Local policies relevant to biodiversity are included in Table 9.5 of Chapter 9: Biodiversity of the Environmental Statement [APP-076]. As presented in this table, policies D1, N1 and N2 of the Maldon District Council - Local Development Plan (2017) have been considered in the biodiversity assessment for the proposed scheme.

#### Retained and removed vegetation

The Local Impact Report states that there are a significant number of trees within the Order Limits that form part of the Blue Mills Nature Reserve which are marked as 'at risk' on this plan. The Applicant would like to reassure Maldon District Council that as per the notes on Sheet 8 of 21 of the Retained and Removed Vegetation Plans – Part 1 [APP-035], vegetation loss would be restricted to a corridor of a maximum of 30m within the Order Limits for the gas main (as per commitment LV15 of the REAC [APP-185] the working width would be reduced as far as reasonably practicable through woodland and where the gas main crosses through hedgerow field boundaries). The width of the Order Limits is greater than 30m to enable Cadent to determine the appropriate route for the gas main, taking into consideration sensitive environmental receptors. By having wider Order Limits there is greater flexibility

in the design for this purpose.

### Site designations

The Applicant acknowledges that Maldon District Council has previously provided a citation for the proposed Blue Mills Local Wildlife Site (LWS) (some of which is also subject to a Woodland Area Tree Preservation Order) which includes a map of the site boundary. The proposed LWS partially overlaps the Order Limits. The Applicant further acknowledges that Maldon District Council provided a citation for the proposed Barn Grove LWS within their Local Impact Report (LIR), which includes a map of the site boundary. The proposed site is located approximately 25m from the Order Limits. The Council has advised the designation of these LWS sites is an ongoing procedure with the Essex Local Nature Partnership Board who is responsible for the confirmation of the designations. The Council does not have a date for when the Board will sit to consider the proposed designations. However, in the interim, the Applicant will treat the proposed sites as if they are confirmed LWS.

The citation for the proposed Blue Mills Local Wildlife Site states that there is an otter holt within the black poplar. As mentioned below to date we are not aware of any data to confirm for certain that the tree is used as a holt, and we would welcome any further details from the surveyors who undertook the assessment to inform any future licence application for the proposed scheme if required.

The text and image in paragraph 6.3.10 of the Local Impact Report identify 'trees that would be lost to the Project. The area marked between the two red lines in the photo below shows an area that would be permanently cleared to accommodate the proposed gas main diversion.' A further image of the 'woodland area affected by a 30m wide cut through' is shown in paragraph 6.3.11 of the Local Impact Report. The Applicant confirms that the alignment of the gas main diversion has not yet been determined by Cadent, and as stated above the width of the Order Limits is greater than 30m to enable Cadent to determine the appropriate route for the gas main, taking into consideration sensitive environmental receptors. By having wider Order Limits there is greater flexibility in the design for

this purpose. The Applicant acknowledges Mark Cathcart's suggested route for the diversion as shown in paragraph 6.3.11 of the Local Impact Report.

### Habitat and protected species surveys

Targeted ecological surveys for the gas main diversion including Blue Mills were undertaken in 2022 by independent professional ecologists (Jacobs), working under the Costain-Jacobs Partnership on behalf of the Applicant. Surveys covered badger, bat, botany, dormouse, reptile and riparian mammal surveys. Survey reports for these surveys have been submitted to the Planning Inspectorate and are available via the examination library. These documents are:

- (Supplementary Badger Survey Report [REP2-026] (available since 15 February 2023),
- Supplementary Bat Survey Report [AS-032] (available since 2 November 2022),
- Supplementary Botanical Survey Report [REP2-027] (available since 15 February 2023),
- Dormouse Survey Report [AS-036] (available since 12 December 2022),
- Supplementary Reptile Survey Report (Blue Mills) [REP2-028] (available since 15 February 2023) and
- Supplementary Riparian Mammal Survey Report [REP2-029] (available since 15 February 2023).

Note that the badger report has been marked as 'confidential' due to the sensitive nature of the information regarding sett locations but is available on request from those who have a legitimate need to view it.

A botanical survey (Supplementary Botanical Survey Report [REP2-027]) undertaken in 2022 categorised the habitats within the site



using UK Habitats (UKHabs) Survey Classification methodology which provides sufficient detail to identify priority habitat types. The botanical survey identified a mature female black poplar within the Order Limits, one UK BAP Priority Habitat (wet woodland), a second female black poplar (located to the south outside the Order Limits) and mature oaks present along the eastern boundary of the survey area.

The hedgerow survey (Supplementary Botanical Survey Report [REP2-027]) assessed two hedgerows (001 and 002) which would be crossed by the gas main diversion. Neither qualified as 'important' under The Hedgerow Regulations 1997, however both qualify as priority habitat.

Protected species surveys confirmed the presence of badger (Supplementary Badger Survey Report [REP2-026] (which pass through the site and may forage within it, although no setts were recorded); otter (Supplementary Riparian Mammal Survey Report [REP2-029]) (which inhabit the River Blackwater and may use the northern-most black poplar as a holt, although no definitive evidence has been recorded by National Highways or Essex Wildlife Trust); and common lizard and slow worm (adder and grass snake were not recorded) (Supplementary Reptile Survey Report (Blue Mills) [REP2-028]). No evidence of water vole was recorded during the survey (Supplementary Riparian Mammal Survey Report [REP2-029]) and water vole are considered to be likely absent from the area surveyed, although pre-construction surveys for water vole would be undertaken to ensure this has not changed, as committed to under mitigation BI111 in the Register of Environmental Actions and Commitments (REAC) [APP-185], within the first iteration Environmental Management Plan (EMP) [APP-184].

Ground based bat roost assessments were undertaken of trees within the proposed gas main corridor, which identified 13 trees with bat roost potential, of which 11 are within the Order Limits. Further climbing and dusk emergence / dawn re-entry surveys were undertaken, but no bat roosts were confirmed (see Figure 1 of the Supplementary Bat Survey Report [AS-032]).

## National Planning Policy Framework (NPPF)

As a nationally significant infrastructure project, the Secretary of State would assess the application against the National Policy Statement National Networks (NPSNN) as the primary basis for making decisions on DCO applications. As stated in paragraph 9.4.8 of Chapter 9: Biodiversity [APP-076] the requirements of the NPPF for Biodiversity are not materially different from the NPSNN, with a focus on protecting and enhancing sites of biodiversity value, minimising impacts on, and providing net gains for biodiversity, taking a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.

In line with the requirements of the NPPF (and NPSNN), while there is no legal or policy requirement for the Biodiversity Net Gain provision for the proposed scheme, the Applicant aspires to maximise biodiversity delivery. Where habitats are lost as a result of the proposed scheme, new habitats of equal or greater value would be created (see Section 9.13 of Chapter 9 Biodiversity [APP-076]). With respect to the NPPF, which encourages the conservation, restoration and enhancement of priority habitats and the protection and recovery of priority species, the Applicant is committed to the prevention of harm to wildlife and minimising impacts to habitats and protected and notable species (as committed to in BI4 and BI5 of the Register of Environmental Actions and Commitments [APP-185] in the first iteration Environmental Management Plan [APP-184]). In addition, the proposed scheme would create the following Priority Habitats: 42.15km of new hedgerow which once matured would qualify as BAP habitat, 57 new wildlife ponds and 42.52ha of woodland and forest (see Table 9.23 of Chapter 9 [APP-076]).

## Habitats Regulations Assessment

As the Interested Party has noted, the Habitats Regulations Assessment Stage 1 screening exercise, as presented in the Habitats Regulations Assessment No Significant Effects Report (NSER) [APP-201] has shown that no likely significant effects on any European sites are anticipated, when considered alone or in combination with other plans and projects. It is acknowledged that the River Blackwater runs through the proposed Blue Mills Local Wildlife Site (LWS) and has hydrological connectivity with the

Blackwater Estuary. However, the two European sites located within the Blackwater Estuary and that are relevant to the Habitats Regulations Assessment Stage 1 screening process [Blackwater Estuary (Mid-Essex Coast Phase 4) SPA/Ramsar and the Essex Estuaries SAC] and as stated in paragraph 4.2.1 of the Habitats Regulations Assessment No Significant Effects Report [APP-201] are 6.0km south-east of the proposed scheme and do not run through Blue Mills Nature Reserve as shown on Figure 2 within the Habitats Regulations Assessment No Significant Effects Report [APP-201].

As per the DMRB screening matrices within Appendix B of the Habitats Regulations Assessment No Significant Effects Report [APP-201], otter and red kite are not key, or qualifying features of Blackwater Estuary (Mid-Essex Coast Phase 4) SPA/Ramsar, Essex Estuaries SAC, or any of the other European sites assessed within the proposed scheme's NSER [APP-201] and therefore it would not be appropriate for potential impacts to these species to be assessed within the NSER [APP-201].

#### Red kites

The Applicant acknowledges the presence of red kite, a Schedule 1 species, on the proposed scheme. This species was observed sporadically during breeding bird surveys for the proposed scheme in 2017 and 2020 (as summarised in Appendix 9.5: Breeding Bird Survey Report [APP-129]). As part of the 2020 surveys, red kite was noted as a possible breeder, but breeding activity was not recorded.

The Applicant also acknowledges it has received reports of red kite nesting within the proposed Blue Mills LWS.

As described in Chapter 9 Biodiversity of the Environmental Statement (ES) [APP-076], construction activities have the potential to impact nesting birds through temporary increases in noise and vibration. Given red kite is listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), it would be illegal to disturb this species whilst breeding; however standard mitigation for

Schedule 1 species would avoid such impacts. Mitigation measures are provided in Appendix I: Landscape and Ecology Management Plan, of the first iteration Environmental Management Plan [APP-193] and are committed in BI5 and BI9 of the Register of Environmental Actions and Commitments [APP-185] within the first iteration Environmental Management Plan [APP-184].

#### Mitigation for loss of habitat

It is assumed that in paragraph 6.3.17 of the Local Impact Report, Maldon District Council mean that they are not satisfied that all impacts at Blue Mills Nature Reserve could be (as opposed to 'could not be') mitigated successfully with woodland planting within the immediate vicinity. As per commitment LV14 of the REAC [APP-185], planting along the gas main diversion would be carried out in accordance with the utility company's guidance and best practice standards. There would be a no planting zone on and close to the edge of the pipeline. However, there would be scope to replant parts of the 30m corridor to reduce the width of the gap in the long term. Planting proposals would be developed at detailed design. Therefore, loss of central part of the corridor would be a permanent effect, however loss of the remaining wet woodland (should the gas main effect this habitat type, depending on the final alignment) would be temporary.

Vegetation clearance to accommodate the gas main diversion would include clearance of up to 30m working width of habitats along the extent of the diversion (as described in paragraph 9.6.8 of Chapter 9: Biodiversity [APP-076]) (NB as per commitment LV15 of the RECA [APP-185] the working width would be reduced as far as reasonably practicable through woodland and where the gas main crosses through hedgerow field boundaries). Where practicable the design has minimised the loss of vegetation across the proposed scheme. Where vegetation loss is unavoidable, mitigation would be provided in the form of compensation habitat so there is no net loss of habitats due to construction of the proposed scheme.

As per commitment LV14 of the REAC [APP-185], planting along the gas main diversion would be carried out in accordance with the utility company's guidance and best practice standards. Where woodland vegetation is lost and trees cannot be replaced in situ due

to the restrictions of utility easements, native shrub planting would be used in line with the relevant utility company's guidance. There would be a no planting zone on and close to the edge of the pipeline. However, there would be scope to replant parts of the 30m corridor to reduce the width of the gap in the long term. Planting proposals would be developed at detailed design.

Although construction of the pipeline would lead to a loss of trees, it is effectively creating a ride through the woodland. This will increase the diversity of habitats, providing open areas which may benefit some plant and insect species. Whereas other insects and plants, as well as birds and mammals, could benefit from the woodland edge habitat.

It is understandable how Policy N2 would relate to impacts on the proposed Blue Mills LWS, however it is unclear how Policy N2 relates to biodiversity net gain for the proposed scheme. Further information of how the biodiversity net gain has been calculated can be found within Appendix 9.14 Biodiversity Net Gain Report [APP-138].

There is no legal or policy requirement for biodiversity net gain (BNG) provision for the proposed scheme. However, the Applicant has sought to maximise biodiversity delivery. Where practicable, the proposed scheme has provided like-for-like replacement of priority habitats. As per paragraph 9.11.91 in Chapter 9 Biodiversity of the Environmental Statement [APP076], there would be a net gain of 42.52ha of woodland habitat across the whole proposed scheme, which would mitigate the area that could not be replanted along the easement of the gas main.

The Applicant acknowledges policy N2 of the Maldon District Council – Local Development Plan (2017) and in particular bullet 2 on page 103 that states the Council will have to be satisfied that, “Any new or replacement habitat is delivered as close as possible to the development site in order to maintain a viable population locally and to avoid incremental and accumulative impact on local ecology.” The Applicant notes that the proposed scheme has had regard to relevant local policy, but that the provision of replacement planting for vegetation loss as a result of the gas main diversion is constrained by the restrictions on replanting on utility

easements.

### Screening assessment

Paragraph 6.3.18 of the Local Impact Report identifies a concern that Appendix 5.2 Gas Main Diversion Screening Assessment of the Environmental Statement [APP-097] does not include impacts to otters from trenchless crossing of main rivers or trenchless crossings of ordinary watercourses. However, Table 2.1 does identify that there is potential for the gas main diversion to impact protected and notable species which may be present in habitats within the footprint of the construction area, including otters, and therefore it is considered that the species was adequately screened given the information that was known at the time of assessment.

Further information on the potential for disturbance to the potential otter holt at Blue Mills LWS as a result of trenchless crossing techniques is provided in the response to Local Impact 6 below.

### Local Impact 5

As the Interested Party states, vegetation loss and retention are illustrated on the Retained and Removed Vegetation Plans [APP-035, AS-017]. To assume a worst case, all trees at risk of removal have been assumed lost within Chapter 8: Landscape and visual, of the Environmental Statement [APP-075], except in relation to the gas main diversion. While the Retained and Removed Vegetation Plans [APP-035, AS-017] illustrate trees at risk within the full extent of the lateral limits of deviation (for the gas main diversion), the Environmental Statement assumes vegetation loss would be restricted to a 30m corridor as a realistic worst-case assessment. In other words, the actual width of construction for the gas main diversion would typically be much narrower than the limits of deviation, as described in Section 2.6 and shown in Plate 2.7 of Chapter 2: The Proposed Scheme [APP-069]. It may also be feasible to retain some of the other trees identified as trees at risk on the Retained and Removed Vegetation Plans [APP-035,

AS-017]. This would be determined at the detailed design stage.

The Applicant acknowledges the presence of two female black poplar within the Blue Mills site. A botanical survey (9.16 Supplementary Botanical Survey Report) [REP2-027] undertaken in 2022 identified a mature female black poplar within the Order Limits. The location of the tree was also verified by the arboricultural survey which mapped the root protection area of the black poplar within the Order Limits. This would be provided to Cadent. A report summarising the results of the arboricultural survey will be submitted to the Examination at Deadline 3.

The final siting and design (within the Order Limits) is not known for the gas main diversion; however, the corridor has been defined with a sufficient width to allow micro siting to reduce impacts to environmentally sensitive areas where reasonably practicable (paragraph 2.6.112 in Chapter 2: The Proposed Scheme [APP-069]) and to allow flexibility for the route to be refined within the proposed corridor. Cadent has been provided with the grid reference of the black poplar.

The arboricultural survey confirmed that the mature black poplar within the Order Limits qualifies as a potential veteran tree (i.e. a tree not formally designated as a veteran tree by the Woodland Trust, but assessed as part of A12 field surveys to qualify as a veteran tree) and as such would be assessed as a Nationally important receptor in accordance with DMRB LA 108 (note this supersedes the assessment of the trees as being of County value based on the rarity of the black poplar as stated in the response to Examiners' Questions reference ExQ1 7.0.3 [REP2-025]).

The results of the arboricultural survey will be used to inform an appropriate control, whereby a combination of route and construction methodology would be designed to minimise the impacts on the black poplar and other sensitive ecological features in this area. The REAC will be updated at Deadline 4 accordingly.

## Local Impact 6

Riparian mammal surveys for the gas main diversion undertaken in 2022 (as described in Supplementary Riparian Mammal Survey Report [REP2-029]), recorded otters using the River Blackwater with one potential holt within a black poplar and one sprainting site within the Order Limits. As detailed earlier in this response and described in Section 9.6 of Chapter 9: Biodiversity [APP-076], because the location and activity level of this potential otter holt was not confirmed until after both the Chapter 9: Biodiversity [APP-076] and Appendix 5.2: Gas Main Diversion Screening Assessment [APP-097] were authored, specific disturbance impacts to this potential otter holt could not be considered in detail.

All the data collected in the vicinity of the proposed otter holt at the proposed Blue Mills LWS, both by the Applicant and Essex Wildlife Trust (as summarised elsewhere within this response and within the Supplementary Riparian Mammal Survey Report [REP2-029]) indicates the potential for only sporadic / seasonal use of the potential otter holt. No confirmatory evidence of use was found during the six-week camera monitoring period (20 July 2022 to 4 September 2022) adjacent to the potential holt. However, the camera did fail to record between 02 August 2022 and 15 August 2022 when an otter passed through the site (as shown by fresh spraint nearby) (Supplementary Riparian Mammal Survey Report [REP2-029]) and so it is possible it may have used the potential holt at this time. A second camera location (approximately 50m south of the potential holt, within the Order Limits and facing the River Blackwater), also did not capture any sightings of otter. In an email dated 13 January 2023, Essex Wildlife Trust advised that the River Blackwater is prone to flooding, which may render the potential holt unsuitable over the winter.

Depending on the alignment of the gas main diversion, there is potential for noise and vibration impacts to otters if using the potential holt at the time of construction. Noise and vibration disturbance from the machinery required for completing trenchless crossing of the River Blackwater could discourage otters from commuting, accessing nearby foraging habitat or resting within the potential holt. However, once the tunnel boring machine is in the ground the soil would attenuate any noise from the machine as it moves through the ground. .



The plant at the launch and reception points of the machinery for example generators, pumps, conveyor for taking away the spoil, and small lifting machinery, are small items and would not generate high levels of noise. However, when more details of the location of the plant in relation to the otter holt are known, calculations can be undertaken to predict the expected noise level. If the expected noise level is high then mitigation measures can be provided, for example:

- Where possible starting the boring at the further point from the otter holt. This would enable any vibration to increase gradually and thus reduce the sudden nature of any disturbance from vibration.
- A continuous boring operation, thus avoiding starting and stopping of the machine. The start-up operations of the equipment can often generate the highest levels of vibration. A continuous operation may require night and/or weekend working.
- Avoiding starting tunnel boring during periods of use otters.

It is estimated that the trenchless crossing in this location would take several weeks to complete (i.e. would be a temporary impact) and would be undertaken within daylight hours (thus avoiding night-time disturbance when otters are more active and potential impacts to their movements may be greater). Otter would also retain access to the potential holt following completion of the works.

As a worse case the machinery for the trenchless crossing would create a vibration level of between 1 and 10mm/s peak particle velocity (PPV) which in accordance with Table 3.33 of DMRB LA 111 Noise and vibration would be a moderate level of impact. Human thresholds have been used as a proxy in the absence of studies on the impact of ground vibration on otters. In accordance with DMRB LA 108 and as per Table 9.9 of Chapter 9: Biodiversity [APP-076] this would result in a slight (not significant) significance of effect on a County value receptor. This is consistent with the previous assessment of construction impacts on otters as per Table 9.29 of Chapter 9 [APP-076].

Owing to their legal status, a Natural England European Protected Species Mitigation (EPSM) licence would be required if construction works are considered to disturb an otter holt, for example through vibration.

As per commitment BI34 of the REAC [APP-185], should any new resting places be identified, and should they be located in a place that would be disturbed, damaged or destroyed as a result of the proposed scheme, a European Protected Species Mitigation licence would be obtained from Natural England to agree the specific mitigation approach. Once further detail on the route of the gas main diversion is available the Applicant will assess the potential for disturbance from vibration and would seek a licence if required.

As per commitment BI4 of the REAC [APP-185], works would be timed to avoid sensitive periods for protective species, where reasonably practicable and appropriate. Where this cannot be achieved, works would be managed in accordance with advice and supervision from an Ecological Clerk of Works (ECoW) where required, which may include buffer zones around sensitive features such as otter holts (as per commitment BI9 of the REAC [APP-185]).

The Applicant is working with Cadent to develop the design and construction of the proposed gas main diversion, fully taking into consideration the potential otter holt, among other environmentally sensitive constraints.

In summary, it is anticipated that the trenchless crossing of the River Blackwater (LV15 in the REAC [APP-185]), would avoid impacts to otters and the potential holt in the black poplar. Disturbance impacts would be temporary and of short duration. With mitigation, it is considered that there would be no long-term or significant impacts on the conservation status of otters within the proposed scheme or the wider Order Limits and therefore no change to the assessment within Chapter 9 [APP-076].

## Local Impact 7

The Applicant acknowledges that Maldon District Council has provided a citation for the proposed Barn Grove LWS in the Council's recently provided Local Impact Report (LIR) (February 2023), which includes a map of the site boundary. The Applicant notes that the citation included within the LIR is dated December 2022 and that this is the first time the Applicant has learned of the potential Barn Grove LWS. Once it is finalised, the Applicant welcomes receipt of The Nature Conservation Study (currently in draft form), mentioned by the Interested Party in paragraph 6.3.22 of their Local Impact Report.

The woodland within the proposed Barn Grove LWS is not listed on the Ancient Woodland Inventory (Natural England, 2021, The Ancient Woodland Inventory. Available at <https://naturalengland-defra.opendata.arcgis.com/datasets/ancient-woodland-england/explore?location=51.792187%2C0.661026%2C15.92>. Accessed February 2023).

Based on the map included with the citation (Appendix M of the Local Impact Report), the proposed Barn Grove LWS is located approximately 25m east of the proposed scheme's Order Limits eastern edge and therefore will not be subject to any vegetation loss or other direct impacts as a result of the gas main diversion (see Sheet 9 of the Retained and Removed Vegetation Plans, Part 1 [APP-035]).

The Applicant acknowledges the presence of a very large population of opposite-leaved golden-saxifrage, an Essex Data Red List species, within the proposed Barn Grove LWS and that this is likely the largest population in Maldon District. Given the proposed Barn Grove LWS is outside the Order Limits, no impacts are anticipated on the population of this flowering plant from the gas main diversion.

The results of protected species surveys conducted for the proposed scheme at the nearby proposed Blue Mills LWS in 2022 are

summarised above (see under Habitat and protected species surveys). Given the proximity of the proposed Barn Grove LWS to the proposed Blue Mills LWS, there is potential for protected and notable species recorded within the proposed Blue Mills LWS to move freely between the two sites, using hedgerow 002 and the ditch that runs alongside it (Supplementary Botanical Survey Report [REP2-027]) as a commuting and/or foraging route. The severance of this hedgerow, which connects the two sites and will be crossed by the gas main diversion, may temporarily impact free movements of species between the sites. However, due to the standard mitigation listed below, this impact is considered temporary and reversible and would be an effect on the individual species as opposed to the potential LWS.

Based on the nature and relatively short duration of works associated with the construction of the gas main diversion, there are not anticipated to be any resultant significant air quality, noise and vibration impacts at the proposed Barn Grove LWS. The implementation of standard mitigation measures will further minimise any potential impacts.

According to the citation, proposed Barn Grove LWS supports wet woodland habitat either side of a ditch which flows through the site. The ditch continues west and would be crossed by the gas main diversion. Maps indicate the woodland is upstream of where the gas main diversion crosses the ditch and would therefore be unaffected by construction of the ditch, however the existing and proposed REAC commitments outlined above with respect to the proposed Blue Mills LWS could also be implemented with respect to this ditch crossing to ensure no impacts from hydrology.

There is potential for operational effects on the wet woodland component of the LWS should the backfilled trench at the pipeline crossing draw water away from the surrounding habitats, however this is considered unlikely given mapping indicates the ditch is downstream of the wet woodland component of Barn Grove LWS.

The standard and embedded mitigation measures detailed within Section 9.10 of Chapter 9: Biodiversity [APP-076] (and as

committed to in the REAC [APP-185]) are of relevance to the proposed Barn Grove LWS, in particular:

- Pre-construction surveys using current best practice guidance would be undertaken for bats, barn owl, badger, otter, water vole and reptiles to update baseline surveys prior to construction (commitment BI11 of the REAC [APP185]) due to the potential for wildlife to create new roosts, setts, holts, nests and burrows. These data would be used to inform mitigation licences where required.
- ECoW would be employed where relevant to the works being undertaken (commitment BI12 of the REAC [APP-185]).
- Following inspection by the ECoW, clearance of habitats within the construction area would be conducted under appropriate supervision where there is potential for impacts to protected species (commitment BI5 of the REAC [APP-185]).
- Works would be timed to avoid sensitive periods for protected species where reasonably practicable and appropriate (commitment BI4 of the REAC [APP185]).
- Buffer zones around sensitive features such as confirmed bat roosts, badger setts, otter holts, water vole burrows, birds' nests and watercourses would be implemented as directed by the ECoW (commitment BI9 of the REAC [APP185]).
- Exclusion zones would be marked where appropriate around protected habitat areas such as trees, woodlands, hedgerows and watercourses to avoid accidental damage and retain vegetation in accordance with the Retained and Removed Vegetation Plans [APP-035 and AS-017] (commitment BI2 of the REAC [APP-185]).
- The working width for the installation of the gas main diversion would be reduced as far as reasonably practicable through woodland and where the gas main diversion crosses through hedgerow field boundaries. Directional drilling would be considered where reasonably practicable (commitment LV15 of the REAC [APP-185]).
- NN Replanting along the easement of the gas main diversion would be carried out in accordance with Cadent's guidance and best practice standards (commitment LV14 of the REAC [APP-185]).

- Pollution of watercourses from surface water runoff during construction would be prevented through standard mitigation (commitment RDWE32 of the REAC [APP-185]).

To mitigate impacts associated with construction plant and equipment noise, standard measures would be undertaken as necessary during the construction phase of the works, including programming works to minimise work outside of normal work hours where practicable and specifying use of lower-noise emitting equipment where practicable (commitment NV1 of the REAC [APP-185]).

With regard to air quality, a Dust Management Plan (DMP) would be developed and implemented based on the DMP in the first iteration EMP. The DMP would adopt a range of industry standard good practice construction phase dust mitigation and monitoring measures, and general control measures in compliance with DMRB LA 105 (commitment AQ1 of the REAC [APP-185]).

In accordance with DMRB LA 108, and Table 9.22 of Chapter 9: Biodiversity [APP-076], the proposed LWS is assessed as being of county value. The level of impact is assessed as negligible adverse, in accordance with DMRB LA 108 and Table 9.8 of Chapter 9: Biodiversity [APP-076]. The residual significance of effect of a negligible adverse impact on a county receptor is neutral (not significant).

**6.4 - 6.4.4**

The recognition in paragraph 6.4.4 that the proposed scheme will potentially have a positive effect on road user GHG emissions on the local road network by providing a more free flowing and resilient strategic road network is welcomed by the Applicant.

**6.5 - 6.5.1**

Article 26

The Applicant believes that the powers in Article 26 are required if it becomes necessary to survey for, as an example, ecological or other environment reasons in land outside of order limits. A particular example would be where there is a need to identify the location of the badger setts, where foraging is understood to take place within order limits but the location of the sett is outside of order limits. The Applicant believes therefore that the wider power for it is justified and it would not be either proportionate or appropriate to extend order limits to include areas where badger setts may exist or could be between examination and commencement of works become established.

#### Article 46

The Applicant has assessed the impact on trees as a result of all of the proposed works in the order and this is fully dealt with in the Applicant's environmental statement. Whilst noting the Council's concerns, the scheme is a nationally significant infrastructure project and the powers proposed by Article 46 (and Article 47) are therefore appropriate in the overall planning balance in terms of the need to progress the scheme within a timescale that has as little impact in terms of construction duration as is reasonably practicable. The Applicant has fully considered impact on trees and hedgerows but believes the powers sought are proportionate, justified and precedent. See also the Applicant's response to EXQ1 6.0.22 in the Applicant's Response to the Examining Authority's First Round of Written Questions (ExQ1) [REP2-025] on page 103..

#### Article 47

As with the Applicant's response regarding Article 46, the powers proposed are justified and proportionate in the context of the need to provide the nationally significant infrastructure within a short time period and within a short construction period as possible. The provisions of Article 47 are precedent and are found in a large number of made Development Consent Orders and Transport and

**Works Act Orders.****6.6 - 6.6.8**

The Applicant notes that in paragraph 6.6.2 of their Local Impact Report, Maldon District Council incorrectly state that the reason Corridor 4 was selected by National Highways as being the most suitable route for the proposed gas main diversion was being in 'open land'.

As per Table 3.5 of Chapter 3 Assessment of Alternatives [APP-070] Corridor 4 was selected by National Highways as the preferred option. Although this option would result in loss of woodland where it crosses the River Blackwater, the route of the corridor has been altered since the supplementary consultation to avoid woodland on the east bank of the River Blackwater, therefore reducing tree loss. This option also avoids the landfill at Whetmead, and properties along Blue Mills Hill and Ishams Chase.

Corridors 1 and 3 would involve diverting the gas main through the historic landfill at Whetmead LNR. There would be issues around safety during construction and potentially long term serviceability of the asset associated with placing a new asset in the contaminated ground. This option was therefore discounted.

Options 2 and 5 would potentially result in the loss of trees and hedgerows that line Blue Mills Hill and Ishams Chase, impacting the landscape character of these areas and potentially impacting on the setting of listed buildings. There would also be disruption to residents during construction. There was strong opposition to this option from residents of Blue Mills Hill and Ishams Chase, as well as Maldon District Council. These options were therefore discounted.

The Applicant acknowledges the woodland tree preservation order and proposed local wildlife site, and acknowledges the presence



of a single black poplar within the Order Limits (and a second black poplar to the south of the Order Limits), the use of the River Blackwater by otters and a potential holt within the Order Limits, and notes that the land owner has reported a red kite nest within the woodland at Blue Mills. These receptors are addressed within our response to sub-section 6.3 - 6.3.23.

The Applicant's response to ExQ1 7.0.3 provides a summary of the information available on the gas main corridor at the time of DCO submission and the surveys which have been undertaken since. The response also explains the implications with respect to mitigation and the outcome of the assessment. In summary however there would be no new significant effects. The Applicant has also previously responded on the landscape and visual effects with respect to the gas main diversion, within the Applicant's Procedural Deadline A Submission [REP1-009 and REP1-002], and a further response is provided in sub question 6.9 - 6.9.8.

A summary of the results of the arboricultural survey is provided in the response to sub question 6.3 - 6.3.23 above and this supersedes the information provided in the Applicant's response to ExQ1 7.0.3 with respect to the value of the black poplar.

Please refer to sub question 6.3 - 6.3.23 for the assessment of effects on proposed Barn Grove Local Wildlife site which was not included in the Applicant's response to EXQ1 7.0.3 as the Applicant had not been made aware of the potential for this designation at the time of authoring the response.

**6.7 - 6.7.7**

The Applicant is aware of the intent of Policy D3 of the Local Development Plan, but must point out that none of the designated heritage assets listed are located within the Order Limits. They are, however, located within the study area used to define the baseline for assessment in Chapter 7: Cultural Heritage, of the Environmental Statement [APP-074]. No significant effects were assessed for any of the listed designated heritage assets and this is recorded in Appendix 7.9: Cultural Heritage Impact Assessment Summary Tables, of the Environmental Statement [APP-117].

The Applicant notes your concerns regarding the structural integrity of the bridges near Blue Mills and the track leading from Little Braxted Lane to the gas main. It has been confirmed by the Applicant in RR-040-014 and RR-014-015 of Applicants Response to Relevant Representations [REP1-002] that Little Braxted Lane will not be used for construction traffic and that Cadent will only use it for occasional maintenance access, using vehicles that are less than 3 tonnes and 2m wide. Additionally, the Applicant will work with Essex County Council, to develop at detailed design, a solution that appropriately restricts access (See Statement of Common Ground with Essex County Council – REP2-018).

The Applicant acknowledges the locations of the listed bridge and bridge at Mill House, Little Braxted Lane and is aware of the restrictions imposed on both, which are weight and width limitations. As shown on Sheets 9 and 10 of the Outline Construction Traffic Management Plan (OCTMP) Appendix B: Permitted and excluded routes for construction vehicles [REP2-004], the road heading south easterly along Little Braxted Lane from Coleman's Cottage is an excluded route for construction vehicles. Access from the north of Little Braxted Lane has a weight limit of 3 tons at the bridge. Access from the south of Little Braxted Lane has a width restriction of 2m. Cadent could therefore not use a vehicle greater than these restrictions.

The Applicant has discussed with Cadent the restrictions at this location. The access route would primarily be used by Cadent as a maintenance access and for occasional inspections of their assets. The route would not be used for construction vehicles or vehicles that exceed the existing weight or width restrictions.

If access is required for heavier or larger vehicles, this access will be via Blue Mills Hill and the access track near to the junction with Maldon Road. The access route is shown on sheets 7 and 8 of the Outline Construction Traffic Management Plan (OCTMP) Appendix B: Permitted and excluded routes for construction vehicles [REP2-004], where access would be gained from exiting the A12 northbound carriageway at junction 21 and travelling along the local road network.

As shown on the Temporary Works Plans [AS-004] Sheet 8 of 21, haul roads shown as work numbers T23 and T26 would be the most likely access route to be used to access onto the area of the gas main diversion works.

**6.8 - 6.8.2**

The Applicant acknowledges the comments made with respect to the gas main diversion. As per commitment LV15 in the Register of Environmental Actions and Commitments [APP-185] within the first iteration Environmental Management Plan [APP-184], the working width for the installation of the gas main diversion would be reduced as far as reasonably practicable through woodland and where the gas main diversion crosses through hedgerow field boundaries. All main river crossing(s) would be installed using trenchless techniques.

**6.9 - 6.9.8**

The Applicant is working with Cadent to limit the actual impact of the gas main diversion on the woodland at Blue Mills.

The Applicant is committed to refining routes of final utility diversions and the gas main diversion and methods of construction to retain as much existing vegetation as practicable, in particular mature vegetation and woodland (LV13 of the Register of Environmental Actions and Commitments (REAC), within the first iteration Environmental Management Plan [APP-185]).

To minimise impacts, the working width for the installation of the gas main diversion would be reduced as far as reasonably practicable through woodland and where the gas main diversion crosses through hedgerow field boundaries. All main river crossing(s) would be installed using trenchless techniques, such as horizontal drilling. Directional drilling would be considered where practicable (LV15 of the REAC [APP-185]).

Paragraph 8.4.15 of Chapter 8 Landscape and visual of the Environmental Statement [APP-075] describes how local planning policies relating to landscape have been addressed.

Document 7.1 Case for the scheme Appendix F Local planning policy accordence tables [APP-252] presents how the proposed scheme confirms to local planning policy in further detail.

Landscape effects are assessed within Appendix 8.2: Landscape effects schedule, of the Environmental Statement [APP-120], where the gas main diversion is assessed as part of the wider proposed scheme. The gas main diversion largely falls within landscape sub area A9A. In year one of operation, the assessment notes that the gas main diversion would present changes to the pattern of the low-lying valley landscape as a result of loss of woodland and characteristic willow plantations along the River Blackwater. In year 15 of operation, the assessment notes that the gas main diversion easement would restrict the capacity to reinstate woodland and willow plantation within the River Blackwater Valley. As stated under mitigation LV14 in the REAC, within the first iteration Environmental Management Plan [APP185], replanting along the easement of the gas main diversion would be carried out in accordance with the utility company's guidance and best practice standards. The assessment concludes that for landscape sub area A9A there would be effects of large adverse significance in year one and effects of moderate adverse significance in year 15.

Visual effects are assessed within Appendix 8.3: Visual effects schedule, of the Environmental Statement [APP-121]. Representative viewpoint 35 assesses visual effects from public right of way (PRoW) 268\_23, east of woodland along the River Blackwater. The assessment in year one of operation from representative viewpoint 35 acknowledges that loss of vegetation would open up views across the Blackwater River Valley towards the A12. The assessment concludes that there would be a significant effect (moderate adverse) for users of the PRoW in year one of operation. In year 15 of operation, the assessment notes that establishment of

mitigation planting within the gas main diversion easement would help to reinstate the character of the view of the Blackwater River Valley.

Biodiversity effects are assessed within Chapter 9 of the Environmental Statement [APP-076], where the gas main diversion has been assessed as part of the wider proposed scheme. Prior to ecology surveys being completed, the assessment concluded that the gas main diversion has the potential to impact on protected and notable species and habitats.

As summarised in the Applicant's response to ExQ1 7.0.3 (9.14 Applicant's Response to the Examining Authority's First Round of Written Questions [REP2-025]), all ecology surveys for the gas main diversion have now been completed. An arboricultural survey has recently been undertaken and is reported at Deadline 3. For the most part, the surveys did not identify the need for any mitigation or compensation measures in addition to what is already proposed in Section 9.10 of Chapter 9 [APP-076]. There is potential for effects on Blue Mills LWS through loss of wet woodland and changes in hydrology. However, with the implementation of standard mitigation, and through implementation of commitment LV14 of the REAC [APP-185] with respect to replacement planting along the easement of the gas main diversion, the effects are assessed as not significant. As per paragraph 9.11.91 in Chapter 9 [APP-076], there would be a net gain of 42.52ha of woodland habitat across the proposed scheme, of which 8.93ha would be wet woodland.

The black poplar present within the Order Limits was assessed as being of County value considering its rarity within Essex within our response to ExQ1 7.0.3, however following the completion of the arboricultural survey which confirmed the tree to be a potential veteran, this has now been upgraded to National value in line with DMRB LA 108. With the additional commitment within the REAC [APP-185] impacts to the tree would be avoided and are therefore assessed as not significant.

The standard and embedded mitigation measures detailed within Section 9.10 of Chapter 9 [APP-076] (and as committed to in the

REAC [APP-185] are of relevance to the gas main, in particular:

- Pre-construction surveys using current best practice guidance would be undertaken for bats, barn owl, badger, otter, water vole and reptiles to update baseline surveys prior to construction (commitment BI11 of the REAC [APP185]) due to the potential for wildlife to create new roosts, setts, holts, nests and burrows. These data would be used to inform mitigation licences where required.
- ECoW would be employed where relevant to the works being undertaken (commitment BI12 of the REAC [APP-185]).
- Following inspection by the ECoW, clearance of habitats within the construction area would be conducted under appropriate supervision where there is potential for impacts to protected species (commitment BI5 of the REAC [APP-185]).
- Works would be timed to avoid sensitive periods for protected species where reasonably practicable and appropriate (commitment BI4 of the REAC [APP185]).
- Buffer zones around sensitive features such as confirmed bat roosts, badger setts, otter holts, water vole burrows, birds' nests and watercourses would be implemented as directed by the ECoW (commitment BI9 of the REAC [APP185]).
- Exclusion zones would be marked where appropriate around protected habitat areas such as trees, woodlands, hedgerows and watercourses to avoid accidental damage and retain vegetation in accordance with the Retained and Removed Vegetation Plans [APP-035 and AS-017] (commitment BI2 of the REAC [APP-185]).

- The working width for the installation of the gas main diversion would be reduced as far as reasonably practicable through woodland and where the gas main diversion crosses through hedgerow field boundaries. All Main River crossing(s) for the gas main diversion would be installed using trenchless techniques, such as horizontal drilling. Directional drilling would be considered where practicable (commitment LV15 of the REAC [APP-185]).

**6.10 - 6.10.3**

The Applicant welcomes Maldon District Council's acknowledgement that the proposed scheme would be of benefit to the residents and businesses of Maldon who regularly use the Strategic Road Network.

However, as stated in the response to 6.13-6.13.8, the Applicant does not agree that "aspects of the development failed to consider the impacts on the district of Maldon and surrounding parishes".

**6.11 - 6.11.1**

The Applicant notes the Interested Party's comments

**6.12 - 6.12.13**

The Applicant welcomes the Interested Party's note of the importance of the proposed scheme in expanding the resilience of the A12.

Regarding the Interested Party's statement that it is unclear whether planned growth in Maldon is taken into account in the traffic model, the Applicant will take this opportunity to re-iterate how planned growth in Maldon has been taken into account in the traffic modelling work. A base year traffic model was developed to represent the existing traffic situation as it was in 2019. This takes into

account housing and businesses and how people travel to and from them, including housing and business in Maldon. The model complied with strict guidance in Unit M3 of the Department for Transport's Transport Analysis Guidance (TAG), which gives criteria on how accurately the model should represent current conditions.

From that base model, future year traffic models were produced which take into account government forecasts on the growth in trips. These government forecasts include growth rates specific to Maldon District, based on information in their planning documents. The use of these government growth forecasts is mandated by TAG Unit M3, so is common to all traffic models across the country.

In addition, several specific local developments within Maldon District were included in the traffic model. This includes developments which are recently completed so would not have been represented in the 2019 base year traffic model flows. This list of developments was informed by planning information provided to the project by Maldon District Council. Full details of which developments are included in the model is provided in the Uncertainty Log which is Appendix A within the Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package Report [APP-264]. The traffic flows in the future year traffic models include traffic generated from these developments. Planned housing and employment growth beyond those with planning applications is still included in the traffic model but as 'background growth' applied across Maldon District rather than in specific locations. This background growth is especially important when taking employment growth into account, as there is less certainty of the number of jobs that a development site will be able to support during its planning application stage.

In summary, the traffic model flows used within the proposed scheme's assessment take full account of existing and committed future traffic emerging from Maldon District in line with Department for Transport modelling guidance, and assesses the impact that the scheme would have on that traffic. To clarify, the Applicant assesses the impact that the proposed scheme would have on traffic conditions against a baseline where the growth in Maldon District has already taken place; it does not assess the impact of that the growth in Maldon District itself.



Because the proposed scheme does not make the connections between Maldon District and the Strategic Road Network worse than they would be without the proposed scheme in place, the Applicant does not agree that the project would harm the growth of Maldon district.

These traffic flows were used to inform the environmental assessments, and also used to feed into the separate Duke of Wellington junction model used for its operational assessment. As shown in Table 4-1 of Combined Modelling and Appraisal Report - Appendix C: Transport Forecasting Package Report [APP-264], relief roads at the South Maldon and North Heybridge Garden Suburbs are also included within the future year traffic models. As noted on point 6.12.8 Maldon District council acknowledges that the A12 is working at capacity, the proposed scheme would address the issue of capacity, resilience and safety on the A12 which would have a benefit for the local and wider communities in supporting planned economic and housing growth in the area. Regarding paragraph 6.12.13 above, as shown in the Outline Construction Traffic Management Plan Appendix B: Permitted and Excluded Routes for Construction Vehicles (Plans) Sheet 9 of 21 [APP-275], from the south of Colemans Fisheries entrance, Little Braxted Lane is an excluded route to construction HGVs. The route would primarily be used by Cadent as a maintenance access and for occasional inspections of their assets. The route would not be used for construction vehicles. Access from the north of Little Braxted Lane has a weight limit of 3 tons at the bridge. Access from the south of Little Braxted Lane has a width restriction of 2m. Cadent could therefore not use a vehicle greater than these restrictions.

**6.13 - 6.13.8**

The Applicant does not agree with the statement that it has ignored Maldon District's planned growth as set out in its Local Plan. As described in Chapter 5.6 of the Combined Modelling and Appraisal Report, Appendix C: Transport Forecasting Package report [APP-264], only developments classified as 'Near Certain' or 'More than Likely' (ie those with planning applications) were included in the traffic model. This is in line with Table A2 in Unit M4 of the Department for Transport's Transport Analysis Guidance. Planned housing and employment growth beyond those with planning applications is also included in the traffic model but as 'background growth' applied across Maldon District rather than in specific locations.

Maldon District Council acknowledges the Applicant's position that the A12 Project does not generate a need for a Hatfield Peverel Bypass / Maldon Link Road, but that the Applicant intends to design the new Junction 21 to enable the junction to accommodate a future connection should Essex County Council proceed with it. As noted in the Applicant's response to RR-040-004 which can be found in the Applicant's Response to Relevant Representations - Rev 2 [REP1-002], the Applicant has undertaken a comprehensive assessment of various bypass options for Maldon Road. The assessment of the bypass options found serious challenges to feasibility, including significant carbon, land, environmental, construction and cost impacts. Accordingly a bypass has not been included as part of the proposed scheme.

Information on the breakdown of the type of vehicles using the B1019 Maldon Road on the approach to the Duke of Wellington mini-roundabout was provided to Maldon District Council on 15th February 2023. This shows that in the AM peak, around 88% of vehicles would be cars, 10% LGVs and 2% HGVs. In the PM peak, the proportion of cars is higher. These proportions would remain similar with or without the proposed scheme in place. As noted in Appendix 6.3: Dispersion Modelling Process [APP-102], the Air Quality modelling takes into account different vehicle types in its assessment.

**6.14 - 6.14.9**

The Applicant notes the information provided. Flood risk to the proposed scheme is assessed in the Flood Risk Assessment [APP-162]. Section 8 of the Flood Risk Assessment considers the application of the Sequential and Exception Tests and therefore demonstrates how the Proposed Scheme complies with those aspects of national planning policy.