

A12 Chelmsford to A120 widening scheme

TR010060

9.35 Applicant's Comments on Colchester City Council's Local Impact Report

Rule 8(1)(j)

Planning Act 2008
Infrastructure Planning (Examination Procedure)
Regulations 2010

Volume 9

March 2023

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning
(Examination Procedure) Rules 2010

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

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Regulation Number	Rule 8(1)(j)
Planning Inspectorate Scheme Reference	TR010060
Application Document Reference	TR010060/EXAM/9.35
Author	A12 Project Team and National Highways

Version	Date	Status of Version
Rev 1	9 March 2023	For Deadline 3

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1 Introduction

- 1.1.1 The Development Consent Order (DCO) application for the A12 Chelmsford to A120 widening scheme (the 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 Colchester City Council (CoCC), one of the Scheme host authorities.
- 1.1.3 CoCC's LIR [REP2-045a] 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.

2 Comments on Colchester City Council's Local Impact Report

Introduction	1.0 - 1.2
The Applicant notes Colchester City Council's comments.	
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The Applicant notes Colchester City Council's comments.	
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The Applicant notes Colchester City Council's comments.	
Purpose and Structure of Report	5.0 - 5.4
The Applicant notes the comments from the Colchester City Council.	
The Applicant further notes the comment regarding the Statement of Common Ground and looks forward to continued engagement.	
Relevant National and Development Policies	6.0 - 6.9

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 Case for the Scheme - Appendix F: Local Planning Policy Accordance Tables [APP-252].

As Colchester Borough Council formally adopted the Colchester Borough Local Plan 2017-2033 (Section 2) on Monday 4th July 2022, the policies assessed in Case for the Scheme - Appendix F: Local Planning Policy Accordance Tables [APP-252] are the emerging policies within Section 2 Colchester Publication Draft Local Plan – Main and additional modifications (2021b). Whilst the policy numbers and descriptions may have changed for some policies in these now adopted local plans, the overall assessment of how the proposed scheme would conform with these policies does not change.

Where the Applicant considered the policy not to be relevant to the proposed scheme, for example Policy WC5 and Policy SS14, the Applicant has not included these policies within the accordence table. In this instance this decision was based on the policies not being geographically relevant to the proposed scheme.

There is significant policy support for the proposed scheme in the National Networks National Policy Statement (NNNPS), which forms the primary basis against which the proposed scheme must be assessed as established in the Planning Act 2008. The NNNPS places a strong emphasis on the need to improve and integrate the strategic highway network, and the proposed scheme would deliver against this national objective. There is also support in principle for the proposed scheme in local development plans.

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

While the Colchester City Council regards the emerging Tiptree Neighbourhood Plan to hold significant weight in Examination, the Applicant believes that as all relevant site allocations and policies provided in the emerging Tiptree Neighbourhood Plan are also

contained within Colchester Borough Local Plan 2017-2033 (Section 2) which are cross-examined in the Case for the Scheme - Appendix F: Local Planning Policy Accordance Tables [APP-252], thus the emerging Neighbourhood Plan can be afforded little weight in Examination. Additionally, localised policies were considered not to be relevant to the proposed scheme, for example Policy TiP07, TiP15 and TiP16. This is due to the policy being specific to Tiptree and their local road network and therefore out of the scope of the proposed scheme.

At the time of the submission of the DCO application, Copford with Easthorpe Neighbourhood Plan had not yet reached Regulation 14 of The Neighbourhood Planning (General) Regulations 2012, and therefore was not available for consideration.

With regards to the traffic increase in Tiptree, the future traffic flows were assessed and anticipated with or without the proposed scheme and are within the flows that this route can accommodate safely. This is detailed in Appendix G: Junction Modelling Technical Notes – Local Road Junctions, of the Transport Assessment (Section G.4.4) [APP-260].

The Applicant appreciates the Colchester City Council's confirmation that CBBGC is no longer a committed development. As described in Assessment of Alternatives in the Environmental Statement [APP-070], as the CBBGC was no longer a committed development, and given the strong opposition from the local community towards the proposed CBBGC route options and the greater environmental impacts due to the longer offline alignments, Options A to D were discounted and were not considered any further in the proposed scheme options appraisal.

Local Area Characteristics Including Landscape Qualities and Compliance with Local Landscape Policy

7.0 - 7.7

7 and 7.1

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.

7.2 - 7.5

The assessment of landscape effects reported within Chapter 8 Landscape and visual of the Environmental Statement [APP-075] has been made on the local landscape character areas (LCAs), within the extent of the study area, defined within the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (Chris Blandford Associates, 2006) and Colchester Borough Landscape Character Assessment (Chris Blandford Associates, 2005). Appendix 8.2 Landscape effects schedule of the Environmental Statement [APP-120] details the effects on the LCAs. Table 8.14 of Chapter 8 Landscape and visual of the Environmental Statement [APP-075] summarises the significant landscape effects.

During construction and during operation in year 1, the significance of effect on B2 Easthorpe Farmland Plateau would be large adverse. During operation in year 15, mitigation planting, including individual trees along the realigned roads, woodland planting of trees and shrubs, tall screen planting and intermittent trees and shrubs along the eastern part of the offline bypass between junction 24 and junction 25, and woodland planting of trees and shrubs and intermittent trees and shrubs around the attenuation ponds, would have become established to help integrate the proposed scheme into the surrounding landscape. The significance of effect on B2 Easthorpe Farmland Plateau during operation in year 15 would be moderate adverse.

7.6 and 7.7

Existing vegetation within the Order Limits including temporary works areas would be retained as far as reasonably practicable in accordance with mitigation LV4 of the Register of Environmental Actions and Commitments, appended to the first iteration of the Environmental Management Plan [APP-185]. Particular attention would be given to the retention of mature vegetation, which would be retained in accordance with, as a minimum, the Retained and Removed Vegetation Plans [APP-035 and AS-017].

The design principles contained within the Design Principles document [APP-280] were used to inform the environmental mitigation illustrated on Figure 2.1 of the Environmental Statement [APP-086, APP-087 and APP-088]. The landscape design principles seek to integrate the proposed scheme into the existing landscape and reinforce the landscape character through consideration of the species, pattern and distribution of the proposed planting.

Indicative plant species lists, which reflect existing species composition, are included within Appendix I Landscape and Ecology Management Plan of the first iteration Environmental Management Plan [APP-193]. The Materials and Landscaping Palette [REP2-033] has further developed the indicative plant species lists. Plant species have been selected taking into consideration species present within the Order Limits (as detailed in Appendix 8.4 Arboriculture Impact Assessment of the Environmental Statement [APP-122] and Appendix 9.7 Hedgerow Survey Report of the Environmental Statement [APP-131]) to ensure that the proposed scheme reflects the existing landscape character and context of the A12 between Chelmsford and Colchester. The 'Essex Tree Palette – A guide to choosing the most appropriate tree species for Essex sites according to landscape character and soil type' (Essex County Council Traded Place Services, 2018) has been considered. The Essex Tree Palette is based upon the landscape character types (LCT) identified in the 'Essex Landscape Character Assessment' (Chris Blandford Associates, 2003) which provides further detail on tree and hedgerow species characteristic of each LCT. 'The dormouse conservation handbook – Second edition' (English Nature, 2006) has been taken into account to include species with ecological value. The planting mixes have been drawn up in accordance with the Biodiversity Net Gain habitat condition assessments as included in Appendix 9.14 Biodiversity Net Gain Report of the Environmental Statement [APP-138].

Works along Inworth Road were identified following completion of the hedgerow survey, the results of which are presented in Appendix 9.7 Hedgerow survey report [APP-131], and therefore are not dealt with in that report. The key objectives of the hedgerow survey were to identify hedgerows which qualify as priority habitat (i.e. hedgerows where at least 80% of the woody vegetation comprises native species), and to identify hedgerows which would qualify as important under the Hedgerow Regulations (1997).

The retained and removed vegetation model (as shown on the Retained and Removed Vegetation Plans [APP-035 and AS-017]) was used within the biodiversity net gain calculations as per paragraph 3.4.33 of the Biodiversity Net Gain Report [APP-138] to

determine the areas of habitat lost as a result of construction of the proposed scheme. The net change in length of hedgerow reported in Table 9.23 of Chapter 9 [APP-076] therefore takes into account loss of hedgerows along Inworth Road. As per paragraph 9.11.89 of Chapter 9 [APP-076] there would be a net gain in 26.34km of hedgerow which would qualify as priority habitat once matured and so the loss of these hedgerows, even if they qualify as priority habitat, has been mitigated in the proposed scheme. This presents a worse case approach and there would be no change to the assessment of effects if these hedgerows had been surveyed and identified as priority habitat. The works along Inworth Road are localised and consist of minor interventions. The Retained and Removed Vegetation Plans [APP-035 and AS-017] show the worst-case scenario for the loss of hedgerows. An example of these minor interventions is the localised widening between The Red Dog Pub and the Thatched Cottage. In this location a new footpath is proposed to connect to the existing PRow network by installing the footpath behind the existing hedgerows. This allows the hedgerow's retention except for a small section where access needs to be provided.

Finally, it should be noted that the Applicant has completed an arboricultural assessment for trees along Inworth Road (Appendix 8.4: Arboricultural Impact Assessment [APP-122]), as well as protected species surveys for bats and badgers (Appendix 9.4: Bat Survey Report [APP-128] and Appendix 9.2: Badger Survey Report [APP-126]).

Regarding the proposal to replant trees which have to be removed where feasible to help ensure the public amenity afforded by the tree cover is maintained in the long-term, commitment LV7 of the Register of Environmental Actions and Commitments [APP-185] states:

'Where it would be necessary to remove vegetation within temporary works areas, such as construction compounds, utility routes, haul roads and regrading areas, this would be replaced on completion of construction using the same or similar species to that removed where practicable (subject to restrictions to planting over and around pipeline easements and consideration of species with regards to climate change and resilience to pests and disease, and landowner agreement). All land used temporarily would be restored and returned to an appropriate condition relevant to its previous use wherever practicable and appropriate, including the ripping, minor regrading and respraying of topsoil. Hedgerows, fences and walls would be reinstated to a similar style and quality to those that were removed with landowner agreement.'

The Applicant has sought to avoid or reduce environmental impacts through the proposed scheme design. The ecological value of a hedgerow relates to its botanical diversity, the fact that it provides connectivity across landscapes, and that hedgerows provide habitat for many species, for example birds, and amphibians. Where impacts to hedgerows cannot be avoided, the Applicant has sought to provide mitigation that would replicate the ecologically valuable features of an important hedgerow.

The extent of planting mitigation, including proposed hedgerow planting, illustrated on Figure 2.1 of the Environmental Statement [APP-086, APP-087 and APP-088] is considered appropriate to mitigate the environmental effects that would be caused by the proposed scheme. The proposed provision of new hedgerow habitat shown on the Environmental Masterplan is at a ratio of close to 3:1. There would be an overall net gain of woodland and hedgerows as summarised in Table 9.23 of Chapter 9 Biodiversity of the Environmental Statement [APP-076].

Local Transport Patterns and Issues

8.0 - 8.2

Overall, the proposed scheme is predicted to decrease the amount of traffic on the local roads maintained by Essex County Council. In addition, more local roads are predicted to experience a reduction in traffic than are expected to see an increase. In the Colchester City Council area, many roads and communities are predicted to experience a reduction in traffic. These include Easthorpe and communities along the B1022. In addition, residents of the Colchester City Council area will benefit from improvements to the A12 itself and the junctions to access the road.

For the communities highlighted that are predicted to experience an increase in traffic the Applicant considers that, based on the existing capacity of those roads, any increases in traffic can be safely accommodated.

8.3 - 8.4

The Applicant has noted the contents of the Tiptree Neighbourhood Plan and discussed key themes relating to traffic movements with Tiptree Parish Council. The Colchester City Council regards the emerging Tiptree Neighbourhood Plan to hold significant weight in Examination, the Applicant believes that as all relevant site allocations and policies provided in the emerging Tiptree

Neighbourhood Plan are also contained within Colchester Borough Local Plan 2017-2033 (Section 2) which are cross-examined in the Case for the Scheme - Appendix F: Local Planning Policy Accordance Tables [APP-252], thus the emerging Neighbourhood Plan can be afforded little weight in Examination. It is considered that traffic around Tiptree is a local issue and both routes around Tiptree to access junction 22 and junction 24 will be still be in place with the same layout.

· As noted in the response to Tiptree Parish Council's Written Representation [REP2-126-001], the proposed scheme would increase traffic on the B1023 including on Church Road in Tiptree. However, the effect of this additional traffic through Tiptree has been assessed

and the Applicant is satisfied that the roads can operate safely without changes.

The Tiptree Neighbourhood Plan states an aim to encourage traffic heading to the A12 southbound to use the route via Braxted Park Road via Rivenhall End. The Applicant's response to Tiptree Parish Council's Written Representation [REP2-126-001] confirms that the route to the A12 southbound via Braxted Park Road is intended to remain as a viable route for southbound traffic to access the A12 via junction 22.

8.5 - 8.7

The Applicant notes the concerns raised by Colchester City Council regarding the potential for rat-running on local roads in Inworth Village. As explained in response to relevant representation RR-110-003 [REP1-002] and in letter exchanges with Essex County Council [Appendix A, REP1-002], microsimulation modelling of the B1023 has confirmed that the improvements as part of the proposed scheme would address both the historic capacity issues as well as those caused by the projected increase in traffic. Based on this capacity assessment, the Applicant does not believe that additional intervention measures are required to prevent rat-running on local roads.

8.9 - 8.10

Pollutant concentrations within Copford at locations considered 'worst case' (i.e., adjacent to the B1408 London Road), were predicted to experience increases in pollutant concentrations. However, the maximum predicted total NO₂, PM₁₀ and PM_{2.5} concentrations in this area were 16.5µg/m³ (receptor P19), 17.3µg/m³ (receptor R180) and 10.7µg/m³ (receptor R35) respectively, which were all below the UK Air Quality Standards. The respective changes in concentration were 0.7µg/m³, 0.2µg/m³ and 0.2µg/m³ at the locations experiencing the highest total concentrations. The maximum changes predicted were of similar magnitudes (i.e., small for NO₂ (0.7µg/m³) and imperceptible for particulates (<0.2µg/m³). Please refer to the air quality assessment results in Appendix 6.5 [APP-104] and Figures 6.9 and 6.10 [APP-213/APP-214]. While increases in pollutant concentrations are predicted at locations within Copford i.e. in response to the traffic behaviour predicted by the traffic model, the levels remain within the UK Air Quality Standards and are not considered to be at levels harmful to health or the environment.

In relation to noise, noise levels would generally increase along the B1408 between 0.1dB and 0.9dB in the opening year, with some receptors adjacent to the road experiencing an increase between 1dB and 2.9dB, as shown on Figure 12.8 of the Environmental Statement [APP-235]. These are negligible and minor increases in noise respectively (see Table 12.11 in Chapter 12: Noise and vibration, of the Environmental Statement [APP-079]). However, there would be seven dwellings within Copford where the absolute noise level would be just above the Significant Observable Adverse Effect Level (SOAEL) and there would be a 1.0dB(A) (minor) increase in noise (see paragraph 12.11.55 in Chapter 12: Noise and vibration [APP-079], and Figure 12.5 of the Environmental Statement [APP-232]). In accordance with DMRB LA 111, these would experience significant adverse effects due to increases being above the SOAEL. It is not possible to mitigate these significant effects using standard noise mitigation measures for the following reasons:

- A low noise surface is only considered to be effective by DMRB LA 111 when average speeds are above 75km/h. The average traffic speed along this part of London Road is predicted to be 40km/h.
- To be effective, a noise barrier needs to be unbroken. In an urban situation such as London Road, where access is required to sensitive receptors via London Road, it is not possible to have a barrier that is unbroken.

No impacts relating to community severance or social networks are expected on the communities of Marks Tey (including Copford) from the proposed scheme in operation. On this basis, the overall effect on population health outcomes related to community severance and social networks is assessed to be neutral (see paragraph 13.18.81 in Chapter 13: Population and health, of the Environmental Statement [APP-080]).

With regard to the closure of Easthorpe, regulatory signage consistent with the movement restrictions shown on the Traffic Regulation Measures Movement Restrictions plans [APP-011] will be put in place to restrict motorised vehicles except for the purpose of access.

The Applicant acknowledges that an increase in traffic through Messing is predicted due to the proposed scheme. However, the increases are less than an additional two vehicles per minute in peak hours. Traffic flows through Messing will therefore remain low even with the proposed scheme in place.

The forecast increase in traffic on the B1023 Kelvedon Road through Inworth as a result of the proposed scheme is equivalent to approximately an additional five vehicles per minute in peak hours. The Applicant has proposed upgrades to the B1023 to address a number of concerns raised by both the community and identified in the proposed scheme's assessment. The proposed upgrades to widen the carriageway in places will address historic pinch points by allowing two large vehicles to safely pass one another around bends and will improve the capacity of the existing road to cater for the proposed scheme's forecast increased traffic volumes.

Analysis, including microsimulation of the road, has confirmed that the proposed scheme would address both the historic issues caused by the existing pinch-points as well as those caused by the projected increase in traffic. Further details of this can be found in Section 3 of the J24, Inworth Road and Community Bypass Technical Report [APP-095].

Localised widening at pinch points in Inworth is proposed to improve safety for pedestrians at those locations because it reduces the likelihood of vehicles overhanging or over-running the footway to pass oncoming vehicles. Widening is intentionally limited in scope to minimise the likelihood of increasing vehicle speeds.

8.11 - 8.12

The Applicant notes the Colchester City Council's concerns and wishes to highlight the ongoing engagement with Essex County Council as the Highways Authority to resolve these concerns. The Applicant has responded to Essex County Council's concerns regarding the design of Inworth Road roundabout in Essex County Council's Local Impact Report detailed in paragraphs 8.3.65-8.3.71, and Colchester City Council's concerns regarding increased traffic on the B1023 and the potential for rat running in Colchester City Council's Local Impact Report detailed in paragraphs 8.0-8.2 and 8.5-8.7.

8.13 - 8.15

The Applicant acknowledges that the A12 and the A120 sit within the community of Marks Tey. The proposed scheme will provide improved walking and cycling connectivity between both sides of the community. This includes upgrading the existing A120 surface crossing to a toucan crossing and providing a new bridge over the A12 with four metres width to allow for the safe passage of pedestrians and cyclists as shown on Sheets 18 and 19 of the Streets, Rights of Way and Access plans [AS-028]. East of Marks Tey Station, the existing crossings will remain to provide access to the station.

8.14 A new cycletrack between the active travel bridge over the A12 and the connected crossing of the A120 and the station, will improve walking/cycling connectivity between the east side of Marks Tey and the station. In addition, the crossing on the southern side of the junction connecting the de-trunked A12 and northbound diverge at J25 provides a continuous tow-way off-road walking/cycling route between the station and the western side of Marks Tey where there is no continuous route at present.

With regard to the detrunked section of the A12 between Feering and Marks Tey, the approach to be taken for the treatment of this section, or further measures delivered outside of the proposed scheme, has not yet been determined. The Applicant is engaged in ongoing discussions with Essex County Council on this matter. Please refer to letter correspondence with Essex County Council in Appendix A of the Applicant's Response to Relevant Representations [REP1-002] for more details.

Site and Area Constraints

9.0 - 9.7

The Applicant acknowledges the presence of the three designated sites described by the Colchester City Council and the reasons for their designations: Perry's Wood LWS, Inworth Wood LWS and Marks Tey Brick Pit LWS (also designated as a SSSI). Parts of Perry's Wood LWS and Inworth Wood LWS are also both designated as ancient woodland.

An assessment of likely significant effects to these designated sites, with the exception of Marks Tey Brick Pit SSSI (please see justification below), are presented in Section 9.11 of Chapter 9: Biodiversity [APP-076] during both construction and operational phases of the proposed scheme.

As described in paragraphs 9.11.37 and 9.11.31 and summarised in Table 9.29 of Chapter 9: Biodiversity [APP-076], there was considered to be no change in the level of impact to Perry's Wood LWS (and ancient woodland) and Inworth Wood LWS (and ancient woodland) as a result of construction and the significance of effect for these designated sites was neutral (not significant).

Inworth Wood LWS (and ancient woodland) was scoped out of operational impacts, as the air quality assessment (as described in Chapter 6: Air Quality [APP-073]) showed that there was no potential for effects due to nitrogen deposition.

As a result of air quality impacts to both Perrys Wood LWS and Perrys Wood ancient woodland during operation of the proposed scheme (as described in paragraphs 9.11.288 and 9.11.294 of Chapter 9: Biodiversity [APP-076]), the significance of effect at both designated sites is large adverse (significant), as summarised in Table 9.33 of Chapter 9: Biodiversity [APP-076]. To offset the significant effect on Perrys Wood, it is proposed to plant woodland at borrow pit F, as shown on Figure 2.1 Environmental Masterplan – Part 1 [APP-086] and as detailed in the Landscape and Ecology Management Plan (LEMP) [APP-193] within the first iteration of the Environmental Management Plan (EMP) [APP-184]. This offsetting is secured by commitment BI16 of the Register of Environmental Actions and Commitments (REAC) [APP-185].

Marks Tey Brickpit LWS was scoped out of the assessment due to its distance from the proposed scheme (542m) and given it is

more than 200m from both the construction and operation Affected Road Network (ARN) (as shown in Table 9.12 of Chapter 9: Biodiversity [APP-076]) and therefore there would be no direct impacts or impacts through changes in air quality.

As stated in Chapter 9: Biodiversity [APP-076], Marks Tey Brickpit SSSI is designated for geological reasons and therefore its value does not relate to ecological conservation. The site is therefore not considered in Chapter 9, but is covered in Chapter 10: Geology and soils [APP-077].

As described in paragraph 10.9.2 of Chapter 10: Geology and soils [APP-077], Marks Tey Brickpit SSSI is scoped out of the assessment as per the Scoping Opinion (Planning Inspectorate, 2021, Scoping Opinion: A12 Chelmsford to A120 Widening Scheme. Case Reference TR010060. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-000016-CHLM%20-%20Scoping%20Opinion.pdf>. Accessed March 2023.). Effects to the Marks Tey Brickpit SSSI are unlikely, as this site lies 115m outside of the footprint of the proposed scheme. There could be linkages between the site and sources of contamination exposed during construction, such as from dust or leachate, but these would be avoided through standard mitigation measures and are unlikely to be significant.

The Applicant further acknowledges the two areas of flood risk described by the Colchester City Council, one close to Easthorpe and one at Marks Tey/Copford. A flood risk assessment for the proposed scheme is provided in Appendix 14.5: Flood Risk Assessment [APP-162] along with Annexes A – O [APP-163 to APP-173].

Socio-economic and Community Matters

10.0 - 10.6

The Applicant notes Colchester City Council's comments.

10.7 (Marks Tey & Copford Neighbourhood Plan) - 10.7 (Marks Tey & Copford Neighbourhood Plan)

Intervention	Reference	Assessment	Rationale	Enhancements	Evidence of need	Applicant Comment
<i>New J24, just on city boundary at Inworth</i>	2.2.17	<i>neutral</i>	<i>Although this would serve the communities of Kelvedon, Inworth, Tiptree, Easthorpe and Messing there would be a cost in terms of visual impact in the rural landscape, loss of visual amenity and habitat, an increase in noise, light and air pollution.</i>	<input type="checkbox"/> <i>Ensure Fibre broadband trunking is installed to enable easy future connection.</i> <input type="checkbox"/> <i>Ensure Fibre broadband trunking and fibre connectivity is installed where the existing network allows.</i> <input type="checkbox"/> <i>Place speed limits on access roads.</i> <input type="checkbox"/> <i>Planting to absorb noise, filter light and absorb air pollution</i>	<i>Copford and Easthorpe Neighbourhood Plan objectives for a:</i> <input type="checkbox"/> <i>Successful economy to provide local employment</i> <input type="checkbox"/> <i>Improved connectivity – footpaths and cycleways, safe roads and rail access</i> <input type="checkbox"/> <i>Improved community amenities – broadband improvements for existing and future needs</i>	<ul style="list-style-type: none"> • Please see response to paragraph 10.9 - 10.10 for details regarding broadband. • All access roads to junction 24 have speed limits proposed, shown on the Traffic Regulation Measures Speed Limits Plans [APP-010]. All speed limits will be subject to consultation with the Local Highway Authority and Police Authority approval, including the Safer Essex Road Partnership. • Please see response to paragraph 7 – 7.7 with regards to planting, sub-question, paragraph 11.0 – 11.26 with regard to noise and paragraph 11.0 – 11.26- with regard to air quality.
<i>Prested Hall/Threshford's access road</i>	2.2.19	<i>+ve</i>	<i>Prested Hall – major Wedding</i>	<input type="checkbox"/> <i>Ensure that footways and cycle ways are</i>	<i>Copford and Easthorpe Neighbourhood Plan - see</i>	<ul style="list-style-type: none"> • The Applicant is working with The Crown Estate in terms of aspirational onward walking and cycling connectivity that could be provided by

			<p><i>and event venue for Colcestrians, 2-way single carriageway access road with shared use footway and cycle way. Threshelford s - farm</i></p> <p><i>track access shared use footway and cycle way</i></p>	<p><i>extended into other existing / planned networks to enable choice of access to village amenities in Kelvedon, the railway station there, communities of Feering, Inworth and Messing</i></p> <p><i>(And Tiptree beyond)</i></p> <ul style="list-style-type: none"> <i>Fibre broadband installation – see above</i> 	<p><i>above</i></p>	<p>the Prested Hall/Threshelfords Access Road. The proposals are shown on the Streets, Rights of Way and Access Plans [AS-027].</p> <ul style="list-style-type: none"> Please see response to paragraph 10.9 - 10.10 for details regarding broadband.
<p><i>Inworth Road B1023 widening</i></p>	<p><i>2.2.20</i></p>	<p><i>-ve</i></p>	<p><i>Though this will smooth traffic flows and improve safety for commercial vehicles there will be an increase in noise, air and light pollution. There will be a loss of habitat and there is no</i></p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Fibre broadband installation – see above</i> <input type="checkbox"/> <i>New connected footpaths and cycle ways – see above</i> 	<p><i>Copford and Easthorpe Neighbourhood Plan – see above</i></p>	<ul style="list-style-type: none"> Please see response to paragraph 10.9 - 10.10 for details regarding broadband. Please see response to paragraph 11.0 - 11.26 for Noise impacts and paragraph 11.0 - 11.26 for Air Quality. Where new/improved walking and cycling provision wouldn't require the acquisition of residential land, the Applicant is proposing off-carriageway walking and/or cycling provision adjacent to the widened road. The proposals are shown on the Streets, Rights of Way and Access Plans [AS-

			<i>mention of footpath and cycle access.</i>			027].
<i>De-trunking the existing A12 route between J24 and J25</i>	2.2.22	+ve	<i>Improved access for communities and businesses through offering two routes to the A12</i>	<input type="checkbox"/> <i>Fibre broadband installation – see above</i> <input type="checkbox"/> <i>New connected footpaths and cycle ways – see above</i>	<input type="checkbox"/> <i>Copford and Easthorpe Neighbourhood Plan – see above</i> <input type="checkbox"/> <i>Marks Tey Neighbourhood Plan</i>	<ul style="list-style-type: none"> • Please see response to paragraph 10.9 - 10.10 for details regarding broadband. • Where new/improved walking and cycling provision wouldn't require the acquisition of residential land, we are proposing off-carriageway walking and/or cycling provision adjacent to the widened road. The proposals are shown on the Streets, Rights of Way and Access Plans [AS-027]. • For the detrunked section of the A12 between Junction 24 and junction 25 there is already in place a cycleway which will be retained and connected to where the new road would tie in into the detrunked A12.
<i>Wishingwell Farm and Easthorpe Green Farm new road and overbridge</i>	2.2.24	+ve	<i>New minor access road off a new 3 arm roundabout</i>	<input type="checkbox"/> <i>Fibre broadband installation – see above</i> <input type="checkbox"/> <i>New connected footpaths and cycle ways – see above</i>	<input type="checkbox"/> <i>Copford and Easthorpe Neighbourhood Plan – see above</i> <input type="checkbox"/> <i>Marks Tey Neighbourhood Plan</i>	<ul style="list-style-type: none"> • Please see response to paragraph 10.9 - 10.10 for details regarding broadband. • Where new/improved walking and cycling provision wouldn't require the acquisition of residential land, we are proposing off-carriageway walking and/or cycling provision adjacent to the widened road. The proposals for Easthorpe Green and Wishingwell farm are connected to Marks Tey through a cycleway running parallel to the A12 as shown on the Streets, Rights of Way and Access Plans [AS-027].

<p><i>J25 modified and improved (at Marks Tey)</i></p>	<p>2.2.26</p>	<p>+ve</p>	<p><i>New crossings and replacement bridge provided for walkers and cyclists across A12</i></p>	<ul style="list-style-type: none"> • <i>Fibre broadband installation – see above</i> • <i>New connected footpaths and cycle ways to improve connectivity within the village. Enabling easy access to/from Marks Tey rail station, easier access to/from the Marks Tey community along the A12 to village amenities and improving access to recreation and green spaces</i> • <i>GP and Dentist Surgery required</i> • <i>Enhancing identified regeneration sites to improve commercial attractiveness</i> 	<p><i>Marks Tey Neighbourhood Plan broad aims@</i></p> <ul style="list-style-type: none"> • <i>Getting around – improve links between parts of the village, manage traffic volumes and improve walking and cycling opportunities</i> • <i>Creating a stronger community</i> • <i>new health facilities for growing population</i> • <i>Business & employment – regenerating sites (London Road retail sites and Andersons Timber Merchant site)</i> • 	<ul style="list-style-type: none"> • Please see response to paragraph 10.9 - 10.10 for details regarding broadband. • The Applicant is proposing to replace the existing footbridge over the A12 and provide new or improved cycleway around the junction 25 connection to the existing footpath network. The proposals are shown on the Streets, Rights of Way and Access Plans [AS-027]. • With regards to providing a GP and Dentist Surgery, this is outside the scope of the proposed scheme and the remit of National Highways to promote community infrastructure investment. • The A12 will provide a connection between Old London Road, the detrunked A12 and the new Junction 25, shortening the distance between the employment area of Marks Tey and the Junction. • The scope of walking and cycling improvements along the A120 is limited to the length between Old Rectory Junction and the vicinity of the relocated pedestrian crossing which currently is just opposite The Blue Goose. The proposals are shown on the Streets, Rights of Way and Access Plans [AS-027], which include replacing the existing puffin crossing of the A120 dumbbell interchange link with a toucan crossing for walkers and cyclists. • A new bridge which spans both the
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							<p>A12, and the A120 dumbbell interchange link was considered by the project but discounted due to the difference in levels of the A12 and the A120 in this location, requiring significant ramp lengths and clearance of vegetation in the open space between the A120 dumbbell interchange link and Station Road.</p> <ul style="list-style-type: none"> The provision of new GP and Dentist Surgery is outside the scope of the proposed scheme.
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10.7 (Tiptree Neighbourhood Plan) - 10.7 (Tiptree Neighbourhood Plan)

Please see response to paragraph 10.9 - 10.10 setting out the Applicant response to the suggested intervention enhancements.

Please see response to paragraph 10.9 - 10.10 for details regarding broadband.

The area covered by the Tiptree Neighbourhood Plan does not overlap with the Order Limits and thus was not specifically addressed in the DCO application for the proposed scheme. However, where applicable, Tiptree Village has been considered within the environmental assessments, the results of which can be found throughout the Environmental Statement submitted with the DCO application.

10.9 - 10.10

The Applicant notes the summary comments from the Colchester City Council in regard to strategic improvement.

With regard to improved broadband access, this is outside the scope of the project and the remit of National Highways to promote

communication infrastructure investment. However, the Applicant is working closely with asset owners including Virgin Media, Vodafone, Verizon and Openreach to ensure suitable diversion routes are agreed to allow the telecommunications companies to maintain the current provision of service both during and after construction. Where reasonably practicable, spare duct capacity will be provided through hard constraints such as bridge decks so as not to hinder future investment programmes.

Impact on Human Wellbeing: Noise and Vibration, Air Quality

11.0 - 11.23

The Local Impact Report correctly summarises the impacts from noise and vibration within the area of Colchester City Council.

Specific points within the response are addressed below.

Paragraph 11.15. As is explained in paragraph 7.3 of Appendix 3.3 Junction 24, Inworth Road and Community Bypass Technical Report in the Environmental Statement [APP-095], the closure of Kelvedon Road would remove the predicted significant adverse effects within Messing. However, this would increase traffic through Tiptree and would cause significant adverse effects at 10 dwellings along Kelvedon Road in Tiptree and two within Inworth. While the Community Bypass would have a lower number of significant adverse effects than the proposed scheme, more of these would be above the Significant Observed Adverse Effect Level (SOAEL), which should be avoided where possible.

Paragraph 11.21. For the identified significant adverse effects in the assessment, the Applicant has attempted to remove these or reduce the noise level. This is through measures such as the enhanced low noise surface and noise barriers. Those above the SOAEL are mostly along the existing road network where the increase in noise is due to an increase in traffic flow. In these locations, mitigation is not possible, and this is explained within the respective paragraphs of Chapter 12: Noise and Vibration [APP-079].

Paragraph 11.22. "If traffic mitigation could be introduced to benefit the roads impacted by Junction 24, as outlined in Section 7.3 of

the Junction 24 Inworth Road and Community Bypass Technical Report, receptors around Messing experiencing a significant adverse effect (71) would be removed but around 10 added to Tiptree and two in Inworth, resulting in a reduction of approximately 60. This is our preferred option, and we recommend that it is investigated further.”

The Applicant has considered the alternative proposed which it rejected for the reasons set out above. These reasons still stand and therefore the Applicant will not be reopening consideration of the route alignment.

11.24 - 11.25

The Applicant agrees that the judgment of significance according to IAQM guidance would be moderate for receptors R189 and R193. The assessment results (operational) presented in ES Appendix 6.5 Table 1.4 [APP-104] are correct (i.e., DM 40.1 $\mu\text{g}/\text{m}^3$ and 41.5 $\mu\text{g}/\text{m}^3$ respectively, DS 41.0 $\mu\text{g}/\text{m}^3$ and 42.4 $\mu\text{g}/\text{m}^3$ respectively) which is a change of 0.9 $\mu\text{g}/\text{m}^3$ for both which equates to a magnitude of 'small'. in accordance with the DMRB LA105, which is designed specifically for the assessment, reporting and management of impacts of air quality on human health and biodiversity from the delivery of motorway and all-purpose trunk road projects.

The second point regarding ongoing monitoring indicating that air quality compliance at R189 would be achieved in the next two years is also noted.

The air quality assessment was undertaken conservatively, through the application of long-term trends which address uncertainty in vehicle emissions performance (see ES Chapter 6 Air Quality Appendix 6.3 Dispersion Modelling Process [APP-102]. Given the inherent degree of uncertainty of air dispersion modelling discussed in ES Chapter 6 Air Quality Section 6.6 [APP-073] the Applicant acknowledges the Council's request for monitoring and will continue to discuss this with Colchester City Council.

Regarding the third point on the declaration of an AQMA, the air quality assessment concluded there would be no significant effects to human health during the construction and operation of the proposed scheme, in accordance with DMRB LA 105 significance

criteria (see Table 2.92N). Therefore, it was not necessary to undertake a Project Air Quality Action Plan to test and develop mitigation options and to monitor their effectiveness and an AQMA would not need to be declared.

11.26 - 11.26

The Applicant notes the comment from the Colchester City Council. Please refer to Chapter 10, Geology and Soils [APP-077] of the Environmental Statement, in particular Appendix 10.1 Land Quality Risk Assessment [APP-142] and Figure 10.1 Geology and Soils Land Contamination Constraints Plan [APP-225] which details work done to date, including identification of land quality/contamination constraints, ground investigations and risk assessments. Figure 10.1 includes potentially contaminative sites on the route.

Cultural Heritage

12.0 - 12.2

The Applicant welcomes the Colchester City Council's statement that the level of assessment presented in Chapter 7: Cultural Heritage, of the Environmental Statement [APP-076] is sufficient and that they are satisfied that the proposed mitigation is appropriate and sufficient. As noted in the Colchester City Council's statement, consultation with their archaeological advisor is ongoing in order to agree the detailed scope of mitigation.

The Applicant welcomes the Colchester City Council's statement that they are "strongly unlikely" to object to the granting of the DCO on archaeological grounds.

12.3 - 12.4

The results of the Built Heritage impact assessment are provided in Chapter 7: Cultural Heritage [APP-074] and Appendix 7.9: Cultural Heritage Impact Assessment Summary Tables [APP-117], of the Environmental Statement. The designated and non-designated cultural heritage assets have been identified from a number of sources including the Colchester City Council local list.

Archaeological evaluation work has been carried out and an Archaeological Mitigation Strategy (AMS) [APP-118] has been produced which sets out the proposed measures to mitigate any potential harm to archaeological sites including for unknown archaeological remains of potential interest. Compliance with the AMS is secured in requirement 7 of the revised draft Development Consent Order submitted by the Applicant at deadline 3.

As noted by Colchester City Council, the Grade I listed All Saints Parish Church at Inworth, the Grade II listed Easthorpe Green Farmhouse, the Grade II listed Church View House (aka Flispes) at Easthorpe Green, the Grade II listed Doggetts Hammer Farmhouse, the Grade II listed Marks Tey Hall plus the associated Grade II* listed Barn and Grade II listed barn have all been assessed as being potentially subject to significant effects during operation.

The Applicant welcomes Colchester City Council's qualified support for the Built Heritage mitigation measures proposed for these historic buildings during operation. No specific mitigation measures have been proposed by Colchester City Council and the Applicant is satisfied that all necessary mitigation measures are in place to reduce, as far as possible, any harm to these designated heritage assets.

Biodiversity

13.0 - 13.15

The Applicant notes the point raised in paragraph 13.7 with respect to fragmentation of the landscape. The following measures are proposed to prevent this impact.

- Movement on species across the proposed scheme has been considered during this design stage with a view to minimising fragmentation (see Section 9.10 of Chapter 9 of the Environmental Statement [APP-076]).
- As per paragraph 9.10.7 of Chapter 9 Biodiversity of the Environmental Statement [APP-076], mammal ledges positioned at least 150mm above the 1 in 100-year flood level and with at least 600mm headroom would be fitted within culverts along the Rivenhall Brook, Domsey Brook (east), Domsey Brook (west) and Roman River, headroom and health and safety risk assessment permitting. Mammal ledges would be at least 500mm wide and accessible from the bank by ramps. Mammal ledges are labelled on the

following sheets of Figure 2.1 Environmental Masterplan [APP-086 to APP-088]: Rivenhall Brook Culvert (sheet 11), Domsey Brook Bridge (sheet 14), Domsey Brook East Culvert (sheet 17) and Roman River Culvert (sheet 19). In addition, the provision of numerous 600mm, 1200mm, and 1500mm culverts for minor ditches would enable mammals, reptiles and great crested newts (GCN) to cross safely beneath the proposed scheme. Where practicable, landscape planting would be designed to guide mammals to these features.

- As per paragraph 9.10.7 of Chapter 9 [APP-076], landscaping and habitat planting have been designed to increase connectivity across the landscape and avoid fragmentation of foraging and commuting habitats (see Figure 2.1 Environmental Masterplan [APP-086 to APP-088]).

The Applicant notes the concerns raised in paragraph 13.8 of the Local Impact Report with respect to operational effects of lighting on bats. An assessment of the effects of lighting on bats are presented within paragraphs 9.11.323 to 9.11.327 of Chapter 9 [APP-076]. It was assessed that with the mitigation outlined below there would be a negligible level of impact on bats through operational lighting.

As stated in Table 9.2 of Chapter 9 [APP-076], permanent lighting is to be designed sensitively, such as through the use of horizontally mounted flat glass lanterns, modern light-emitting diodes (LEDs), and designing lighting with zero tilt to produce no upward glare and minimal back light. Design will be carried out in accordance with the latest BS 5489 standard (British Standards Institution, 2020) and National Highways' specifications. The design will also take into consideration guidance notes from the Institution of Lighting Professionals, including Guidance Note 1 for the Reduction of Obtrusive Light (2021) and Guidance Note 8 for Bats and Artificial Lighting (2018).

As per paragraph 9.10.6, the use of permanent lighting would be developed at the detailed design stage. Lighting would be limited to junctions, handrail lighting on the bridges for walkers, cyclists and horse riders (WCH), and side road approaches to junctions, and designed to best practice to reduce light spill.

Furthermore, as per paragraph 9.10.16 of Chapter 9 [APP-076] landscape planting would be designed to reduce visual and lighting

impacts to habitats, species and designated sites, and provide guide planting to maintain connectivity and encourage use of new or existing crossing structures.

The Applicant welcomes this feedback from the Colchester City Council on the impact assessment within Chapter 9: Biodiversity [APP-076] and in particular that the proposed offsetting measures for Perrys Wood as detailed within paragraph 9.10.32 of Chapter 9 Biodiversity [APP-076] and as committed by BI16 of the Register of Environmental Actions and Commitments (REAC) [APP-185] within the first iteration Environment Management Plan [APP-184] are welcomed.

Potential for harm to protected species during operation of the scheme is assessed within paragraphs 9.11.320 to 9.11.373 of Chapter 9 Biodiversity [APP-076]. With the mitigation embedded within the design of the proposed scheme (for example provision of mammal ledges as per paragraph 9.10.7) and additional mitigation such as proposed for bats (linear planting on overbridges as per paragraph 9.10.50) and badgers (planting to direct badgers to nearby culvert with mammal ledge as per paragraph 9.10.66) operational effects on protected and notable species are assessed as neutral (or slight beneficial for otters) (see Table 9.31 of Chapter 9 [APP-076]).

Conclusions

14.0 - 14.5 (7.5 there is a mistake in the LIR)

The Applicant notes the comments made by Colchester City Council

The Applicant has provided detailed responses to cover these topics in preceding sub-parts.

The Applicant looks forward to continued engagement with the Colchester City Council.