

A12 Chelmsford to A120 widening scheme

TR010060

9.32 Applicant's Comments on Responses to ExQ1

Rule 8(1)(c)(ii)

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[]

Applicant's Comments on Responses to ExQ1

Regulation Number	Rule 8(1)(c)(ii)
Planning Inspectorate Scheme Reference	TR010060
Application Document Reference	TR010060/EXAM/9.32
Author	A12 Project Team and National Highways

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

CONTENTS

1 Introduction1

2 Applicant's comments on responses to ExQ12

2.0.1 2

Braintree District Council2

Colchester City Council4

Essex County Council.....4

Maldon District Council5

Chelmsford City Council5

2.0.2 6

Maldon District Council6

2.0.3 11

Colchester City Council11

2.0.4 12

Colchester City Council12

Maldon District Council13

Essex County Council.....13

Chelmsford City Council13

Braintree District Council14

2.0.5 16

Chelmsford City Council16

Colchester City Council17

3.0.1 18

Braintree District Council18

Colchester City Council18

Environment Agency.....19

Essex County Council.....19

Maldon District Council20

Natural England22

Chelmsford City Council26

3.0.2 27

Braintree District Council27

Colchester City Council42

Essex County Council.....42

Maldon District Council	44
Natural England	47
Chelmsford City Council	47
3.0.3 48	
Braintree District Council	48
Colchester City Council	49
Essex County Council.....	49
Maldon District Council	49
Natural England	53
Chelmsford City Council	54
3.0.4 54	
Braintree District Council	54
Colchester City Council	55
Environment Agency.....	55
Essex County Council.....	56
Maldon District Council	57
Natural England	58
Chelmsford City Council	58
3.0.5 58	
Braintree District Council	59
Essex County Council.....	60
Maldon District Council	61
Natural England	63
Chelmsford City Council	63
6.0.15 63	
Essex County Council.....	64
6.0.16 65	
Essex County Council.....	65
6.1.1 66	
Chelmsford City Council	66
6.1.2 67	
Environment Agency.....	67
Natural England	68
Chelmsford City Council	68

6.1.4 69

Essex County Council.....69

Chelmsford City Council70

6.1.5 71

Anglian Water71

Environment Agency.....72

Chelmsford City Council73

6.1.6 74

Environment Agency.....74

6.1.7 74

Chelmsford City Council75

8.0.1 76

Braintree District Council76

Colchester City Council76

Essex County Council.....77

Maldon District Council78

Chelmsford City Council79

8.0.3 80

Environment Agency.....81

9.0.1 82

Chelmsford City Council82

9.0.2 84

Chelmsford City Council84

9.0.3 85

Chelmsford City Council85

11.0.1 87

Braintree District Council87

Essex County Council.....88

Maldon District Council91

Chelmsford City Council92

14.0.1 93

Essex County Council.....93

14.0.2 94

Essex County Council.....	94
14.0.3 96	
Essex County Council.....	96
14.0.4 97	
Essex County Council.....	97
15.0.1 98	
Braintree District Council	99
Colchester City Council	99
Essex County Council.....	100
Maldon District Council	100
Chelmsford City Council	101
15.0.2 101	
Braintree District Council	102
Colchester City Council	102
Essex County Council.....	103
Maldon District Council	103
Colchester City Council	104
15.0.3 105	
Braintree District Council	105
Colchester City Council	105
Essex County Council.....	106
Maldon District Council	106
Chelmsford City Council	107
15.0.4 107	
Chelmsford City Council	107
15.0.5 108	
Chelmsford City Council	108
15.0.8 109	
Chelmsford City Council	109
18.0.1 110	
Anglian Water	110
Braintree District Council	111
Colchester City Council	112

Environment Agency.....	112
Essex County Council.....	113
Maldon District Council	115
Chelmsford City Council	116
18.0.2 116	
Braintree District Council	116
Colchester City Council	117
Environment Agency.....	117
Essex County Council.....	117
Maldon District Council	118
Chelmsford City Council	118

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 responses to Examining Authority's First Round of Written Questions (ExQ1) published on 21 February 2023.

2 Applicant's comments on responses to ExQ1

2.0.1

Examiner's Question

Has the Applicant's Construction Dust Assessment, as set out in Section 6.9 of ES Chapter 6 [APP-073], had regard to the latest guidance and is the method used by the Applicant acceptable? Are the LPAs satisfied with the Applicant's proposed mitigation in relation to dust as outlined in the Dust Management Plan, Appendix E to EMP [APP-189]? If not, please explain why.

Braintree District Council

Co-Responder's Response

Braintree District Council (BDC) has no objection in principle to the use of a Dust Management Plan (DMP) to ensure appropriate monitoring of dust deposition. This document would need to be submitted to and approved by the Host Authorities at the appropriate time. It may be more appropriate for the DMP to be a freestanding document rather than being incorporated within a wide ranging CEMP. The wording should also be changed to 'should' rather than 'may' to make the required detail of the DMP more certain/robust. As highlighted above the Outline CEMP does include the following paragraph: 'The DMP may include monitoring of dust deposition, dust flux, real-time PM10 continuous monitoring and/or visual inspections'. Good practice guidance for controlling dust is available within the IAQM 'Guidance on the Assessment of dust from demolition and construction' (2014). BDC Environmental Health requires that any CEMP or DMP must contain clear statements of intent and absolute requirements rather than optional ones. The measures and controls undertaken must be in line with appropriate guidance and the submission makes reference to adopting good practice for high risk sites (as detailed within the aforementioned IAQM guidance) as being embedded within the mitigation. As the DMP is developed then the applicant will need to confirm what emissions to air monitoring is to be carried out and it will need to be agreed with the local authorities for specific activities/incidents. Appropriate monitoring would

be a combination of that highlighted in bold above but as a minimum there would be the expectation of documented visual inspections to assess any emissions beyond the boundary of the site.

Applicant's Response

Appendix E outline Dust Management Plan (DMP) [APP-189] to the First Iteration Environmental Management Plan in the Environmental Statement will be updated for the Second Iteration Environmental Management Plan and implemented during construction. The DMP will adopt a range of industry standard good practice construction phase dust mitigation and monitoring measures and general control measures (based on the construction dust risk potential in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 Air quality). This commitment is identified in Clause AQ1 of the Register of Environmental Actions and Commitments (REAC) [APP-185] Appendix A to the First Iteration Environmental Management Plan and secured by Schedule 2 Requirement 3 in the draft Development Consent Order (DCO) [AS-020]. Dust control measures will be implemented across all construction works where practicable based on those outlined by the Institute for Air Quality Management Publication Guidance on the assessment of dust from demolition and construction (Version 1.1) (2014), as provided for in section E.3.2 of the draft DMP at Appendix E to the FIEMP [APP-189].

The Applicant notes the Council's comments in relation to the DMP being a separate document to the First Iteration Environmental Management Plan (FIEMP). However, the DMP is already provided as a separate appendix (Appendix E [APP-189]) to the FIEMP so that it can be developed, consulted on and approved separately as part of the development of the Second EMP at the detailed design stage. There is therefore no reason why it needs to be provided as an entirely standalone document.

It is noted that there is already provision for the Council, as a relevant planning authority, to be consulted on the terms of the Second and Third Iteration EMPs by Requirements 2 and 3 in Schedule 2 to the draft DCO [AS-020], which will then be approved by the Secretary of State.

In terms of the use of 'may' raised by the Council, the Applicant is unaware which references within the DMP the Council is referring to. The DMP provides wording including 'shall' and 'would'. The Applicant is therefore of the view that the wording is entirely appropriate to an outline plan that must necessarily respond to changes in best practice procedures and construction methods. The same is the case for REAC commitment AQ1, which provides that the DMP 'would' be developed and implemented and 'would' adopt a range of industry standard good practice construction phase dust mitigation and monitoring measures. The DMP in the Second Iteration EMP will be drafted in such a way that it is clear what mitigation measures are required and those occasions when the Principal Contractor may choose the appropriate mitigation measures to be implemented.

Colchester City Council

Co-Responder's Response

The Dust Management plan complies with guidance and CoCC is satisfied with the proposed control measures.

Applicant's Response

The Applicant welcomes Colchester City Council's confirmation that it is satisfied with the Dust Management Plan for the proposed scheme.

Essex County Council

Co-Responder's Response

Detailed controls are exercised through specific pollution prevention and control regimes primarily regulated by the Environment Agency (EA) and Local Authority Environmental Health Officers (EHOs). The impact on human health is also material consideration in making planning decisions. However, national policy expects that in determining applications ECC should not be concerned with "the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced." If permission is granted, planning

conditions may be imposed to help mitigate any impact on local amenity.

Applicant's Response

The Applicant acknowledges Essex County Council's response.

Maldon District Council

Co-Responder's Response

MDC is satisfied that the Construction Dust Assessment has been carried out in accordance with DMRB LA105 which is the most appropriate methodology for a large transport infrastructure project like this. DMRB LA105 suggests that detailed mitigation should not be included in the assessment, but in an Environmental Management Plan (EMP). The Dust Management Plan appended to the first iteration EMP includes all the measures MDC would expect to see and covers the measures recommended to monitor mitigation effectiveness which are suggested in DMRB LA105. Consideration of impacts on specific locations and arising from specific activities should be included in the second iteration EMP following discussion with MDC where necessary. It is noted that a commitment to consult local authorities is included in the Register of Environmental Actions and Commitments (REAC) appended to the First Iteration EMP.

Applicant's Response

The Applicant acknowledges Maldon District Council's response to the first iteration of the EMP and the commitments outlined in the REAC [APP-185].

Chelmsford City Council

Co-Responder's Response

The Dust Management Plan complies with the latest guidance and CCC is satisfied with the proposed control measures.

Applicant's Response

The Applicant welcomes Chelmsford City Council's confirmation that it is satisfied with the proposals in the DMP [APP-189].

2.0.2

Examiner's Question

Does the Council agree with the Applicant's conclusion in relation to the air quality impacts within Hatfield Peverel and the recent AQMA declarations in Maldon and Danbury? If not, please explain why.

Maldon District Council

Co-Responder's Response

Not completely, for the reasons set out below.

Hatfield Peverel Air Quality relating to existing traffic and congestion at Duke of Wellington mini roundabout junction with A12 NH state in [APP-073] Table 6.2 Key Statutory Consultation Feedback on Air Quality, that modelling studies undertaken and reported in the PEIR and air quality assessments for updated traffic modelling outputs, 'will not significantly cause air quality impacts in the Hatfield Peverel area'. MDC believe this statement references impacts from construction at locations in the 'area' that are modelled as imperceptible-small and from the operational phase up to medium. A medium magnitude impact is an increase of between 2-4 $\mu\text{g}/\text{m}^3$ of NO_2 , but the sensitive receptors in the area are modelled at around 20 $\mu\text{g}/\text{m}^3$. MDC accepts this is below the air quality objective of 40 $\mu\text{g}/\text{m}^3$ and therefore not regarded as 'significant' and why no additional mitigation, beyond embedded mitigation identified in the REAC is proposed, given no significant impacts have been identified. In turn, MDC acknowledges that DMRB

LA105 para 4.4 states that monitoring shall not be required for projects that do not require mitigation. However, there appear to be inconsistencies between the air quality assessments and the traffic model, which could have a counter effect on each other's performance. Separate traffic modelling undertaken by the Applicant, for the project, states the Duke of Wellington mini roundabout operates at Level of Service D (LoS D) and works at capacity off-peak and over capacity at peak times. The Applicant suggests in Table 6.2: 'the PEIR Workshop conclusions on air quality in 2019 and the 2022 traffic modelling at the Duke of Wellington Mini Roundabout Junction 'broadly agree''. MDC however feel this is not conclusive and feel the phrase also suggests a degree of difference. MDC feel there is justification to know the nature of the difference so would like to understand whether they refer to an improvement to air quality forecasts, or a decline? The traffic flows include elements which originate from the Maldon District, along Maldon Road to the Duke of Wellington Mini Roundabout Junction in Hatfield Peverel and are known to cause traffic stacking at the junction reflected in the LoS D in 'waiting times' at the junction in respects of information submitted with the DCO. The 'made' Hatfield Peverel Neighbourhood Plan identifies traffic congestion on Maldon Road as a concern for safety reasons and associated poor air quality. MDC does not know the breakdown of the traffic flows at the Maldon Road/Duke of Wellington Mini Roundabout between HGVs, LGVs, vans and cars, despite several repeated requests for the information from NH. A poor LoS D junction to access the A12 that is overcapacity at peak times, therefore in MDC's view, has the potential to impact negatively on current and modelled air quality and this should be better understood and if significant enough, mitigated against. The significance of this concern for MDC is that Maldon Road where it runs through Hatfield Peverel village, is a residential street. Whilst the village is within the neighbouring District of Braintree, MDC remains concerned that the traffic modelling undertaken for the project has not adequately demonstrated that it has taken account of existing settlements in the Maldon District and their role as active and operational housing and employment areas, alongside the further approved housing and employment growth locations that will result in more HGVs, LGVs, vans and car trips generated to access the SRN via the Maldon Road/Duke of Wellington mini roundabout. Hatfield Peverel Junctions 20a and 20b (to close) are the nearest access/exit junctions to Maldon and Heybridge, less than 4 miles to the south-east. The human receptors to poor air quality line Maldon Road at the junction with the Duke of Wellington Mini Roundabout are residential properties, as well as more sensitive receptors including a nursery school facing Maldon Road and the primary school on Church Road, off Maldon Road. There are two zebra crossings on Maldon Road, one very close to the Duke of Wellington Mini Roundabout. Maldon and Danbury AQMAs – MDC disagrees with NH conclusions that the construction of the project can categorically rule out having any impact on the AQMAs in Maldon and therefore by relation, the AQMA associated with the A414 in Danbury, in the neighbouring Chelmsford City administrative area. The A414 is the primary LRN

connection to the SRN at Junction 18 Sandon on the A12 and through directions on road signage from the Maldon District traffic is encouraged to utilise the A414 to access the A12. All other roads including the Maldon Road (B1019) to Hatfield Peverel are B roads due to width and in some instances weight restrictions. MDC feels that it stands to reason that if NH's contested modelling is correct in its predictions for limited impacts at the Duke of Wellington Mini Roundabout, then where is the Maldon District originating traffic going to access the A12 (or Maldon District bound traffic leaving the A12) if it is not via the A414 through Danbury and Maldon, which if using Satellite Navigation, or local knowledge would include the classified route which includes Market Hill, Maldon, where the AQMA is situated.

Applicant's Response

The Applicant acknowledges that the Interested Party accepts the conclusion of 'no significant effect' and that no mitigation is required. The Interested Party is concerned however, by "inconsistencies between the air quality assessments and the traffic model" and refers to text published in Table 6.2 of the Environmental Statement to the effect that the PEIR Workshop conclusions on air quality in 2019 and the 2022 traffic modelling at the Duke of Wellington Mini Roundabout Junction 'broadly agree'.

The Applicant's conclusion in Table 6.2 is in relation to there being no significant effect concluded both at PEIR and at DCO. The term 'broadly agrees' acknowledges that there are some differences in traffic activity across the junction, due to changes in scheme design between DCO and PEIR and due to a refinement of traffic model assumptions (e.g. taking into account additional committed development). Other changes affecting air quality predictions would have resulted from applying different traffic model base years (2016 for the PEIR verses 2019 for the DCO). The change in the base year would influence the dispersion modelling verification and hence all reported results across the study area.

Overall, no significant effect was determined for the proposed scheme at PEIR and DCO.

Two different traffic models have been used to assess the Duke of Wellington junction.

A strategic traffic model was used to understand the changes in traffic flows and speeds on roads across the scheme area. This model takes into account changes in delay at the junction and the resultant change in traffic speeds on the approach arms, and how that might change the routes that drivers take. Information from this model was used to inform the air quality assessment .

As stated by the Interested Part, a separate traffic model was used to provide additional information on the operational performance of the junction. This detailed junction model was used to generate the Level of Service information presented in the Transport Assessment [APP-253]. This junction model was produced to allow a more detailed analysis of the junction's operation in terms of queue lengths on different arms, and was used to confirm how well the junction operates for the Transport Assessment. The two models were used for different purposes, but for outputs which are common to both models (e.g. information on the delay on each arm) the two models provide very similar results.

Regarding the Interested Party's comment that the traffic model does not take into account existing settlements in Maldon District and future planned development, the Applicant can confirm this is not correct. 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. 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 car 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. The traffic flows in the future year traffic models include

traffic generated from these developments. These traffic flows were used to inform the air quality assessment, and also used to feed into the separate Duke of Wellington junction model used for its operational assessment.

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 would be 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.

Air quality is assessed as an annual average concentration. The air quality dispersion model considers traffic flows over four periods of the day (see Air Quality Chapter Appendix 6.3 Dispersion Modelling Process [APP-102]). Although the PM peak at this junction is over capacity and the AM peak is at capacity the overall emissions when considering the inter-peak and off-peak periods does not contribute to a significant effect to local air quality across this junction.

With regards to air quality concerns on Maldon Road, 'worst case' receptors were modelled along Maldon Road in the DCO assessment. As acknowledged by MDC, the absolute concentrations are below the air quality objectives for Maldon Road. The school and nursery referenced by MDC are positioned further back from the modelled receptors and would experience lower impacts, if any, given the distance to the road source.

Regarding traffic on the A414 in Danbury between Maldon and A12 junction 18, this road is included in the traffic model. This predicts that the proposed scheme will not increase traffic here. The traffic from Maldon using the A414 to access the A12 at junction 18 is included in the traffic model, but the proposed scheme is not predicted to change the number of drivers who use this route. The diversion of traffic owing to the construction of the scheme does not form part of the construction air quality impact assessment. The Applicant refers MDC to the response provided in the response to MDCs LIR paragraph 6.2-6.2.10. "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 as a result of the closures, the temporary nature of the construction phase (i.e. less than one year) would not significantly affect air quality within the Maldon and Danbury AQMAs”.

2.0.3

Examiner's Question

Are the Council in agreement with regards to the Applicant's conclusion on air quality issues at the junction with A120 and around Marks Tey junction? If not, please explain why.

Colchester City Council

Co-Responder's Response

Figure 6.9 identifies modelled receptors points along the A120 (R162, R163, R165, R166 and R168). However, Figure 6.9 and Chapter 6 Air Quality neglect to provide modelled concentrations either in tabular or graphical representation for the base 2019, do minimum or do something scenarios. It is not clear what local features have been input for these locations: For R162 & R163 it is reasonable to consider the use of a partial street canyon within the model which could affect modelled outcomes significantly. With this fundamental information missing, CoCC cannot determine that air quality in Marks Tey will not be affected.

Applicant's Response

The Applicant acknowledges the Interested Party's response. Modelled concentrations for all qualifying receptors (i.e. receptors within 200m of the respective ARN) in accordance with the DMRB LA 105 are presented in Table 1. 1 (for the base year 2019, peak DM/DS construction and 2025) and Table 1.4 (for the base year 2019, opening year DM/DS and 2027) of Appendix 6.5: Air Quality Modelling Results of the Environmental Statement [APP-104]. It is noted that, of those receptors identified in the Interested Party's comments, only R168 is reported for the peak construction year. All other receptors were beyond the affected road network for the

construction scenario. The Applicant would draw attention to Figure 6.1 [APP-205] which presents a combined ARN for construction and operational scenarios. The construction ARN is confined to the junction with the A12 whereas the ARN extends to Ashbury Drive for the operational scenario. Figure 6.1 [APP-205] has incorrectly presented the ARN extending to Great Tey Road, where as it should extend to Ashbury Drive. In response to comments made at consultation events the air quality study area was extended along the Coggeshall Road (A120) which include receptors R162 and R163 and monitoring locations R136 and R137

Modelling inputs are outlined in Appendix 6.3: Dispersion modelling process of the Environmental Statement [APP-102]. A street canyon was not modelled at receptors R162 and R163 as the topography does not qualify with the criteria as described in Local Air Quality Management Technical Guidance 22 LAQM(TG22) Section 7.452

2.0.4

Examiner's Question

Has Table 6.5 of ES Chapter 6 [APP-073] identified all the key relevant local policies that relate to air quality? If not, please identify those that are missing.

Colchester City Council

Co-Responder's Response

Table 6.5 of ES Chapter 6 Generally identifies the key relevant local policies that relate to air quality. These are SP6 Infrastructure and Connectivity of the adopted Section 1 Local Plan and Adopted Section 2 policies ENV5 Pollution and

Contaminated Land, together with DM1 Health and Well Being.

Applicant's Response

The Applicant welcomes the Interested Party's confirmation that the key relevant local policies have been referred to.

Maldon District Council

Co-Responder's Response

MDC can confirm that the Environmental Statement has reviewed all relevant key Local Development Plan and Neighbourhood Plan policies that relate to air quality.

Applicant's Response

The Applicant welcomes the Interested Party's confirmation that the key relevant local policies have been referred to.

Essex County Council

Co-Responder's Response

This falls to the relevant LPA's to consider.

Applicant's Response

The Applicant acknowledges this response.

Chelmsford City Council

Co-Responder's Response

Yes. Table 6.5 of ES Chapter 6 identifies the key relevant local policies that relate to air quality.

Applicant's Response

The Applicant welcomes the Interested Party's confirmation that the key relevant local policies have been referred to.

Braintree District Council

Co-Responder's Response

Policy LPP70 of the Adopted Local Plan requires proposals for all new development to prevent unacceptable risks from all emissions and other forms of pollution and to ensure no deterioration of air quality. It states that development will not be permitted where there are likely to be unacceptable impacts upon air quality and the health and safety of the public. Policy FI1 of the Hatfield Peverel Neighbourhood Plan is primarily a Transport and Access Policy but does also specifically state that 'all new developments should prevent unacceptable risks from emissions and all forms of pollution (including air, water and noise pollution) to ensure no deterioration of current standards'. Policy NE7 of the Kelvedon Neighbourhood plan on pollution generally states that 'development proposal should avoid any significant increases in... air pollution...'. It requires that proposals demonstrate potential risks to human health and environment, and that risks will be adequately addressed by appropriate avoidance, alleviation and mitigation measures.' Limb A of Air Quality, dust and odour requires that mitigation must be in accordance with up-to-date guidance issued by the Institute of Air Quality Management and limb B encourages a preference for locally dominant native species in either deciduous or evergreen planting. Policy 9 of the Feering Neighbourhood plan is a policy on Moving Around and requires that new development should not have a severe detrimental impact on air quality and public health as a result of increased traffic flows and congestion. The Plan also supports development proposals that provide air quality assessments and detail mitigation measures in accordance with Policy 12 on Climate Change and Sustainability

Applicant's Response

The Applicant acknowledges the following policies

LPP70, FI1, NE7, Limb A of Air Quality, Policy 9 and Policy12.

The air quality assessment was commensurate of the principles included in the above policies. Further description is provided below.

Adopted Local Plan published 25/07/2022 - ES Chapter 6 Air Quality was completed before this was published. LPP70 as stated in the Adopted Local Plan is concerned with the protection, enhancement and management and monitoring of biodiversity. The target is to protect existing levels of biodiversity, and to increase areas of protection. Ecological impacts were included within the air quality assessment in the ES Chapter 6 Air Quality [APP-073].

FI1 Hatfield Peverel Neighbourhood District Plan (December 2019) - This policy was not identified as it was concerned with transport and access. However, the reference to the 'unacceptable risk from emissions and all forms of pollution (included air, water and noise) to ensure no deterioration of current standards' is addressed in the ES Chapter 6 Air Quality [APP-073].

Policy NE7 of the Kelvedon Neighbourhood District Plan (adopted July 2022) - ES Chapter 6 Air Quality was completed before this was published. The Policy provides, 'where there is potential for significant pollution to derive from new development, proposals should clearly demonstrate the potential risks to the human and natural environment'. This is addressed in the ES Chapter 6 Air Quality [APP-073], Chapter 9 Biodiversity [APP-076] and Chapter 13 Population and Human Health [APP-080].

The following policy sources Limb A and Limb B have not been referred to in the ES Chapter 6 Air Quality [APP-073]. However, Limb A of Air Quality, dust and odour requires that mitigation must be in accordance with up-to-date guidance issued by the Institute of Air Quality Management (IAQM). The Dust Management Plan at Appendix E to the First Iteration Environmental Management Plan [APP-189] provides for measures to be implemented based on those outlined in the IAQM Publication Guidance.

Limb B is not pertinent to air quality.

Policy 9a Point IV of the Feering Neighbourhood District Plan (adopted January 2023) - ES Chapter 6 Air Quality was completed before this was published. It states 'development should not have a severe detrimental impact on air quality and public health as a result of increased traffic flows and congestion'. No significant effects were identified across the scheme for human health.

Beneficial impacts were predicted at the majority of receptors in Feering. The results are shown in ES Chapter 6 Air Quality Appendix 6.5 [APP-104] and Figure 6.9 [APP-213].

Policy 12 on Climate Change and Sustainability - This is addressed in ES Chapter 15 Climate [APP-082].

2.0.5

Examiner's Question

Are the Council satisfied with the approach taken by the Applicant to AQMAs within Chelmsford? If not, please explain why not

Chelmsford City Council

Co-Responder's Response

CCC is satisfied with the approach taken by the applicant in relation to AQMAs within Chelmsford.

However, CCC is not satisfied with the proposed lack of mitigation set out in relation to modelled exceedances with are outside the AQMA.

CCC has provided a full and substantive response to Air Quality within its Local Impact Report paragraphs 6.31 – 6.39 refer.

Applicant's Response

The Applicant acknowledges the response from the Interested Party to the Examining Authority's question. The Applicant also acknowledges paragraphs 6.31 to 6.39 of the Local Impact Report (LIR), which the Applicant has responded to in full as part of the Deadline 3 submissions. However, the Applicant would like to respond specifically to paragraph 6.35 of the LIR which states:

6.35. This is an exceedance of the annual mean air quality objective for nitrogen dioxide (NO₂) (R225) and would result in Chelmsford City Council having to declare an AQMA (Air Quality Management Area) and develop an air quality action plan. The

dispersion modelling of nearby receptors confirmed that the exceedance in the DS was limited to one residential property. The Environmental Statement provides no commentary of an AQMA being required at R225 nor provide appropriate air quality mitigations.

DMRB LA105 Air Quality section starting 2.89 outlines the methodology for determining significance. Section 2.96 specifically refers to where a project would trigger a significant air quality effect and the requirement for a Project Air Quality Action Plan (PAQAP) and subsequent mitigation measures, including the declaration of an AQMA.

Whilst an exceedance of the Air Quality Objective was predicted at human health receptor R225, the Environmental Statement Chapter 6 Air Quality [APP-073] did not determine any significant effects as a result of the proposed scheme (i.e. a PAQAP was not required and an AQMA would not need to be declared).

Colchester City Council

Co-Responder's Response

No mitigation of air pollution has been proposed for R189 Lucy Lane North (within AQMA 4), R193 Halstead Road or acknowledgement that an AQMA may be required for R193. Note, from 2023, CoCC has commenced monitoring air quality at this location.

Applicant's Response

The Applicant notes the response from the Interested Party and the introduction of monitoring. Please also note that mitigation is considered when significant effects are identified. No significant effects for human health receptors were identified in accordance with the guidance provided in the DMRB LA105 Section 2.94 and Table 2.92N.

DMRB LA105 Air Quality section starting 2.89 outlines the methodology for determining significance. Section 2.96 specifically refers to where a project would trigger a significant air quality effect and the requirement for a Project Air Quality Action Plan (PAQAP), the declaration of an AQMA, and subsequent mitigation measures.

Whilst an exceedance of the Air Quality Objective was predicted at human health receptors R189 and R193, the Environmental Statement Chapter 6 Air Quality [APP-073] did not determine any significant effects as a result of the proposed scheme (i.e. a PAQAP was not required nor mitigation measures proposed and an AQMA would not need to be declared).

3.0.1

Examiner's Question

In relation to Applicant's approach toward biodiversity net gain, are the parties satisfied with this approach and the Applicant's conclusion? If not, please explain why.

Braintree District Council

Co-Responder's Response

No comment

Applicant's Response

N/A

Colchester City Council

Co-Responder's Response

Colchester City wishes to defer to the opinion of ECC on these matters.

Applicant's Response
N/A
Environment Agency
Co-Responder's Response
We note that this question was not directed to the Environment Agency. However, we would wish to state that in our Written Representation (section 1.6) we have highlighted that the Applicant has failed to show a clear delivery of biodiversity net gain specifically for rivers.
Applicant's Response
The Applicant notes the concerns raised by the Environment Agency and has addressed these in the response to Written Rep ref: REP2-053-012.
Essex County Council
Co-Responder's Response
The Applicant's approach to only reach no net loss and the lack of appetite for BNG is unimpressive. We consider that a wide range of habitats might provide long term biodiversity benefits.
Applicant's Response
The Applicant has carried out a calculation using the Biodiversity Metric 3.0, with the aim of maximising biodiversity value, which demonstrates that greater than 10% biodiversity net gain will be achieved across each of the terrestrial habitat, hedgerow and river

categories. The array of habitats created would generally be more diverse than the majority of the largely arable habitat present along the existing A12 corridor.

As summarised in Section 9.13 of Chapter 9: Biodiversity of the Environmental Statement [APP-076], there would be a net gain of 25.01% of area habitats, 36.06% of hedgerow habitats and 156.73% of rivers. Further detail is provided within Appendix 9.14 Biodiversity net gain [APP-138].

Maldon District Council

Co-Responder's Response

It is welcomed that the Applicant has sought to use Natural England's Metric 3.0 as the basis for its Biodiversity Net Gain (BNG) assessment (April 2022) and that the Applicant has noted that this has been updated since the work was carried out and that Metric 3.1 will be considered for future metric calculations.

Contrary to the assertion in the Applicant's response to the Scoping Opinion from different stakeholders, including Essex County Council and Natural England (ES 6.1 Chapter 9 – Biodiversity - Table 9.2, p12) that “there is no legal or policy requirement for BNG provision for the proposed scheme”, MDC has had statutory Development Plan policy that makes provisions for BNG since 21 July 2017. Unusually for an LPA, the Maldon District LDP was approved by the Secretary of State following a Direction to intervene in plan-making in 2015; it was not adopted by the LPA but has the same legal weight, as set out in Paras 1.18 and 1.19 of the LDP (p5). This policy provision for the Maldon District was therefore around long before the more recent legal provisions being made through the Environment Act 2021 and national policy set out within the NPPF.

For the avoidance of doubt, LDP Policy N2 seeks to secure BNG from all developments in the Maldon District, where possible.

MDC would argue that whilst at an A12 project scale there may be BNG, the gas main diversion is a separate NSIP as confirmed by the Applicant, albeit being dealt with by the A12 project's DCO. The diversion of the gas main should therefore achieve BNG in its own right; divorced from the gains otherwise being achieved elsewhere in the A12 project so as not to devalue its own discrete impacts. Whilst it is accepted that the Applicant has had to make practical concessions in 9.10.13 that lost woodland vegetation and trees cannot be replaced in situ due to utility easements and would instead be replaced by native shrub and hedgerow planting,

MDC is not satisfied that this should be the only replacement considered to mitigate the impact and achieve BNG as per policy requirements. It is accepted that this would help to repair and soften the scar on the vegetated part of the landscape through Blue Mills Nature Reserve in Maldon District, but it is not satisfactorily demonstrated that it would necessarily achieve BNG in the Maldon District. This is contrary to Policy N2 which seeks for any “new or replacement habitat [be] delivered as close as possible to the development site in order to maintain a viable population locally and avoid incremental and accumulative impact on local ecology. The Applicant should instead be considering where additional planting could take place in the general vicinity that has the freedoms to reach its maturity to strengthen the green infrastructure assets’ biodiversity value that could otherwise receive a net-loss in value, which is contrary to the approved LDP policy. Any trees that are also subject to a Tree Preservation Order (TPO) in the Maldon District should also be replaced with appropriately sized specimens, as close to the location of loss as possible, to protect amenity; just as proposed for the main A12 scheme.

MDC is disappointed that despite some selective references to utility easements, the Design, Mitigation and Enhancement measures set out in 9.10 of the ES fail to cover with the same vigour and thoroughness (as other Green Infrastructure assets examined as affected by the A12), the proposed approach for the design, mitigation and enhancement of Blue Mills Nature Reserve and surrounding riparian corridor of the River Blackwater that will be directly impacted by the utility diversion of the gas main. Equally, the only reference to the gas main in the BNG Report - Appendix 9.14 concerns the cross-sections of the River Blackwater; there is no reference specifically to Blue Mills Nature Reserve and MDC is not assured that the BNG approach has adequately examined it. This is compared to other specific places and habitats along the A12 route being mentioned specifically such as watercourses and Colemans Farm Quarry.

Applicant’s Response

As a Nationally Significant Infrastructure Project (NSIP), the Secretary of State is required to assess the applicant for a Development Consent Order against the National Policy Statement for National Networks (NPSNN). There is currently no National legislation or policy in place which mandates biodiversity net gain for NSIPs

Whilst Maldon’s Local Policy is a relevant consideration as part of the Secretary of State's (SoS) decision, ultimately the SoS must decide the application in accordance with the NPSNN.

However, as per section 9.12 of Chapter 9 Biodiversity [APP-076] and Appendix 9.14 Biodiversity Net Gain Report [APP-138], the percentage gain in habitats for the proposed scheme are 25%, 36% and 157% for habitats, hedgerows and rivers respectively. This would be compliant with Maldon District Councils policy on delivering net biodiversity gain where possible.

The gas main is being consented as part of a single Development Consent Order for a single project, and it is the Applicant's view that calculation of biodiversity net gain for the gas main component of the project individually is not required, as BNG has been demonstrated for the development consent sought as a whole.

Natural England

Co-Responder's Response

As Biodiversity Net Gain (BNG) is pre-mandatory, we are not able to require specific measures and would defer to the local authorities as the responsible body for Biodiversity Net Gain. However, there are some aspects of the BNG calculation that we suggest could be improved: Irreplaceable habitats There are five veteran trees that may be lost as part of the development. These have been excluded from the BNG calculations as they are classed as "irreplaceable habitats" and therefore bespoke compensation would be required in the event of their removal. This is the correct approach although we advise that wherever possible the applicant should look to retain and protect these features.

Update surveys and metric

A precautionary approach is welcomed however we advise that the condition assessments and the habitat surveys should be updated using UKHabitat Classification rather than Phase 1 methodology. Currently there are too many assumptions and limitations to provide an accurate baseline assessment. CIEEM's advice note (see below) recommends that ecological surveys more than 3 years old should be updated.

“The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist, as described above)”Advice-Note.pdf (cieem.net)

See relevant sections of the report below for clarity:

3.4.3 (Page 10): Phase 1 habitat (JNCC, 2010) surveys were carried out between August 2017 and February 2020. Due to refinements in the proposed scheme design, some land was visited more than once, and where this was the case, the most up-to-date results (February 2020) were used (see Appendix 9.8: Phase 1 habitat survey report, of the Environmental Statement [TR010060/APP/6.3]).

3.6.3 (Page 20): As the field data was collected prior to the publication of condition criteria for either Metric 2.0 or 3.0, condition assessment has been applied retrospectively. This is not considered a substantial constraint for the hedgerow data as sufficient information was collected to inform condition assessment. However, for area-based habitat types, condition is assumed for each habitat type based on limited supporting information. To address this constraint, a precautionary approach has been taken which is likely to over-estimate the baseline and therefore raise the requirement in terms of units for achieving a net gain in biodiversity units.

3.6.5 (Page 20): In these instances, gaps in baseline mapping were filled by digitising features from aerial imagery, checking these areas against desk study data on designated sites and priority habitats, and using professional judgement to interpret an appropriate Phase 1 habitat type. There is a risk that some habitats could be undervalued and in the absence of any field data, condition scores have had to be assumed. Given the dominant habitat types are of low and medium distinctiveness, the use of aerial imagery is unlikely to be a substantial constraint. The precautionary approach taken to condition assessment also mitigates the risk of undervaluing the baseline.

5.1.1 (Page 31): At this stage, the Metric forecasts should be treated with some caution due to the limitations of the data, the assumptions made to allow a quantitative forecast of biodiversity unit change (see Section 3.6 of this report), and the preliminary nature of the design. However, it is considered that this assessment provides a good indicator of the likely performance of the

proposed scheme in terms of net biodiversity, and a precautionary approach has been applied. The metric therefore provides a realistic 'worst-case' assessment of BNG.

The applicants precautionary approach seems reasonable if, where baseline information is incomplete, they are assigning a condition assessment erring on the side of a higher condition score and assigning all 'High' distinctiveness habitats 'Good' condition in the Metric.

The proposals are largely based on Metric 3.0. There is now a later version of the metric (3.1) but this only has minor changes. The guidance (FAQ section of the metric) suggests that it is acceptable to continue using an older version of the metric if a project has already begun – see below.

FAQ section of metric: Which Version of the Biodiversity Metric Should I Use? You should use the most current published version of the Biodiversity Metric, unless specified otherwise by the consenting body. If a project has already begun using a previous version of the Biodiversity Metric we do not recommend changing metrics mid-project, as this may result discrepancies between calculations We note that some calculations have been undertaken using Metric 2.0 instead of Metric 3.0. We advise aligning all data with the latest version of the metric used for the project (3.0) to ensure consistency.

See relevant section of the report below:

3.6.8 (Page 21): Due to the timing of the field work in 2020, the detailed condition

assessment for all hedgerow types, including lines of trees, was carried out using the Metric 2.0 condition criteria. This assessment has been carried across in the Metric 3.0 assessment. The Metric 3.0 condition criteria for hedgerows is the same at Metric 2.0 with the exception of additional criteria for hedgerows with trees which relate to tree age and health. As the information on tree health was not available, it was considered proportionate to carry the 2.0 assessment across into this assessment. Given the limited difference in the condition assessment for hedgerows with trees between the two versions of the metric this is not considered a substantial limitation.

We note the inclusion of other mitigation areas, within the BNG calculations. If these areas were to be removed then they would still

be achieving an overall 10% net gain in biodiversity which is positive.

4.2.8 (Page 28): Planting provided in respect of 'essential' ecological mitigation areas generates a forecast 442 biodiversity units in the assessment, so 15% of the total (2,876) biodiversity units created in the post-development assessment and 14% of the total post-development biodiversity units.

Trading rules

The report notes that there are some situations where the metric trading rules are not met. We wish to re-iterate the importance of the trading rules. Taken from the metric user guide: Rule 3:

'Trading down' must be avoided. Losses of habitat are to be compensated for on a 'like for like' or 'like for better' basis. New or restored habitats should aim to achieve a higher distinctiveness and/or condition than those lost.

Note: whilst it is important that the Rules and Principles (Chapter 2) are followed, ecological judgement should always be applied in determining the most appropriate replacement habitats, based on the nature of the habitats being lost and the location.

4.2.3 (Page 28): The metric results highlight that trading rules are not met for a number of habitats including ponds, open mosaic habitats on previously developed land, woodland (of different types) and scrub (of different types).

4.2.4 (Page 28): For ponds, the assessment shows a loss of pond extent and biodiversity units despite the creation of a number of ponds in the Environmental Masterplan (Figure 2.1 of the Environmental Statement [TR0100060/APP/6.2]). However, to provide context, the number of ponds to be lost would be eight, compared to 57 new wildlife ponds to be created, in addition to 71 new attenuation ponds. In the current assessment, loss is driven both by the absence of ditch creation in the post-intervention assessment for area-based habitats i.e. some 'ponds' included in the baseline would actually be ditches for which habitat creation is addressed in the rivers and streams assessment (see Section 3.6 of this report), and the loss of the lake/pond habitat within the Colemans Farm Quarry restoration plan to be replaced by built surface (i.e. road).

We note the creation of a significant number of new ponds and this appears to be an issue relating to the fact that some ponds are classed as "ditches" so there may be discrepancies in whether it counts as "area" or "riverine" units. 4.2.5 (Page 10): For open

mosaic habitats on previously developed land, the 4.74ha identified in the baseline is largely lost permanently and there are no proposals for creation of this habitat. Provision of “like for like” open mosaic habitat should be considered within the design scheme.

4.2.6 (Page 10): For woodland, there is an increase in the extent of woodland cover for the proposed scheme as compared to the baseline, however, there is a loss of 119 biodiversity units generated by woodland habitat as compared to the baseline of 648.25. This is due to the loss of areas of semi-natural woodland habitat types being replaced by 'other broadleaved woodland' i.e. woodland generated by planting which generates fewer biodiversity units due to its lower distinctiveness, and due to the risk multipliers applied to woodland creation in the Metric. It should be noted that in the absence of detailed condition data, the value of semi-natural woodland in the baseline was assumed to be 'good' which is likely to have been an over valuation of the baseline for woodland.

The overall extent of woodland cover is increasing post-development. Whilst the assessment records a loss in extent and biodiversity units (127) generated by scrub habitats, it should be noted that intermittent tree and shrub planting included in the landscape design is not captured by the metric which only captures the primary habitat type of planting which in this case is grassland. There is >23ha of grassland with intermittent tree and shrub planting proposed in the landscape design which will go some way to offsetting the reduction of scrub habitat as assessed in the Metric.

Applicant's Response

The Applicant notes Natural England's comments with respect to Biodiversity Net Gain (BNG). Please refer to the response provided for Written Representation reference REP2-091-013 in which the Applicant has responded to Natural England's suggestions for improving the BNG calculation.

Chelmsford City Council

Co-Responder's Response

Defer to ECC.

See Local Impact Report.

Applicant's Response

N/A

3.0.2
Examiner's Question

Has ES Chapter 8: Biodiversity [APP-076], identified all relevant legislation and policy, in particular local policy? If not, please identify which elements are missing and how this relates to the proposed development.

Braintree District Council
Co-Responder's Response

Policy SP7 of the Local Plan requires all new developments to protect and enhance assets of natural value and to incorporate biodiversity creation and enhancement measures. It also requires an integrated and connected network of green and blue infrastructure.

Policy SP2 of the Adopted Local Plan secures financial contributions from relevant developments toward mitigation measures in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy 2018-2023 (RAMS) (although the

requirement for such contributions relates only to residential schemes). The Policy does however identify the importance of ensuring the safeguarding of these protected coastal sites.

Policy LPP63 of the Adopted Local Plan states that development must take available measures to ensure the protection and enhancement of the natural environment, habitats, biodiversity and geodiversity of the District. All developments are expected, where appropriate, to contribute towards the delivery of new Green Infrastructure to develop a network of multi-functional green spaces and natural features throughout the District.

Policy LPP64 of the Adopted Local Plan seeks to protect nationally or internationally designations of protected species, priority species and priority habitat. It states that in relation to sites of national or international designation 'sites designated for their international importance to nature conservation; including Ramsar sites, Special Protection Areas, Special Areas of Conservation, should be protected from development likely to have an adverse effect on their integrity whether they are inside or outside the District. Proposals which are considered to have a likely significant effect on these sites will require an Appropriate Assessment in line with European and domestic legislation'. Proposals which result in a net gain in priority habitat will in principle be supported, subject to other policies in the Development Plan. It goes on to state that 'Where priority habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of priority habitat in Braintree District'. It also requires

Ecological Surveys to be submitted by Developers to demonstrate that an adequate mitigation plan is in place.

Policy LPP64 also states that 'proposals resulting in the loss, deterioration or fragmentation of irreplaceable habitats such as ancient woodland or veteran trees

will not normally be acceptable unless the need for, and benefits of the development in that location clearly outweigh the loss'. Finally, the Policy also seeks to protect Local Wildlife Sites, Local Nature Reserves and Special Roadside Verges.

Policy LPP65 of the Adopted Local Plan covers Tree Protection. Preservation Orders may be placed on prominent trees which

contribute to the character of the local landscape and have a reasonable life expectancy and trees which make a significant positive contribution to the character and appearance of their surroundings should in general be retained unless there is a good Arboricultural reason for their removal. Trees of higher quality are also identified as being a material consideration in the planning process. Overall, the Policy seeks to retain and protect trees and to ensure that unnecessary, poorly considered or excessive tree loss is prevented.

Policy LPP66 of the Adopted Local Plan addresses the protection, enhancement, management and monitoring of Biodiversity. It states that 'Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development'. Some examples of enhancement are given such as watercourse improvements to benefit biodiversity and water quality, habitat creation and wildlife links.

Finally, LPP77 seeks to ensure that there is no harm to biodiversity, natural ecosystems and intrinsically dark landscapes from external lighting.

Policy HPE1 of the Hatfield Peverel Neighbourhood Plan also requires the retention and enhancement of trees, hedgerows and habitats including ancient woodlands.

The Policy is explicitly supportive of the creation of new areas of habitat and requires developments to meet a number of criteria which include restricting planting to native species and ensuring the protection and enhancement of the natural environment, habitats, biodiversity and geo- diversity of the Parish.

HPE1 also specifically supports the development of a network of wildlife corridors alongside public rights of way.

Policy NE3 of the Kelvedon Neighbourhood plan also seeks to maintain and enhance Green Infrastructure such that development wherever possible provides net gain for biodiversity. Any loss of green infrastructure, local biodiversity, priority habitat, wildlife of a Local Nature Reserve or protected species should demonstrate no alternatives, appropriate mitigation and as a last resort compensation measures. Green/blue infrastructure should be connected to allow freedom of movement for species through the site.

NE3 specifically refers to the use of suitable alternative nesting habitat where development results in a loss.

Policy 6 of the Feering Neighbourhood plan concerns the natural environment and green and blue infrastructure, it seeks to protect and enhance the natural environment and deliver biodiversity net gain, in addition to protecting existing habitats & species. Limb B of the policy supports creation of new green and blue infrastructure.

Paragraph 5.6.5 of the plan also states 'Biodiversity net gain can be increased by including the following provisions; boxes for bats, swifts and other birds, artificial badger setts, reptile mitigation strategies, hedgehog friendly fencing and bug hotels... along with the planting of native trees, hedgerows and sowing wild meadow mixes native to this part of the country.'

Applicant's Response

Policy SP7 of the Local Plan requires all new developments to protect and enhance assets of natural value and to incorporate biodiversity creation and enhancement measures. It also requires an integrated and connected network of green and blue infrastructure

The baseline surveys for the proposed scheme have identified the locations of valuable and priority habitats, including important

connective habitats (i.e., hedgerows, watercourses and treelines) and the location of protected and notable species. As per Chapter 3 Assessment of Alternatives, the proposed scheme has sought to avoid impacts to these receptors where possible. Where impacts are unavoidable, mitigation has been proposed (Section 9.10 of Chapter 9 Biodiversity [APP-076]) and is secured through the Register of Environmental Actions and Commitments (REAC) [APP-185] within the first interaction Environmental Management Plan [APP-184]. Preconstruction surveys would be undertaken as per commitment BI11 of the REAC [APP-184] to ensure any changes to the baseline are understood ahead of construction.

Enhancement measures are described within Section 9.10 of Chapter 9 Biodiversity of the Environmental Statement [APP-076].

Implementation of the environmental masterplan [APP-086 to APP-088] would result in a corridor of habitat along the proposed scheme, providing connectivity to ecological mitigation areas which form stepping stones of habitat across the landscape. Connectivity of water courses would be maintained and the net gain in ditches and ponds would contribute towards blue infrastructure.

Policy SP2 of the Adopted Local Plan secures financial contributions from relevant developments toward mitigation measures in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy 2018-2023 (RAMS) (although the requirement for such contributions relates only to residential schemes). The Policy does however identify the importance of ensuring the safeguarding of these protected coastal sites.

Policy SP2 relates to residential schemes and the protection of coastal sites and is therefore not considered applicable to the proposed scheme.

Policy LPP63 of the Adopted Local Plan states that development must take available measures to ensure the protection and

enhancement of the natural environment, habitats, biodiversity and geodiversity of the District. All developments are expected, where appropriate, to contribute towards the delivery of new Green Infrastructure to develop a network of multi-functional green spaces and natural features throughout the District.

As stated above, mitigation measures secured through the REAC [APP-185] would ensure the protection of biodiversity receptors. Enhancements measures are described within Section 9.10 of Chapter 9 Biodiversity of the Environmental Statement [APP-076].

Landscape planting has been designed to support green infrastructure objectives, through the use of planting to link to existing field boundary vegetation to provide screening and connectivity of existing wildlife corridors.

A holistic approach has been taken to developing the design objectives and principles (as presented in 7.10 Design Principles document [REP2-006]) through collaborative working between environmental disciplines and engineering specialists. The landscape objectives seek to mitigate adverse landscape and visual effects, including effects on existing green infrastructure, and to contribute to the green infrastructure network (paragraph 8.10.2 of Chapter 8 [APP-075]).

The proposed scheme is delivering a net gain of habitats (as presented in Table 9.23 of Chapter 9 [APP-076]). Once habitats have become established, the array of habitats created would generally be more diverse than the majority of the largely arable habitat present along the existing A12 corridor.

The planting design would use native species of local origin. Green infrastructure objectives (Chelmsford City Council, 2018; Essex County Council, 2020) through the use of planting to link into existing field boundary vegetation to provide screening and integration into the local pattern and character, as well as connection of existing wildlife corridors (paragraph 9.10.14 of Chapter 9 [APP-076]). Ecology mitigation areas have been located in areas with connectivity to existing habitats and these areas will be created in

advance of construction where practicable.

Policy LPP64 of the Adopted Local Plan seeks to protect nationally or internationally designations of protected species, priority species and priority habitat. It states that in relation to sites of national or international designation 'sites designated for their international importance to nature conservation; including Ramsar sites, Special Protection Areas, Special Areas of Conservation, should be protected from development likely to have an adverse effect on their integrity whether they are inside or outside the District. Proposals which are considered to have a likely significant effect on these sites will require an Appropriate Assessment in line with European and domestic legislation'.

Impacts to international and national designated sites are assessed within Section 9.11.1 to 9.11.8, 9.11.15 to 9.11.16 and 9.11.265 to 9.11.272 of Chapter 9 of the Environmental Statement [APP-076]. The assessment concluded that there would be no change in the level of impact on any internationally important receptors, and therefore the significance of effect is neutral (not significant). In addition, the Habitats Regulations Assessment No Significant Effects Report [APP-201] provides a detailed assessment of the potential impacts of the proposed scheme on internationally designated sites. The report concluded no likely significant effects and Natural England have confirmed they are in agreement with the outcome of the assessment.

Effects on priority species and priority habitats are also assessed within Chapter 9 of the Environmental Statement [APP-076] (paragraphs 9.11.64 – 9.11.103, 9.11.194 - 9.11.198, 9.11.230 – 9.11.234, 9.11.306 – 9.11.319, 9.11.340 – 9.11.342, and 9.11.357 – 9.11.359). The residual significance of effects are summarised within Table 9.29 and Table 9.31 and are assessed as not significant.

Proposals which result in a net gain in priority habitat will in principle be supported, subject to other policies in the Development Plan. It goes on to state that 'Where priority habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual

impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of priority habitat in Braintree District'. It also requires Ecological Surveys to be submitted by Developers to demonstrate that an adequate mitigation plan is in place.

As per Table 9.32 within Section 9.13 of Chapter 9 Biodiversity [APP-076] the proposed scheme would result in a net gain of 25% of habitats, 26% of hedgerows and 156% of rivers.

Effects on priority habitats are detailed within Chapter 9 of the Environmental Statement [APP-076] (paragraphs 9.11.64 – 9.11.103 and 9.11.306 – 9.11.319).

While not technically meeting the definition of Open Mosaic Habitat (OMH), there is some provision for the creation of south facing sandy banks and earth 'cliffs' to mitigate impacts to terrestrial invertebrates, which would increase the value of the habitats provided within the ecological mitigation areas (as described in paragraph 9.10.110 of Chapter 9: Biodiversity [APP-076] and committed to in BI44 in the Register of Environmental Actions and Commitments (REAC), in the first iteration Environmental Management Plan [APP-185]). The Applicant is reviewing the design as part of the detailed design stage to maximise retention of some of the OMH land that is currently shown as being lost.

Policy LPP64 also states that 'proposals resulting in the loss, deterioration or fragmentation of irreplaceable habitats such as ancient woodland or veteran trees will not normally be acceptable unless the need for, and benefits of the development in that location clearly outweigh the loss'.

Paragraph 9.11.53 of Chapter 9 of the Environmental Statement [APP-076] states that the proposed scheme would not directly impact any areas of ancient woodland. The assessment of air quality effects on ecological receptors (Appendix 9.15 of the

Environmental Statement [APP-139] found that Perry's Wood Local Wildlife Site and Ancient Woodland which is located within 200m of the affected road network would be effected through nitrogen deposition during operation of the proposed scheme. As per Table 9.33 of Chapter 9 [APP-076] this effect was assessed as significant. Appendix 6.6: Project air quality action plan

[APP-105] found there is no feasible mitigation for the impact. Measures to offset the impacts are detailed within paragraph 9.10.32 of Chapter 9 [APP-076] and are secured via commitments BI16 and BI14 of the REAC [APP-185].

As per paragraph 9.11.58 of Chapter 9 [APP-076], no verified veteran trees would be directly impacted by construction of the proposed scheme. However, five potential veteran trees (i.e., trees not formally designated, but assessed as part of A12 field surveys as veteran trees) would be removed during construction (T236, T316, T367, T452 and T542). Where practicable, the design of the proposed scheme was refined to avoid impacts in accordance with commitment LV4 of the REAC [APP-185], however, loss of these five trees may be unavoidable. This is irreplaceable habitat and while these cannot be directly replaced, as per paragraph 9.10.38 of Chapter 9 [APP-076] and commitment BI17 of the REAC [APP-185] their loss would be partially compensated (acknowledging that features such as ancient and veteran trees are considered irreplaceable and therefore cannot be fully compensated) as per the latest guidance from Natural England and the Forestry Commission (2022). Young trees of the same species as that which are removed would be planted with sufficient space around them to encourage development of an open crown. Where practicable, trees would be planted close to the trees they are replacing, taking into account post construction air quality levels. Where practicable and safe to do so, the intact hulk of the potential ancient or veteran tree would be left where it is (preferably standing) to benefit invertebrates and fungi. Where this is not possible, the hulk would be moved near to other unimpacted potential ancient or veteran trees or parkland in the area.

Finally, the Policy also seeks to protect Local Wildlife Sites, Local Nature Reserves and Special Roadside Verges.

Impacts to Local Wildlife Sites and Local Nature Reserves are detailed within paragraphs 9.11.9 to 9.11.14, 9.11.17 to 9.11.52, and

9.11.268 to 9.11.293. Additional mitigation is proposed for Perry's Wood Local Wildlife Site (and Ancient Woodland) and Whetmead Local Nature Reserve and Local Wildlife Site. Mitigation, maintenance and monitoring is secured through commitments BI13, BI16, BI14, LV16 and LV18 of the REAC [APP-185].

Policy LPP65 of the Adopted Local Plan covers Tree Protection. Preservation Orders may be placed on prominent trees which contribute to the character of the local landscape and have a reasonable life expectancy and trees which make a significant positive contribution to the character and appearance of their surroundings should in general be retained unless there is a good Arboricultural reason for their removal. Trees of higher quality are also identified as being a material consideration in the planning process. Overall, the Policy seeks to retain and protect trees and to ensure that unnecessary, poorly considered or excessive tree loss is prevented.

Where practicable, the design of the proposed scheme was refined to minimise loss of trees including veteran trees, as detailed in Chapter 3: Assessment of alternatives, of the Environmental Statement [APP-070]. However, the loss of five potential veteran trees cannot be mitigated due to the time period over which a veteran tree matures. Paragraph 9.10.38 of Chapter 9: of the Environmental Statement [APP-076] states the measures to compensate for the loss of the five potential veteran trees (as per commitment BI17 of the Register of Environmental Actions and Commitments, within the first iteration Environmental Management Plan [APP-184]), in accordance with the latest guidance from Natural England and the Forestry Commission. The significance of effect with respect to the five potential veteran trees is assessed as slight adverse (not significant) given that 93% of all potential and verified veteran and ancient trees within 15m of the Order Limits would be retained.

As per commitment LV4 of the REAC [APP-185], existing vegetation within the Order Limits including temporary works areas would be retained as far as reasonably practicable. Particular attention would be given to the retention of mature vegetation including the following, which would be retained in accordance with, as a minimum, the

Retained and Removed Vegetation Plans [APP-035 and APP-036]. Vegetation to be removed is shown on the same plan.

- Ancient, veteran and notable trees (both verified and potential)
- Trees subject to tree preservation orders
- Specimen trees
- Category A and B trees
- Important hedgerows
- Ancient woodlands

All trees to be retained would be protected throughout the construction period in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Policy LPP66 of the Adopted Local Plan addresses the protection, enhancement, management and monitoring of Biodiversity. It states that 'Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development'. Some examples of enhancement are given such as watercourse improvements to benefit biodiversity and water quality, habitat creation and wildlife links

As referenced in the Council's Local Impact Report, and in accordance with National Policy Statement National Networks (NPSNN) (paragraph 5.23) the Applicant has taken advantage of opportunities to enhance biodiversity as described in paragraphs 9.10.116 to 9.10.122 of Chapter 9 [APP-076]. As per Table 9.32 within Section 9.13 of Chapter 9 Biodiversity [APP-076] the proposed scheme would result in a net gain of 25% of habitats, 26% of hedgerows and 156% of rivers.

Finally, LPP77 seeks to ensure that there is no harm to biodiversity, natural ecosystems and intrinsically dark landscapes from external lighting

As per commitment LV11 of the REAC [APP-185], temporary lighting would be provided to ensure safe working conditions and to maintain security within construction compounds and working areas. Best practice measures would be implemented where practicable to ensure temporary lighting is avoided or directed away from heritage assets, residential and/or ecological receptors such as watercourses, woodland, badger setts, bat roosts and important commuting habitats.

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.

Policy HPE1 of the Hatfield Peverel Neighbourhood Plan also requires the retention and enhancement of trees, hedgerows and habitats including ancient woodlands. The Policy is explicitly supportive of the creation of new areas of habitat and requires developments to meet a number of criteria which include restricting planting to native species and ensuring the protection and enhancement of the natural environment, habitats, biodiversity and geo- diversity of the Parish. HPE1 also specifically supports the development of a network of wildlife corridors alongside public rights of way.

Throughout the preliminary design process the environmental team have worked collaboratively with the engineering teams to minimise loss of habitats. This is evidenced by Chapter 3 Assessment of Alternatives [APP-071] which details how impacts to some veteran trees were avoided.

Whilst loss of some trees and hedgerows are unavoidable, this would be mitigated with new planting. As per Table 9.32 within Section 9.13 of Chapter 9 Biodiversity [APP-076] the proposed scheme would result in a net gain of 25% of habitats, 26% of hedgerows and 156% of rivers. There would be no direct loss of ancient woodland habitat.

As per paragraph 9.10.10 of Chapter 9 [APP-076] planting of new woodland, species-rich hedgerows and scrub would comprise locally native tree, shrub and herbaceous species of local provenance.

Commitments with the REAC [APP-185] with respect to standard mitigation measures would ensure protection of the natural environment, habitats and biodiversity, for example commitments B12 (exclusion zones around retained habitats), B13 (exclusion zones around designated sites), and BI9 (buffer zones around sensitive features relating to protected species).

Biodiversity enhancements are detailed within paragraphs 9.10.116 to 9.10.122 of Chapter 9 [App-076].

Implementation of the environmental masterplan [APP-086 to APP-088] would result in a corridor of habitat along the proposed scheme, providing connectivity to ecological mitigation areas which form stepping stones of habitat across the landscape.

Policy NE3 of the Kelvedon Neighbourhood plan also seeks to maintain and enhance Green Infrastructure such that development wherever possible provides net gain for biodiversity. Any loss of green infrastructure, local biodiversity, priority habitat, wildlife of a Local Nature Reserve or protected species should demonstrate no alternatives, appropriate mitigation and as a last resort compensation measures. Green/blue infrastructure should be connected to allow freedom of movement for species through the site. NE3 specifically refers to the use of suitable alternative nesting habitat where development results in a loss.

As stated earlier in this response, landscape planting has been designed to support green infrastructure objectives, through the use of planting to link to existing field boundary vegetation to provide screening and connectivity of existing wildlife corridors. Where appropriate, hedgerows would be provided along public rights of way however this has been balanced with the need to keep these routes open in order for users to feel safe.

Policy 6 of the Feering Neighbourhood plan concerns the natural environment and green and blue infrastructure, it seeks to protect and enhance the natural environment and deliver biodiversity net gain, in addition to protecting existing habitats & species. Limb B of the policy supports creation of new green and blue infrastructure. Paragraph 5.6.5 of the plan also states 'Biodiversity net gain can be increased by including the following provisions; boxes for bats, swifts and other birds, artificial badger setts, reptile mitigation strategies, hedgehog friendly fencing and bug hotels... along with the planting of native trees, hedgerows and sowing wild meadow mixes native to this part of the country.'

Landscape planting has been designed to support green infrastructure objectives, through the use of planting to link to existing field boundary vegetation to provide screening and connectivity of existing wildlife corridors. Connectivity of water courses would be maintained and the net gain in ditches and ponds would contribute towards blue infrastructure.

Mitigation and enhancement measures for the proposed scheme include provision of bird boxes (over and above the number required for mitigation, as committed in BI38 in the REAC [APP-185]), provision of bat boxes (boxes over and above the number required for mitigation, as committed in BI20 of the REAC [APP-185]), creation of a network of reptile mitigation areas linked by the new verges of the A12 and planting around other design featured such as attenuation ponds.

Essex County Council have a strong history of working in partnership with Braintree District Council on the protection and mitigation of adverse effects on nationally and internationally designated sites under the Conservation of Habitats and Species Regulations 2017 (as amended). Their Place Services arm have dedicated Ecologists who have provided HRA screening assessment services for the vast majority of Neighbourhood Plans in the district, including Hatfield Peverel, Kelvedon and Feering NPs. ECC have also produced or are working to produce countywide guidance for Green Infrastructure Strategy and Local Nature Recovery Strategies to complement Biodiversity Net Gain. The Council will therefore defer to ECC on matters relating to biodiversity.

The Applicant notes that Braintree District Council will defer to Essex County Council on matters relating to biodiversity. The Applicant can confirm Natural England are in agreement with the Habitats Regulations Assessment [APP-201] which concludes no likely significant effects on internationally designated sites.

The Council notes and supports ECC who have stated that it currently does not consider that there is sufficient certainty that the Scheme would deliver effective and appropriate compensation and mitigation for potential ecological impacts for either the construction or operational phases of this Scheme. The Council shares concerns about impacts on protected species for which it is uncertain whether the mitigation is deliverable or appropriate. As LPP66 requires that development proposals must mitigate or

compensate adverse impacts on biodiversity, the mitigation must be deliverable to the satisfaction of the Council to be considered compliant with the Local Plan.

Please refer to our responses to paragraphs 9.5.1 - 9.6.22 of Essex County Council's Local Impact Report, which address the Council's concerns with respect to biodiversity.

Colchester City Council

Co-Responder's Response

Colchester City wishes to defer to the opinion of ECC on these matters.

Applicant's Response

The Applicant acknowledges the Interested Party's wish to defer these matters to Essex County Council.

Essex County Council

Co-Responder's Response

We note that ES Chapter 9 [APP-076] relates to Biodiversity not Chapter 8.

The hasty DCO submission before sufficient information is available is considered to be at odds with meeting legislative and policy requirements.

NERC Act 2006 s40 biodiversity duty We have requested that all impacts on protected and Priority species and habitats are

considered for the scheme, not just significant impacts, which need to be considered separately from the ES. However, non-significant impacts have not been mitigated; this is required for ECC as it needs to demonstrate it has met its s40 biodiversity duty under the NERC Act 2006 – as will the SoS for Transport.

Irreplaceable habitat: We are aware of a lack of survey and assessment of, and mitigation for impacts to, veteran trees and potential veteran trees. We wish to express our concerns at the level of uncertainty at this stage as to the true scale of impacts.

Priority habitats: There are no proposals for provision of compensatory Open Mosaic Habitat on Previously Developed (OMH) Land Priority habitat. Paragraph 4.2.5 of the Biodiversity Net Gain report states that, “For open mosaic habitats on previously developed land, the 4.74ha identified in the baseline is largely lost permanently and there are no proposals for creation of this habitat.” There is insufficient justification in the reports as to why this important Priority habitat within Essex will not be compensated.

Policy S12 of the Essex Minerals Local Plan 2014 and the Mineral

Site Restoration for Biodiversity Supplementary Planning Guidance:

It is unclear how the Scheme would ensure adequate Priority habitat provision relating to the restoration of Colemans Farm Quarry to meet the MLP and SPG requirements. The ES states that, “The design of habitats to mitigate direct loss of habitats at the flagship biodiversity site at Colemans Farm Quarry is shown on Figure 2.1 Environmental Masterplan [TR010060/APP/6.2] and will be further developed at detailed design”. However, the Environmental Masterplan (sheet 10 of 21) does not include the wider Quarry restoration and so does not sufficiently demonstrate how the A12 landscaping will ultimately dovetail with the Quarry’s restoration scheme, and we therefore seek further information.

In addition, the realignment of Burghey Brook Ordinary Watercourse would include a sharp bend south of the A12 and new roundabout, to the northwest of Coleman's Quarry. This should be altered to reinstate it closer to its existing line.

Applicant's Response

The Applicant has responded to the points raised within this sub-question within our response to the Local Impact Report, paragraphs 9.61-9.6.22.

Maldon District Council

Co-Responder's Response

Maldon District Council notes that Maldon District Local Development Plan (LDP) Policies D1, N1 and N2 as set out in Table 9.1, however, MDC is of the view that policies N1 and N2 have been selectively captured.

Relevant omissions which relate to biodiversity and are relevant to the A12 proposed development (including the gas pipeline diversion) are:

N1 – Presumption against any development which may lead to loss, degradation, fragmentation and/ or isolation of existing or proposed Green Infrastructure.

N1 – All development should maximise opportunities for restoration, enhancement, and connection of the District's Green Infrastructure network throughout the lifetime of the development, both on-site and for the wider community.

N2 – If any protected species and/ or priority habitats/ species, or significant local wildlife are found on site, or their habitat may be affected by the proposed development, the proposal must make provision to mitigate any negative biodiversity impacts it may create.

Paragraph 6.7 of the MDC LDP clarifies that “Green Infrastructure covers a wide range of green and blue infrastructure assets including open spaces, natural assets and facilities including woodlands, nature reserves, country parks...”. Therefore, the natural assets including Blue Mills Nature Reserve affected by the gas pipeline diversion are covered by Policy N1 and N2. MDC’s policy position is to seek to protect, restore and enhance biodiversity interest (including mitigation for negative biodiversity impacts) with developments seeking to deliver biodiversity net gain where possible. This is covered in more detail in Section 6.3 of the MDC Local Impact Report.

Maldon District Council notes the absence of any reference to the Wickham Bishops Neighbourhood Plan (WBNP), which is part of the statutory Development Plan for the District; was ‘made’ in 2021 and parts of the parish at Blue Mills Nature Reserve fall within the Order Limits of the DCO.

Policy WBen02 of the WBNP covers Biodiversity and Natural Habitats and this applies in the part of the District including the Blue Mills Nature Reserve that is impacted by the gas pipeline diversion. This policy covers trees, veteran trees and ancient woodland, woodlands, hedgerows and habitats. The policy pathway in respects of development is to seek retention, enhancement and creation, over loss, which it permits only in exceptional circumstances, alongside mitigation with native species. The policy also supports the development of a network of wildlife corridors alongside public rights of way and through links between different types of habitats. This is particularly relevant to the proposed development, where the scheme impacts on the parish around Blue Mills Nature Reserve through the diversion of the gas pipeline.

https://www.maldon.gov.uk/download/downloads/id/18555/wbnp_march_2021_final_version.pdf

The Maldon District Green Infrastructure Strategy (adopted in 2019) specifically supports the delivery of Policy N1 and N2 of the Local Development Plan. This set out the long-term vision for the Maldon District's management of Green Infrastructure, published an opportunities map of how the network could be improved, created a set of principles and policies to underpin the network's creation and enhancement, identified and prioritised key projects, and provided an action plan for delivery.

https://www.maldon.gov.uk/download/downloads/id/17559/green_infrastructure_strategy_spd_appendix_a.pdf

Applicant's Response

The Applicant notes the concerns raised by Maldon District Council and welcomes the information provided regarding the relevant policies. The purpose of Table 9.5 of Chapter 9 [APP-076] is to provide a summary of the policies and we acknowledge they are not reproduced in full.

With respect to Policy N1, the Applicant has sought to maximise biodiversity delivery. While there is no legal or policy requirement for Biodiversity Net Gain (BNG) (see comments on responses to ExQ1 3.0.1), the proposed scheme is delivering a net gain of habitats (as presented in Table 9.23 of Chapter 9 [APP-076]). Once habitats have become established, the array of habitats created would generally be more diverse than the majority of the largely arable habitat present along the existing A12 corridor.

In addition, the landscape objectives seek to mitigate adverse landscape and visual effects, including effects on existing green infrastructure, and to contribute to the green infrastructure network (paragraph 8.10.2 of Chapter 8 [APP-075]).

With respect to Policy N2, the environment team has worked in close collaboration with the infrastructure design team to avoid or reduce environmental impacts through the proposed scheme design (referred to as embedded mitigation) and is described in Section 9.10 of Chapter 9 Biodiversity [APP-076]. Where this has not been possible, essential mitigation has been developed to reduce these potential impacts by seeking to avoid disturbance and species mortality and these measures have been developed in line with DMRB LA 104. It is important to note that Chapter 9 [APP-076] concludes no significant adverse effects on protected or notable species either during construction or operation of the proposed scheme.

Natural England

Co-Responder's Response

We are generally satisfied that legislation and national policy relating to biodiversity that has been identified, however, we defer to the local authorities for local policy.

Applicant's Response

The Applicant acknowledges the Interested Party's wish to defer these matters to the local planning authority.

Chelmsford City Council

Co-Responder's Response

Yes in relation to Chelmsford Local Planning Policy.

For non-local planning policy, defer to ECC.

See Local Impact Report.

Applicant's Response

The Applicant welcomes the Interested Party's confirmation that Chapter 9 Biodiversity of the Environmental Statement [APP-076] identifies the relevant local planning policy and their comment to defer matters on non-local policy to Essex County Council.

3.0.3

Examiner's Question

In terms of ES Chapter 8: Biodiversity [APP-076] and its Assessment Methodology, including scope, approach, assessment of significance, assumptions and limitations and study area, do the parties consider the approach and conclusions to be robust? If not, please explain why and what is required.

Braintree District Council

Co-Responder's Response

No comment

Applicant's Response

N/A

Colchester City Council
Co-Responder's Response
Colchester City wishes to defer to the opinion of ECC on these matters.
Applicant's Response
The Applicant acknowledges the Interested Party's wish to defer to the opinion of Essex County Council.
Essex County Council
Co-Responder's Response
There has only been one meeting between the Place Services Principal Ecologist and National Highways, which was in May 2022.
We do not know whether all of our concerns raised during the course of the production of environmental documents and associated consultation period have been taken into account at this stage. We do not consider the approach adequate and therefore the conclusions are far from robust.
Applicant's Response
The Applicant has addressed the above points in our response to ECC's Local Impact Report, section 9. Assessment of Wilder Impacts – 10. Next Steps.
Maldon District Council

Co-Responder's Response

Maldon District Council is not assured that the assessment methodology has adequately screened, scoped and surveyed the issue of biodiversity in respects of the gas pipeline diversion specifically. The summary of stakeholder engagement in Table 9.1 of the ES does not cover in any detail, the matter of the gas main's diversion, or the habitats and species that could be affected by it; rather it appears to be an expression of engagement with biodiversity stakeholders about the A12 route matters only. MDC has significant concern that the biodiversity assessment methodology for the gas pipeline diversion has not been subject to the same principles of engagement, survey, or thoroughness which will result in impacts and outcomes detrimental to habitats and species along the diversion route.

MDC understand from landowners at Blue Mills Nature Reserve that no surveys by the Applicant or their contractors have taken place on their land, despite a tranche of it being directly affected through vegetation clearance, protected species impacts and river crossing challenges in association with the diversion's construction. Seasonal surveys on behalf of MDC for the Local Development Plan Review that were started in 2021 have however shown the nature reserve and land along the riparian corridor to have sufficient value to be recommended to be designated as a Local Wildlife Site, with several species of flora and fauna cited as the basis for that value. This omission in the ES is unacceptable and should be rectified before the Development Consent Order is granted to ensure biodiversity impacts inform the gas pipeline's diversion route and method of construction to avoid loss and disturbance and provide commensurate mitigation of harm that cannot otherwise be avoided.

Applicant's Response

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

1. Stakeholder engagement

2. Surveys and assessment

3. Local Wildlife Site

Stakeholder engagement

Chapter 9: Biodiversity [APP-076] summarises details of stakeholder engagement undertaken as part of the assessment of likely significant effects of the proposed scheme up to summer 2022 and prior to completion of the chapter and submission of the DCO application to the Planning Inspectorate in August 2022. Table 9.1 [APP-076] summarises discussions held with stakeholders, Natural England, the Environment Agency, and the local planning authorities. Table 9.2 [APP-076] summarises discussions regarding the Planning Inspectorate's Scoping Opinion with the Planning Inspectorate, Natural England, Essex County Council and Braintree District Council. Table 9.3 [APP-076] summarises discussions arising during the statutory consultation with Natural England, the Environment Agency, Essex County Council, the Forestry Commission and some of the local planning authorities. Further information on the statutory consultation is provided in the Consultation Report [APP-045].

In their adequacy of consultation response to the Planning Inspectorate, Maldon District Council stated "the Council is satisfied that NH has carried out adequate pre-application consultation on the DCO Application in line with Sections 42, 47 and 48 of the Planning Act 2008" [AoC-008].

In their Relevant Representation [RR-040], Maldon DC did raise their concerns regarding the Cadent gas pipeline diversion, to which the Applicant responded in the Applicant's Response to Relevant Representations [REP1-002].

The Statement of Common Ground between the Applicant and Maldon DC [REP2-017] provides an up-to-date summary of consultations held between both parties.

Surveys and assessment

A detailed response with respect to the results of ecology surveys undertaken for the gas main diversion and subsequent assessment has been provided in sub-part RR-016-003 of 9.3 Applicant's Response to Relevant Representations - Rev 2 [REP1-002].

The following supplementary survey reports have been submitted to the Planning Inspectorate following completion of the ecology surveys with respect to the gas main diversion (including Blue Mills) and are available via the examination library:

- Supplementary Bat Survey Report [AS-032]
- Dormouse Survey Report [AS-036]
- Supplementary Botanical Survey Report [REP2-027]
- Supplementary Badger Survey Report (note that the badger report is marked as 'confidential' due to the sensitive nature of the information regarding sett locations) [REP2-026]
- Supplementary Reptile Survey Report (Blue Mills) [REP2-028]
- Supplementary Riparian Mammal Survey Report [REP2-029]

A detailed response in relation to surveys undertaken for the gas main diversion, as well as potential impacts and mitigation measures related to the works, has been provided in response to the Examining Authority's written question ExQ1 7.0.3 [REP2-

025]. In summary, there is no change to the conclusions of Chapter 9 Biodiversity [APP-076] with respect to dormouse, bats, badger, reptiles, otter and water vole.

Local Wildlife Site

The Applicant acknowledges that Maldon District Council (MDC) has previously provided a citation for the proposed Blue Mills Local Wildlife Site (LWS). It is noted that MDC only received the citation recommending Blue Mills as a LWS on 3 November 2022 (as stated by MDC within 9.3 Applicant's Response to Relevant Representations, sub-part reference RR-040-020 [REP1-002]), after the DCO application was submitted. The Council has advised the designation of this LWS site is an ongoing procedure with the Essex Local Nature Partnership Board who is responsible for the confirmation of the designation. The Council does not have a date for when the Board will sit to consider the proposed designation. However, in the interim, the Applicant will treat the proposed site as if it is a confirmed LWS. The Applicant acknowledges the proposed LWS partially overlaps the Order Limits.

A detailed overview of the potential impacts of the proposed scheme on the proposed Blue Mills LWS and relevant mitigation measures related to the works, has been provided in response the Examining Authority's written question ExQ1 7.0.3 [REP2-025] on pages 119 to 121. In summary, it is assessed that the adverse impact caused from constructing the pipeline is temporary and would not affect the integrity of the resource in the long term. In accordance with DMRB LA 108, the level of impact is assessed as negligible adverse. The residual significance of effect of a negligible adverse impact on a county receptor (Blue Mills LWS) is neutral.

Natural England

Co-Responder's Response

We are satisfied that Natural England's Standing Advice has been followed.

Applicant's Response

The Applicant welcomes the confirmation that the standing advice has been followed.

Chelmsford City Council

Co-Responder's Response

Defer to ECC.

See Local Impact Report.

Applicant's Response

N/A

3.0.4

Examiner's Question

Are the parties satisfied with Applicant's approach towards mitigation of impact upon protected species? If not, please explain why

Braintree District Council

Co-Responder's Response

No comment
Applicant's Response
N/A
Colchester City Council
Co-Responder's Response
Colchester City wishes to defer to the opinion of ECC on these matters.
Applicant's Response
N/A
Environment Agency
Co-Responder's Response
<p>We note that this question was not directed to the Environment Agency. However,</p> <p>we would wish to highlight that we have raised significant concerns in our Relevant Representation (RR-011) in respect of the potential adverse impact of the scheme on species including European eels, otters, and water voles. We are concerned that the proposals for new and amended main river crossings will have a significant adverse effect on the ecology of those river catchments, through direct loss of habitat but also through habitat fragmentation and by restricting the ability of protected species to move up and downstream. We do not believe that the Environmental Statement has appropriately assessed those impacts. Further</p>

detail is provided in our Written Representation.

Applicant's Response

The Applicant notes the concerns raised by the Environment Agency and refers to the responses provided to RR-011 in 9.3 Applicant's Response to Relevant Representations [REP1-002] and the Applicant's Response to Written Representation [TR01600/EXAM/9.24] reference REP2-053.

Essex County Council

Co-Responder's Response

We have a number of concerns about impacts on protected species which we don't know whether the mitigation is appropriate or likely to be effective.

We have previously raised a number of concerns with respect to gaps in ecology information that is required to provide certainty of likely impacts. Without this additional information, there may currently be insufficient levels of mitigation, compensation and enhancements. At this stage, we do not consider that there is sufficient certainty that the Scheme would deliver effective and appropriate mitigation and compensation for likely ecological impacts for either the construction or operational phases of this Scheme.

Bats

The full extent of the severance of linear habitat features used by bats moving through the landscape remains unclear. At the meeting held on 26 May 2022 between Place Services Principal Ecologist & a National Highways representative, a plan showing

which static detectors recorded Barbastelle bats was requested to ensure that mitigation is embedded in all current locations used where the road will affect connectivity. This has not been provided. As the commuting and foraging movements of bats are not currently shown on a map it is difficult to understand their current utilisation of the landscape, although we recognise that the Bat Survey highlights that, “Key areas for commuting and foraging bats in the survey area included Prested Hall and along the River Blackwater and the River Ter, where high levels of bat activity were recorded, including for rarer species such as barbastelle and Nathusius’ pipistrelle”. We have previously raised concerns that adequate evidence is not yet proposed to demonstrate that the proposed bat crossing points will be sufficiently effective. This is particularly true of the hop-overs and over bridges which are “greened up”. This is important as certain species of bat will not use culverts, such as Barbastelle bats. We therefore still anticipate that additional information will be forthcoming to assess the likely impacts on these species before the Examination Hearings.

Hazel Dormouse

We are still waiting to receive the results of Hazel Dormouse surveys in the vicinity of the gas main diversion to provide certainty of likely effects from the Scheme. This is necessary to assess predicted impacts and review mitigation proposals.

Applicant’s Response

The Applicant has responded to the above points within the response to the Local Impact Report, sub-question reference L4-006-013.

Maldon District Council

Co-Responder’s Response

Maldon District Council has considered Table 9.6, including the reference to the inclusion of surveys for Dormice for the gas-main diversion only. The Council has no view on the proposed mitigation approach and would defer to the advice of Natural England.

Applicant's Response

The Applicant notes the interested party's comments.

Natural England

Co-Responder's Response

We are satisfied that Natural England's Standing Advice has been followed

Applicant's Response

N/A

Chelmsford City Council

Co-Responder's Response

Defer to ECC.

See Local Impact Report.

Applicant's Response

N/A

3.0.5

Examiner's Question

Paragraph 9.10.26 of ES Chapter 9 [APP-076] states 'Impacts to Whetmead LNR and LWS would be offset through creation of habitats within the proposed scheme. Due to ground conditions, there is limited scope for additional planting to improve the existing LNR/LWS or to restore or improve the condition of formerly wet habitats within the site.' Please explain in more detail and in particular, identify where within the proposed scheme will the impact be offset.

Are the parties satisfied with the Applicant's approach?

Braintree District Council

Co-Responder's Response

BDC believes this query is addressed to the applicant who would need to identify

where the habitat offsetting is taking place. We reserve the right to comment further once this information is submitted.

Applicant's Response

The Applicant provided a response to this query, including identifying where the habitat offsetting for Whetmead LNR and LWS is taking place, in the Deadline 2 Submission Applicant's Response to the Examining Authority's First Round of Written Questions (ExQ1) [REP2-025], question 3.0.5.

The Applicant welcomes any further comment from Braintree District Council on this information.

Essex County Council**Co-Responder's Response**

We note that the loss of scrub habitat at Whetmead LNR & LoWS will be compensated by habitat creation south of the River Brain but have not been involved with any discussions on the location options. However we are concerned that only land within the proposed scheme is being considered which may not be able to deliver the ecological functionality needed or secure the necessary long term management to reach the promised condition of compensatory habitat to deliver no net loss.

We highlight that the site chosen for compensatory scrub will also need to be suitable for scrub. However we understand that the likely land will also deliver the necessary mitigation habitat for protected species being translocated from other areas of the scheme e.g. creating a pond and ditch complex designed specifically for the benefit of water voles and acting as the receptor site for reptiles with the creation of reptile hibernacula and log piles as stated in Paragraph 9.10.29 of the ES Biodiversity Chapter. We are not confident that the provision of bird boxes to be installed within Whetmead LNR & LoWS, the nearby Shelley's Meadow and the River Walk as mitigation for loss of scrub habitat while new habitats mature is not considered to deliver for the range of bird species likely to be impacted. We note that Paragraph 9.10.31 refers to mitigation for Whetmead LNR & LoWS being secured through the REAC within the first iteration of the EMP [TR010060/APP/6.5] although the full details will need to be assessed before this matter can be included in the SoCG.

Applicant's Response

As stated in paragraph 9.11.9 of Chapter 9 Biodiversity APP-076] Whetmead Local Nature Reserve and Local Wildlife Site would be adversely impacted through permanent loss of 0.89ha of semi-natural broadleaved woodland habitat. The Applicant acknowledges an error in paragraph 9.10.26 which states scrub habitat would be created; this should read woodland.

To clarify the 2ha of habitat would be created within the advanced mitigation area shown by the green hatch of Sheet 8 of 21 of the Environmental Masterplan [APP-086], this would include species rich grassland, ponds and a ditch complex to enable the habitat to be used for reptile mitigation (although it would provide habitat for other species such as amphibians, water vole and bats as well). In addition, 0.8ha of woodland planting would be provided within an existing gap along the western boundary of the plot immediately to the west of the ecological mitigation area, where it provides the benefit of visual screening of the widened A12, and 0.1ha of wet woodland would be planted around the attenuation pond in this area (as shown on Figure 2.1 Environmental Masterplan, Part 1, Sheet 8 of 21 [APP-086]). These woodland habitats are outside the advanced mitigation area and would not conflict with the proposals for reptiles and water voles.

The Applicant considers that it is appropriate for mitigation for Whetmead to be delivered as close to the location of impact as practicable and has therefore not considered alternative locations (including those outside of the Order Limits) for this particular impact. By locating the mitigation area immediately adjacent to the existing site the overall area of Whetmead can be maintained as opposed to having two smaller sites which may not function so well for the benefit of wildlife. To determine an appropriate location for the mitigation habitat it was necessary to balance numerous factors such as position in relation to the affected road network (ARN), surrounding land use, and connectivity, against justifying land take for the purpose of ecological mitigation.

Bird boxes are a typical form of mitigation for development projects. They are available in a range of designs to accommodate nesting preferences of different bird species and are considered to be an effective form of mitigation because they are readily used by birds. Birds are also a very mobile species and so are able to move easily into alternative habitats, and would therefore not be reliant on bird boxes within a particular location. The net habitat gains that would be delivered as part of the proposed scheme (in particular, 200ha of grassland, 43ha of woodland and 26km of hedgerows (as per Table 9.23 of Chapter 9 [APP-076]) would adequately mitigate any construction effects once established.

Maldon District Council

Co-Responder's Response

The Whetmead Local Nature Reserve and Local Wildlife Site is on the edge of the Braintree District, within Witham Parish, which borders the Maldon District; the boundary being the watercourse of the River Blackwater. Whilst Maldon District Council fully supports the principle that new habitats should be created to

offset the impact caused by the proposed development at Whetmead; Maldon District Council would recommend that this is addressed at a suitable scale relatable to the relevant habitats. The Applicant should therefore also assess if suitable offset opportunities exist in the Maldon District and not merely look to contain that offsetting in the Braintree District.

Applicant's Response

The 2ha of habitat quoted within paragraph 9.11.9 of Chapter 9 Biodiversity [APP-076] relates to the advanced mitigation area shown by the green hatch of Sheet 8 of 21 of the Environmental Masterplan [APP-086]. The habitats within the mitigation area would include species rich grassland, ponds and a ditch complex to enable the habitat to be used for reptile mitigation (although it would provide habitat for other species such as amphibians, water vole and bats as well). In addition, 0.8ha of woodland planting would be provided within an existing gap along the western boundary of the plot immediately to the west of the ecological mitigation area, where it provides the benefit of visual screening of the widened A12, and 0.1ha of wet woodland would be planted around the attenuation pond in this area (as shown on Figure 2.1 Environmental Masterplan, Part 1, Sheet 8 of 21 [APP-086]). The Applicant considers that the scale of this mitigation is appropriate for the impacts to Whetmead Local Nature Reserve and Local Wildlife Site.

The Applicant considers that it is appropriate for mitigation for Whetmead to be delivered as close to the location of impact as practicable and has therefore not considered alternative locations for this particular impact. By locating the mitigation area immediately adjacent to the existing site the overall area of Whetmead can be maintained as opposed to having two smaller sites which may not function so well for the benefit of wildlife.

Natural England
Co-Responder's Response
It is not within Natural England's remit to comment on specific LNR/LWS sites
Applicant's Response
N/A
Chelmsford City Council
Co-Responder's Response
Defer to ECC.
Applicant's Response
N/A
6.0.15
Examiner's Question
Art 17, Power to alter layout etc, of streets. This is a wide power, authorising alteration etc. of any street within the Order limits. Please provide further justification as why this power is necessary. Has consideration been given to whether or not it should be limited to identified streets?

What is the view of ECC in respect of this Article?

Essex County Council

Co-Responder's Response

ECC are of the view that the consultation is needed, at (4) the timetable to respond to this is set at 28 days, this is considered insufficient, and should be a minimum of 42 days as set out in 3 (a).

Applicant's Response

Paragraph (3)(a) relates to the date of commencement of works – it provides that not less than 42 days' notice must be given to the street authority before works are executed.

Paragraph (4) relates to the separate issue of the giving of consent by the street authority for the works and in particular the deeming of consent. That consent is required by paragraph (3)(b).

In the event that the Applicant instructs its contractors to carry out works, which are subsequently cancelled, it will generally have to pay a penalty, and generally works will not be programmed and contractors mobilised for an element of work until all necessary consents are in place.

In the event that the time period in which the street authority must give consent under paragraph (4) is extended to 42 days, that would almost certainly delay the start date for those works to 56 days. This would almost certainly cause significant delays to works across the scheme.

6.0.16

Examiner's Question

Art 18, Street works: Should this article be restricted to specific streets set out in a Schedule? Should the powers be exercised with the consent of the street authority subject to consultation?

What is the view of ECC in respect of this Article?

Essex County Council

Co-Responder's Response

ECC would like to see what NH can do on its assets to be as tight as

possible to the scheme as proposed.

Applicant's Response

The Applicant responded to the ExQ1- 6.0.16 in Applicant's Response to the Examining Authority's First Round of Written

Questions (ExQ1) [REP2-025].

The Applicant will endeavour to keep street works 'as tight as possible to the proposed scheme'. However, in some cases the proposed scheme will inevitably require works to be carried out on ECC's streets. For example, the Applicant needs the flexibility to include signage where it is required to indicate diversions, which may be some distance from the trunk road. With regard to utility diversions, the Applicant will need to consider the operational requirements of the statutory undertaker concerned, for example to replace lengths of communications cables at existing joints, or to isolate apparatus to enable the diversions to be made.

6.1.1

Examiner's Question

In relation to 1. Interpretation, should this include a definition of the 'authorised development', 'relevant planning authority' and the 'highway authority', given they are used extensively throughout the Requirements?

Chelmsford City Council

Co-Responder's Response

In accordance with standard DCO drafting processes, CCC would request that definitions are provided for clarity.

Applicant's Response

These definitions are provided within Article 2 (interpretation) and their meaning remains effective throughout the Schedules of the dDCO.

6.1.2

Examiner's Question

Requirements 3 and 4. Are there other bodies, such as Natural England, Environment Agency and Historic England and/or local groups that should be consulted, along with those already identified? If so, please amend as necessary, if not please explain. Please clarify how long the parties would be given to review and comment on the documents?

Environment Agency

Co-Responder's Response

In our Relevant Representation (RR-011) we requested that the Environment

Agency be added as a named consultee for both Requirement 3 and Requirement 4.

This is to ensure that we are able to review and comment on the detailed mitigation measures for the protection of the environment proposed to be implemented during the construction and operational phases. This would be in line with the approach taken with other recently approved National Highways road schemes in East Anglia.

We would require a minimum consultation period of 21 days.

Applicant's Response

Requirements 3 and 4: The Applicant recognises the EA's request to be a named consultee in relation to the second and third

iteration EMP. The Applicant has included the EA i as consultee to the EMP under requirements 3 and 4 in the DCO for matters related to its functions.

Natural England

Co-Responder's Response

NE would welcome consultation on both the second and third iterations of the EMP.

Applicant's Response

The Applicant does not believe that Natural England needs be added to requirements 3 and 4.

Natural England would be involved in discussions regarding consents and licences administered by them, and additional discussions regarding the further iterations of the EMP are therefore not necessary.

Chelmsford City Council

Co-Responder's Response

CCC requests that all relevant consultees including those mentioned are named.

CCC suggest that Essex County Council (Highways and Local Lead Flood Authority) are consulted where appropriate.

Consideration of the appropriate timescales will be given within the CCC's response to the dSoCG/ dDCO.

Applicant's Response

The Applicant believes the current wording is sufficient.

The Applicant will work with the local planning authorities in advance of commencement of the works on site so as to provide as complete a consultation draft second iteration EMP as possible. Prior to mobilisation of a part of the development, the relevant local planning authorities will be not less than 14 days to review the second iteration Environmental Management Plan prior to it being submitted to the Secretary of State for approval.

6.1.4

Examiner's Question

Requirement 7. Should (5) also include for consultation with the County Archaeologist?

Essex County Council

Co-Responder's Response

That would be the condition we would recommend. We would then release the areas as the mitigation work is completed on each. As part of that we will have agreement with either NH's or the archaeological contractor to pay for our monitoring visits and

sign off of the archaeological work. Services

Applicant's Response

As the Applicant explained in its response to Examining Authority's Question 6.1.4 [REP2-025], Requirement 7(5) relates to construction operations within 10 metres of remains not previously identified which are revealed when carrying out the authorised development.

Requirement 7(4) already provides that such remains "must be subject to appropriate mitigation as set out in the archaeological mitigation strategy and agreed with the County Archaeologist."

As such, the Applicant is of the view that there is no need to specify consultation with the County Archaeologist under Requirement 7(5).

Chelmsford City Council

Co-Responder's Response

CCC considers the County Archaeologist should be consulted on this requirement.

Applicant's Response

As the Applicant explained in its response to Examining Authority's Question 6.1.4 [REP2-025], Requirement 7(5) relates to construction operations within 10 metres of remains not previously identified which are revealed when carrying out the authorised development.

Requirement 7(4) already provides that such remains "must be subject to appropriate mitigation as set out in the archaeological mitigation strategy and agreed with the County Archaeologist."

As such, the Applicant is of the view that there is no need to specify consultation with the County Archaeologist under Requirement 7(5).

6.1.5

Examiner's Question

Requirement 11. In relation to (2), should the Environment Agency be included as a consultee?

Anglian Water

Co-Responder's Response

Whilst this question is directed to the Applicant and the Environment Agency, Anglian Water would wish to be included as a consultee for the requirement regarding surface and foul water drainage, as the statutory sewerage undertaker for the project area. This is to ensure that designs for the management of surface water do not prejudice the operation of Anglian Water assets including currently unknown connections to the public sewer network and consequent impacts on the capacity of our network to serve existing customers and future development.

Furthermore, we would support the inclusion of the Environment Agency and Lead Local Flood Authority as consultees for this requirement, given the clear preference for managing surface water through the use of SuDS and the Government's intention to implement Schedule 3 of The Flood and Water Management Act 2010 to make SuDS mandatory in all new developments in England. The Schedule also makes the right to connect surface water run-off to public sewers conditional upon the drainage system being approved before construction can commence.

However, until Schedule 3 is implemented we would request Anglian Water is included as a consultee in Requirement 11 so we have the opportunity to review and comment on detailed mitigation measures proposed to manage surface and foul drainage. This remains an issue under discussion in the draft Statement of Common Ground between National Highways and Anglian Water.

Applicant's Response

The Applicant has responded to this point in its response to Anglian Water's relevant representation RR-054-003 in [REP1-002].

The Applicant is currently not aware of any outfall/drainage connections from the proposed scheme to the AW sewer network. If subsequent investigation shows that there are connections to the AW sewer network, the proposed scheme surface water drainage design would not increase the effective drainage area discharging to the AW sewer network. Hence, flows in the AW sewer network would be unaffected by the proposed scheme.

Environment Agency

Co-Responder's Response

In our Relevant Representation (RR-011) we requested that the Environment

Agency be added as a named consultee for part (2) of Requirement 11. Part (1) of R11 requires the Environment Agency to be consulted on the proposals for surface and foul water disposal, including pollution control, prior to the commencement of development. We are not currently a named consultee for part (2), which concerns the approval of any proposed amendments to details agreed under part (1).

Measures to manage surface and foul water disposal, including pollution control,

may not require a separate Environmental Permit from the Environment Agency.

Therefore, we should have the opportunity to review any proposed amendments to what has been previously agreed through this Requirement. A similarly worded

Requirement has been included with other recently approved National Highways

road schemes in East Anglia.

Applicant's Response

Requirement 11: The Applicant agrees to including the EA as a named consultee under part (2) of Requirement 11 on matters relating to its function. This change will be reflected in the revised draft DCO to submitted at Deadline 3.

Chelmsford City Council

Co-Responder's Response

CCC considers the Environment Agency should be consulted on this requirement.

Applicant's Response

The Applicant agrees to including the EA as a named consultee under part (2) of Requirement 11 on matters relating to its function. This change will be reflected in the revised draft DCO to submitted at Deadline 3.

6.1.6

Examiner's Question

Requirement 12. The reference to landowners agreement in (2), appears to remove the need to agree changes with the EA. Please explain further and provide justification.

Environment Agency

Co-Responder's Response

We would not expect to have any concerns where there was landowner acceptance of any changes in flood risk, including because we would not expect any sensitive receptors (people or built property) to be affected. However, we would welcome the opportunity to review any proposed changes, which may also be beneficial in terms of helping landowners identify the nature of any increase in risk.

Applicant's Response

The Applicant refers to its response provided to this question at Deadline 2 [REP2-025].

6.1.7

Examiner's Question

Requirement 13. In relation to (5), should this also include provision for mitigation measures to be maintained and managed?

Chelmsford City Council

Co-Responder's Response

CCC request that mitigation measures are maintained and managed in accordance with a scheme of works that has been agreed within the Noise and Vibration Management Plan that forms part of the Environmental Management Plan.

Applicant's Response

The Applicant confirmed in its response to Examining Authority's Question 6.1.7 [REP2-025] that it is content to amend Requirement 13(5) so that it reads (amendments shown in bold underlined):

"The noise mitigation measures referred to in paragraphs (1)(a) and (1)(b) must be retained and maintained following their being provided."

This amendment will be reflected in the revised draft DCO to be submitted at Deadline 3.

The scheme of works that the Interested Party is referring to will be approved by the Secretary of State following consultation with the relevant planning authority pursuant to Requirement 13 of the DCO and not under the Noise and Vibration Management Plan (NVMP) as suggested, this is because the NVMP (Appendix K to the First Environmental Management Plan [APP-195] addresses the control of construction noise, where as requirement 13 relates to operational noise mitigation.

8.0.1

Examiner's Question

In relation to best and most versatile land, are the LPAs satisfied with the approach and conclusions taken by the application with regards to unsurveyed agricultural land? If not, please explain why.

Braintree District Council

Co-Responder's Response

Yes, BMV is addressed in the Geology and Soils section of the Council's Local Impact Report. A total of 544.5ha of agricultural land was identified and only a small fraction of that remained unsurveyed. The Council is satisfied with the approach taken and the ES conclusions.

Applicant's Response

The Applicant welcomes Braintree District Council's confirmation that it is satisfied with the approach and the ES conclusions with regards to un-surveyed agricultural land.

The Applicant notes that the soil resource survey referred to in paragraph 10.10.5 of Chapter 10 [APP-077] of the ES and in paragraph M.5.1 of the Soil Handling Management Plan (Appendix M of the First Iteration Environmental Management Plan) [APP-197] will include Agricultural Land Classification (ALC) survey for land not surveyed during the original ALC survey [APP-143] where practicable before any soil stripping takes place.

Colchester City Council

Co-Responder's Response

Colchester City is satisfied with the approach and conclusions taken by the application with regards unsurveyed land.

Applicant's Response

The Applicant welcomes Colchester City Council's confirmation that it is satisfied with the approach and the ES conclusions with regards to un-surveyed agricultural land.

The Applicant notes that the soil resource survey referred to in paragraph 10.10.5 of Chapter 10 [APP-077] of the ES and in paragraph M.5.1 of the Soil Handling Management Plan (Appendix M of the First Iteration Environmental Management Plan) [APP-197] will include Agricultural Land Classification (ALC) survey for land not surveyed during the original ALC survey [APP-143] where practicable before any soil stripping takes place.

Essex County Council

Co-Responder's Response

Unsurveyed land accounts for 2% of the land within the Order limits and conclusions on the same have been based on aerial imagery.

ECC are of the opinion that such factors are not considered to pose material limitations to the assessment

Applicant's Response

The Applicant welcomes Essex County Council's confirmation that it is satisfied with the approach and the ES conclusions with

regards to un-surveyed agricultural land.

The Applicant notes that the soil resource survey referred to in paragraph 10.10.5 of Chapter 10 [APP-077] of the ES and in paragraph M.5.1 of the Soil Handling Management Plan (Appendix M of the First Iteration Environmental Management Plan) [APP-197] will include Agricultural Land Classification (ALC) survey for land not surveyed during the original ALC survey [APP-143] where practicable before any soil stripping takes place.

Maldon District Council

Co-Responder's Response

MDC has considered its own Development Plan Policy D2: Climate Change and the Environmental Impact of Development. Clause 11 seeks that development must take into account the economic and other benefits of preserving the best and most versatile agricultural land and where possible poor-quality land should be prioritised over higher quality land. Having reviewed the ES, MDC is generally satisfied with the approach and conclusions with regards to unsurveyed agricultural land; noting it amounts to around 2% of all the land in the Order Limits.

Applicant's Response

The Applicant welcomes Maldon District Council's confirmation that it is satisfied with the approach and the ES conclusions with regards to un-surveyed agricultural land.

The Applicant notes that the soil resource survey referred to in paragraph 10.10.5 of Chapter 10 [APP-077] of the ES and in paragraph M.5.1 of the Soil Handling Management Plan (Appendix M of the First Iteration Environmental Management Plan) [APP-197] will include Agricultural Land Classification (ALC) survey for land not surveyed during the original ALC survey [APP-143] where practicable before any soil stripping takes place.

Chelmsford City Council

Co-Responder's Response

CCC's response is set out within its Local Impact Report paragraphs 6.145- 6.151 refer.

Overall, the proposal would lead to the loss of about 72.4 hectares (39% of the site boundary) of Best and Most Versatile Agricultural Land. This would be broken up in Grade 2 (11.4 hectares) and 3a (61.1 hectares). The loss of this amount of BMV land would be significant and would be of high magnitude and could not be mitigated or offset elsewhere.

Some of the Grade 2 land would be within Chelmsford City.

In relation to unsurveyed land, CCC acknowledges that the amount of Best and Most Versatile land could be more than that suggested by the Agricultural Land Survey.

In spite of this, the loss of 39% of surveyed BMV land is significant and weighs against the proposals as National and Local Planning policies seek to protect this finite resource.

The removal of productive agricultural land is a material consideration, but this must be balanced against the benefit of the proposal in easing congestion and improving the highways network.

Requirements relating to the appliance of Soil Handling Management Plan appended to the Environmental Management Plan could

ensure the protection and conservation of soil resources on site during operation during the operation of the development.

On balance, it is considered that these measures are likely to outweigh the loss of Best and Most Versatile Agricultural Land (surveyed or not), particularly when considered in the wider context of the benefit of the proposal in its totality. In this context, CCC does not therefore, object to the loss of agricultural land in principle.

Applicant's Response

The Applicant does not recognise the figures for best and most versatile (BMV) agricultural land loss quoted by Chelmsford City Council of 72.4 ha, comprising 11.4 ha of Grade 2 and 61.1 ha of Subgrade 3a land. Table 10.13 in Chapter 10 (Geology and Soils) of the Environmental Statement [APP-077] reports permanent and temporary land-take by Agricultural Land Classification (ALC) grade. Notwithstanding this inconsistency, Table 10.13 in Chapter 10 does identify that approximately 39.9% of BMV agricultural land within the Order Limits would be permanently lost, which is similar to the 39% stated by Chelmsford City Council. Clarification of what constitutes 'permanent development' within the context of quantifying agricultural land-take reported in Chapter 10 of the ES [APP-077] is provided in our response to RR-184-010 [PDA-004].

The Applicant notes that the soil resource survey referred to in paragraph 10.10.5 of Chapter 10 [APP-077] of the ES and in paragraph M.5.1 of the Soil Handling Management Plan (Appendix M of the First Iteration Environmental Management Plan) [APP-197] will include ALC survey for land not surveyed during the original ALC survey [APP-143] where practicable before any soil stripping takes place.

The Applicant notes that Chelmsford City Council does not object to the loss of agricultural land in principle.

8.0.3

Examiner's Question

Please can the Applicant clarify how the delivery of the Detailed Quantitative Risk Assessment (DQRA) will be secured via the application? Will it be subject to consultation and if so, with whom?

Environment Agency

Co-Responder's Response

We note that this question was not directed to the Environment Agency. However, we would highlight that we would want to be consulted on the DQRA. We have asked the Applicant to confirm whether the DQRA will form part of the Environmental Management Plan. We have requested to be added as a named consultee for

Requirement 3, which would ensure consultation on the DQRA if it were included within the EMP.

Applicant's Response

The applicant confirms that the DQRA to support soils reuse will form part of the Materials Management Plan (MMP) which is Appendix J to the Environmental Management Plan (EMP) [APP-194]. Paragraph J.8.6 of the MMP provides for the DQRA during the detail design phase, which is also provided for by commitment GS8 of the REAC (First Iteration Environmental Management Plan - Appendix A: Register of Environmental Actions and Commitments (REAC) [APP-185]).

The DQRA to support dewatering and protection of surface water and groundwater will be included within the second iteration EMP and will be referenced in groundwater and surface water monitoring plans which will be appended to the Environmental Management Plan, as provided for in section N.10 of the Water Management Plan, Appendix N to the FIEMP [APP-194]. This DQRA is also covered by commitment GS4 and GS7 of the REAC, – (Appendix A: Register of Environmental Actions and

Commitments (REAC) to the FIEMP [APP-185]).

The Environment Agency has been added as consultee to the 2nd Iteration Environmental Management Plan (Requirement 3) and 3rd Iteration Environmental Management Plan (Requirement 4) in the draft DCO to be submitted at Deadline 3.

9.0.1

Examiner's Question

Re Design & Access statement [APP- 268]. It would be helpful to have a note explaining how the dDCO will secure compliance with each of the design principles. Para 4.1.3 states that this is one of a number of documents but a further explanation of how they relate to each other would assist.

Chelmsford City Council

Co-Responder's Response

CCC has raised substantive objections to the design and aesthetics of Paynes Lane WCH bridge and does not agree with the design principles that relate to it.

These concerns are set out within CCC's Local Impact Report paragraphs 6.62 – 6.89 refer.

Requirement 10 of the dDCO states that the detailed design of the development must accord with:

: “(a) the preliminary scheme design shown on the works plans and the engineering drawings and sections; and (b) the principles set out in the environmental masterplan, (c) unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local planning authority and relevant local highway authority on matters related to their functions, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.”

The effect of the requirement as currently worded means that the proposal will need to be constructed in accordance with the certificated plans and documents that form part of the dDCO.

Given CCC’s substantive concerns regarding the design and aesthetics of the bridge as stated within the LIR, CCC’s position is that further consideration should be given to the design principles / requirement wording to enable National Highways to amend the proposals to respond to CCC’s concerns.

CCC wish to be consulted on further reiterations on the design of the bridge and will work in collaboration with National Highways through the dSoCG/ dDCO to address these concerns.

Applicant’s Response

The Applicant is committed to engage with the Interested Party with regards to the outstanding detailed design of Paynes Lane footbridge. The Applicant has also sought to engage with the Interested Party on the Design Principles document [REP2-006] and the Materials and Landscape Palette [REP2-033], to aid engagement on the detailed design of the footbridge in relation to those elements which remain available to influence.

Items such as bridge layout (e.g. of a warren truss design) cannot be changed due to constraints in span, height clearance and

visual impact on listed buildings, parks and gardens, which would fall outside the envelope assessed by the Environmental Statement.

The Applicant has responded to the Examining Authority question at Deadline 2 [REP2-025]. In response to this question the Applicant has revised the Design Principles and submitted a new version at Deadline 2 [REP2-005 and REP2-006] demonstrating how the principles are secured through certified documents or industry standards. The Applicant also submitted at Deadline 2 a Materials and Landscape Palette [REP2-033] showing indicative structures and landscape materials that are proposed to be used across the scheme.

9.0.2

Examiner's Question

Please show how the design principles referenced in the Design & Access Statement [App-268] will be translated into physical form, by providing indicative examples for eg. bridges, fences, noise barriers etc.

Chelmsford City Council

Co-Responder's Response

CCC requests that further details (plans and elevations) are provided of the physical form of these features and that the Host Authorities and other interested parties are consulted on them.

Applicant's Response

The Applicant has produced a Materials and Landscape Palette [REP2-033]. This document details structural materials and visually displays indicative examples of proposed overbridges, footbridges, walls and fencing.

The Applicant has shared the latest plan and elevation of Paynes Lane Footbridge with Chelmsford City Council (CCC) and has requested a meeting to engage with CCC on the Materials and Landscape Palette [REP2-033].

The Applicant has also prepared a revision 2 of the Design Principles [REP2-006] where the Applicant shows how each design principle is secured through certified documents or industry standards in response to the Examining Authorities First Written Questions 9.0.2 [REP2-025].

9.0.3

Examiner's Question

Re Design Principles [APP-280]: STR.05 Value for money – “Cost effectiveness will be weighed against aesthetic value, safety and other design principles discussed in this chapter.” The Applicant may wish to add that the weight to be placed upon the different factors will vary according to the quality and existing aesthetic qualities of various locations with regard to the preservation and enhancement of the local landscape character. It would be useful to indicate locations where other considerations are likely to outweigh those relating to cost.

Chelmsford City Council

Co-Responder's Response

CCC notes the need for National Highways to deliver a scheme that delivers good value for money.

However, in accordance with paragraphs 6.79 of the LIR, CCC notes that the, the design and aesthetics of the bridge represents a

significant opportunity to deliver a structure that adds to the character of the Garden Community, reconnection of heritage assets and provides a distinctive gateway into Chelmsford.

CCC would therefore encourage a greater degree of ambition with regards to the bridge design. There is also an opportunity to recognise and celebrate the historic connection between the two Grade I listed heritage assets of Boreham House and New Hall which the new bridge will reconnect. CCC wish to be consulted on further reiterations on the design of the bridge and will work in collaboration with National Highways through the dSoCG/ dDCO to address these concerns.

Applicant's Response

Design Principle STR.05 'Value for money' has been updated to reflect the varying weight given to the design of highways structures. The Applicant submitted revision 2 of 7.10 Design Principles as an additional submission at deadline 2 [REP2-006] in response to the ExA's written question 9.0.3.

The Applicant has taken the proposed Beaulieu Park Station and Chelmsford Garden Community to the north of Paynes Lane into consideration, carefully balancing the footbridge design with the need for high design quality. Consideration has also been given to the visually sensitive character of the Boreham farmland plateau landscape character area, and Boreham House listed building and registered park and garden, by keeping the height of the footbridge as low as practicable in the open landscape.

The light and weight-saving Warren Truss design of the bridge is the preferred solution as it provides a smaller footprint for the bridge. The steel equilateral triangles create an almost 'see-through' type aesthetic which camouflages the structure within the surrounding environment, reducing the visual impact of the footbridge across Boreham farmland plateau and on Boreham House listed building.

The Applicant provided a Materials and Landscape Palette [REP2-033] at Deadline 2, which provides the Interested Party with further indicative imagery of the proposed footbridge.

There are outstanding detailed design elements, including the colour of the steel structure. The Applicant will continue to engage with Chelmsford City Council and Essex County Council at detailed design on the final detailed design of the footbridge.

11.0.1

Examiner's Question

There are a number of archaeological remains, in and close to the Order Limits, which would be adversely affected by the construction of the Proposed Development. In addition, please provide more detailed justification for concluding moderate adverse residual effects from the Proposed Development on the archaeological remains [APP-074]. Historic England and LAs to comment.

Applicant – what consideration has been given to the effect of the Proposed Development on all these remains combined?

Are parties satisfied with the approach, scope and conclusions of the archaeological assessment, and proposed mitigation?

Braintree District Council

Co-Responder's Response

Refer to ECC as statutory undertakers for Archeology

Applicant's Response

The Applicant notes the intention of Braintree District Council to defer to Essex County Council on the matter of archaeology. The Applicant responded to the Examining Authority's question in its response to the First Round of Questions [REP2-025].

Essex County Council

Co-Responder's Response

Approach and scope: Place Services have worked closely with the archaeological consultant for Jacobs to devise and carry out a comprehensive evaluation strategy. This included Desk-Based Assessments, Aerial Mapping, Geophysical Survey and Trial trenching over much of the order limits as it was proposed. Place Services are satisfied with the approach for archaeology.

Due to the extent and location of the scheme within areas where potential significant Palaeolithic and palaeoenvironmental remains may be preserved at depth a separate Palaeolithic Desk-Based Assessment was requested and a specialist geoarchaeological evaluation was required. The Palaeolithic Desk Based Assessment did not cover the full extent of the scheme and was used to inform the geoarchaeological investigation. The approach for the investigation of Palaeolithic and Palaeoenvironmental remains has not been comprehensive and was targeted on identified areas of worst impact. The approach is not satisfactory as areas of the scheme have received no assessment. This can be addressed through the completion of the Palaeolithic Desk Based Assessment to cover the entire scheme to determine the identification of any areas of significance which may require further evaluation prior to the determination of the DCO.

There are a number of archaeological sites recorded on the HER which would be impacted by the proposals, the trial trench evaluation has also identified a number of previously unknown sites within the order limits which will be adversely impacted upon by the construction of the Proposed Development. The purpose of the evaluation work has been successful in providing information to allow determination of the impact and to mitigate this through a strategy of preservation by design or preservation by record.

The presentation of the technical appendices to support the Cultural Heritage Chapter has been of varying quality and not to the standards expected however the conclusions in regard to archaeological remains are agreed.

With regard to archaeological sites further discussion and more clarity in the presentation of results should help to reach agreement of a suitable mitigation strategy for archaeology (excluding Palaeolithic archaeology).

With regard to the impact of the scheme on potential Palaeolithic and palaeoenvironmental remains the impact of the Proposed Development across the whole of the scheme has not yet been fully assessed and therefore the impact of the scheme on Palaeolithic and palaeoenvironmental deposits has not been fully established. As a consequence, the mitigation strategy is limited in its extent and excludes areas where the potential for Palaeolithic remains has not been established

Conclusions:

The assessment concludes that the Proposed Scheme is predicted to have a moderate residual adverse effect on archaeology. ECC agree that there will be moderate adverse residual effects from the Proposed Development on many of the archaeological remains that were revealed as part of the archaeological trial trench evaluation, however the significance of potential Palaeolithic sites has not yet been established through the fieldwork undertaken and any identified Palaeolithic sites would be considered of high significance. It is accepted that the identification and investigation of Palaeolithic sites is difficult on a scheme of this size and further consideration of the potential for identification and, if required, preservation will need to be considered within the mitigation strategy.

With regard to the Palaeolithic and palaeoenvironmental potential the mitigation strategy proposed is not considered adequate and

further geoarchaeological investigation would be required to understand the impact of the scheme on Palaeolithic and paleoenvironmental remains which have potential to be of national significance. In the first instance this needs to be addressed through the completion of the Palaeolithic DBA which should include recommendations for further work which would allow adequate investigation of those areas that have, as yet, not been assessed.

This may require a fieldwork element which will need to be completed prior to the determination of the DCO.

Applicant's Response

Adverse effects on archaeological remains during construction of the proposed development are described in Chapter 7: Cultural Heritage of the Environmental Statement [APP-074] and itemised in Appendix 7.9: Cultural Heritage Impact Assessment Summary Tables [APP-117].

The Palaeolithic and palaeoenvironmental desk-based assessment was designed to answer specific questions about the potential for in situ remains to be preserved in areas where borrow pits were being considered, and the proposed scheme was therefore most likely to have an impact. Those locations remain unchanged and the Applicant considers the coverage and findings of this report to be sufficient for the purpose intended, including changes in the design of the proposed scheme which took place after the Palaeolithic Desk-Based Assessment was prepared. The areas where the greatest potential for impact to occur remains unchanged.

The purposive fieldwork undertaken to inform the Palaeolithic and Palaeoenvironmental Evaluation Report – Part 1 [APP-115] and Palaeolithic and Palaeoenvironmental Evaluation Report – Part 2 [APP-116] has refined the understanding of Quaternary deposits and their Palaeolithic potential in those areas where the proposed scheme is likely to have the most impact. The fieldwork conducted to inform this stage covered the whole length of the proposed development, and included areas where shallower

excavations are predicted for attenuation ponds.

On this basis, the Applicant considers the coverage of the Desk-Based Assessment to be sufficient.

The Applicant responded to the Examining Authority's question in its response to the First Round of Questions [REP2-025].

The Applicant welcomes Essex County Council's agreement of the conclusions with regard to archaeological remains, and notes their comments on the standard of presentation of some of the technical appendices.

Maldon District Council

Co-Responder's Response

MDC notes ExQ1 11.0.1 is specific to 'archaeological remains' only and not built heritage and the historic landscape (as the three cultural asset considerations). The approach, scope and conclusions archaeological remains have been discussed and agreed with Historic England, responsible for advising on Scheduled Monuments (above or below ground) and any above ground Grade I and Grade II* Listed structures. Further, Essex County Council (ECC) is responsible for the Historic Environment Record, as well as being the Local Highway Authority for Maldon District.

Having reviewed Table 7.2 Key statutory consultation feedback for cultural assets and Table 7.3 Record of consultation undertaken with key stakeholders, the archaeological fieldwork and mitigation measures undertaken and proposed, are in accordance with Policy D3, Maldon District Local Development Plan 2014-

2029. Policy D3 sets out MDC's approach to archaeological remains including the requirement that where a development may affect such remains an assessment be carried out, including consultation with the Historic Environment Record, to confirm the likely impact of the development, and to confirm likely mitigation strategies. MDC defers to ECC in the assessment of the moderate adverse residual effects of the construction of the proposed development.

Applicant's Response

The Applicant welcomes Maldon District Council's comment that the archaeological fieldwork undertaken and proposed mitigation measures are in accordance with Policy D3 of the Maldon District Local Development Plan 2014-2029, and notes their intention to defer to Essex County Council on the residual effects of the proposed development on archaeological remains.

The Applicant responded to the Examining Authority's question in its response to the First Round of Questions [REP2-025].

Chelmsford City Council

Co-Responder's Response

Defer to ECC.

See also Local Impact Report.

Applicant's Response

The Applicant notes the intention of Chelmsford City Council to defer to Essex County Council on the matter of archaeological remains. A response to the Local Impact Reports of both Essex County Council and Chelmsford City Council is provided as part of the Applicant's deadline 3 submission.

The Applicant responded to the Examining Authority's question in its response to the First Round of Questions [REP2-025].

14.0.1

Examiner's Question

Are ECC satisfied that the Applicant, through their Minerals Resource Assessment [APP-144] have proposed appropriate sterilisation mitigation measures to safeguard mineral resources. If not, please explain why?

Essex County Council

Co-Responder's Response

ECC has considered the arguments put forward in the MRA justifying the sterilisation of all minerals within the Order Limits.

ECC concludes that given the extent of the application site, there could be the potential for prior extraction opportunities to exist which the MRA has not fully explored. For example, Colemans Farm Quarry has reconfigured its previously permitted scheme of works to avoid the sterilisation of mineral as a result of the proposed A12 route and therefore it is considered that more opportunities for prior extraction could have been realised within the Order Limits.

However, no objection is raised in relation to this point. The conclusions of APP-144, where material to the principle of mineral safeguarding, are appropriate at this point in time. ECC accepts that it has no information to demonstrate that other prior extraction opportunities would definitely exist within the Order Limits and ECC further accepts that the implications on the project timetable now of carrying out a full assessment of the practicality of prior extraction across the entirety or part of the site, both in terms of

whether processing can occur on site or not, as well as the timeframe for granting permission for mineral development and the carrying out of the activity itself would be significant and possibly detrimental to the strategic benefits bought by the scheme. ECC supports the scheme in general as it will enable future housing development at scale, relieve traffic congestion on the existing A12 corridor and provide a strategic link for Essex and the wider east and southeast of England. Such delays as articulated above are not considered practical in the wider context of the benefits that the proposed development would bring. On that basis, with practicality being a consideration of the requirement for prior extraction, ECC accepts that further exploration of the prior extraction of mineral is not practical and the conclusions made in APP-144 are appropriate when considered in the planning balance.

Applicant's Response

The Applicant welcomes Essex County Council's confirmation that it is broadly satisfied that with practicality being a consideration of the requirement for prior extraction, further exploration of the prior extraction of the safeguarded mineral resources is not practical, and the conclusions made in Environmental Statement Appendix 11.1: Mineral Resource Assessment [APP-144] are appropriate when considered in the planning balance.

14.0.2

Examiner's Question

Are ECC content with the Applicant's baseline assessment, assessment methodology and significance categories and criteria as identified in ES Chapter 11 Material Assets and Waste [APP-078]? Is it based upon the most recent data? If not, please explain why?

Essex County Council

Co-Responder's Response

Paragraph 11.5.9 of the ES [App-078] states that 'There is limited information available at this stage regarding the precise material requirements and waste quantities associated with constructing the proposed scheme.' Whilst the Environmental Statement (ES) states that these limitations are typical of an EIA, this limited information could impact on ECCs ability to determine any local impact of the scheme on the availability of consented material and the capacity of its waste facilities to accommodate waste arising from this project. All ECC's assessments are therefore made with the caveat that they are not based on the precise requirements of the scheme.

That said, given the likely quantum of mineral take and waste arising as set out in the relevant chapter, ECC is satisfied that all the issues assessed through the Chapter result in not-significant effects, that is effects that are not material in the decision-making process. Yes, the response to this can be found in the LiR which is submitted at the same examination deadline.

Applicant's Response

The Applicant welcomes Essex County Council's confirmation that, given the likely quantum of mineral take and waste arising as set out in Chapter 11: Material Assets and Waste [APP-078], it is satisfied that all assessed issues result in not-significant effects, that is effects that are not material in the decision-making process.

Whilst the limitations are typical of an EIA for this aspect, the materials and waste quantification presented in Chapter 11: Material Assets and Waste [APP-078] is considered to represent an appropriate level of detail, in line with the most recent design information at the time of the assessment, to ensure that adequate information is available to inform the DCO determination.

The ancillary sub-regional discussion that was included in Section 11.11 of Chapter 11: Material Assets and Waste [APP-078], in response to Essex County Council's Scoping Opinion and statutory consultation feedback for this aspect, was specifically provided to support Essex County Council with determining any local impacts on the availability of minerals and the capacity of waste

facilities. The Application notes that additional responses to ExQ1 E14.0.02 can be found in Section 9.9 Minerals and Waste of Essex County Council's Local Impact Report (LiR). Where necessary, the Applicant has responded at Deadline 3 to any specific responses on the baseline assessment, assessment methodology and significance categories and criteria as part of the Applicant's response to the LiR.

14.0.3

Examiner's Question

In the view of ECC, has the Applicant sought to minimise the volume of waste produced and the volume of waste that will be sent for disposal? If not, please explain why and what needs to be done to achieve this.

Essex County Council

Co-Responder's Response

Yes, waste is sought to be minimised. The success of the same will be down to monitoring.

Applicant's Response

The Applicant welcomes Essex County Council's confirmation that it has sought to minimise the volume of waste produced and the volume of waste that will be sent for disposal.

For further information on monitoring, please refer to the First Iteration Environmental Management Plan - Appendix L: Site Waste Management Plan [APP-196].

14.0.4

Examiner's Question

Please can the parties provide an update on the current position of the planning application referred to in 11.6.16 of Paragraph 11.6.6 of ES Chapter 11 Material Assets and Waste [APP-078], along with a likely position by the end of Examination. It would be helpful if regular updates can be provided by the parties during the course of the Examination.

Essex County Council

Co-Responder's Response

Brice Aggregates Limited submitted a planning application to ECC (planning reference ESS/98/21/BTE) which allows the quarry to change the phasing, accelerate extraction and allow import of inert material to backfill the quarry to pre-quarrying ground levels ahead of the proposed scheme works. The application proposed:

“to address proposed changes to existing schemes and conditions at the site over and above the applications set out above. This application is for the variation of conditions 4, 11, and 55 of planning consent ESS/40/18/BTE and approved Ecological Management Plan under the attendant S106 Agreement to enable the continued importation of inert materials to facilitate restoration; the re-phasing of the working and restoration of the consented site to enable accelerated progression of site restoration to return the land to formation level; changes to the approved restoration concepts and management plans; and the establishment and operations of an inert materials recycling facility, in advance of the A12 road widening and improvement national infrastructure project on land at Colemans Farm Quarry.

The A12 realignment will affect the northern elements of the approved operations at the site, in particular Phases 1-7 inclusive, as

detailed on the approved Working Plan. In the event that the Council were minded to grant consent for the schemes and conditions set out in this application, it will enable BAL to restore the extraction void in the current site to a level that allows HE and its project partners to start the A12 build. It will also enable BAL to address shortfalls in indigenous restoration materials that would be generated as a result of the presence of the A12 scheme. This is the most substantiable solution to the options considered and offers the best value to HE as an independent government body, the wider HM Treasury and the UK taxpayer. Notwithstanding the potential effect of the A12 on the extraction of consented mineral reserves, BAL as the operators of the site, are under an obligation to provide over 24 hectares of Priority Habitat as part of the restoration of the mineral working. The realigned route of the A12 would mean that this objective could not be met under the approved schemes and plans, and therefore a key component of this application is to present a revised scheme of restoration that ensures that these obligations are met, and the site continues to deliver significant biodiversity enhancement and habitat creation, consistent with local planning policy, and the obligations enshrined in existing planning consents for the site.

This application was considered by ECC's Development and Regulation Committee on the 27 January 2023 and a resolution to grant was made subject to completion of legal agreements. The approved scheme had been developed in cooperation with the A12 team as stated above in order to enable the construction of the DCO to be implemented should Consent ultimately be granted.

Applicant's Response

The Applicant welcomes and concurs with the update provided by Essex County Council on the current position of the planning application referred to in Paragraph 11.6.6 of Environmental Statement Chapter 11: Material Assets and Waste [APP-078].

15.0.1

Examiner's Question

ES Chapter 12: Noise and Vibration [APP-079], does table 12.4 reflect the latest and most relevant development plan policies? If

not, please identify those that are missing.

Braintree District Council

Co-Responder's Response

Yes, please see the Council's Local Impact Report

Applicant's Response

The Applicant welcomes the Interested Party's confirmation that Table 12.4 in Chapter 12 of the ES [APP-079] reflects the latest and most relevant development plan policies.

Colchester City Council

Co-Responder's Response

Noise and Vibration Table 12.4 - The relevant adopted Colchester Local Plan policies are: SP6 Infrastructure and Connectivity of the adopted Section 1 Local Plan and Adopted Section 2 policies ENV5 Pollution and Contaminated Land, together with DM1 Health and Well Being and DM15 Design and Amenity.

Applicant's Response

The Applicant notes the policies supplied by Colchester City Council. The Applicant has considered the proposed scheme alongside these policies in the following way:

SP6 Infrastructure and Connectivity. The Applicant considers the proposed scheme meets this policy by delivering a major

infrastructure scheme.

Policy ENV5: Pollution and Contaminated Land. Policy ENV5 is met by the proposed scheme not resulting in an unacceptable risk to the environment due to the potential of noise nuisance.

Policy DM1: Health and Wellbeing. Policy DM1 is met by the development being designed to help promote healthy and active lifestyles and avoid causing adverse impacts on public health through providing appropriate mitigation to avoid harmful emissions.

Policy DM15: Design and Amenity. The Applicant considers this policy is not relevant to the proposed scheme since the policy is concerned with small building developments.

Essex County Council

Co-Responder's Response

These are Policies as held by the relevant Local Authorities along the route and hence fall to them to respond.

Applicant's Response

Noted.

Maldon District Council

Co-Responder's Response

In reviewing Table 12.4, MDC agrees that Policy D1 is a relevant policy, however, Table 12.4 omits Policy D2, which is just as relevant to the matters of noise and vibration.

Policy D2: Climate Change & Environmental Impact of New Development states that all development must minimise its impact on the environment by incorporating several principles including “Minimising all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation, and mitigation measures.

Applicant’s Response

The Applicant notes the omission of Policy D2 and agrees that this policy is relevant. The Applicant considers that through the scheme design and selected mitigation measures that this Policy, along with D1, has been met by the proposed scheme.

Chelmsford City Council

Co-Responder’s Response

CCC can confirm the table reflects the latest and most relevant development plan policies.

Applicant’s Response

The Applicant welcomes the Interested Party's confirmation that Table 12.4 in Chapter 12 of the ES [APP-079] reflects the latest and most relevant development plan policies.

15.0.2

Examiner's Question

Are the LPAs satisfied with the Applicant's identified methodology as set out in 12.5 of ES Chapter 12: Noise and Vibration [APP-079]? If not, please explain why. In particular, do the parties have any views on the Applicant's use, approach and conclusions with regards to the use of SOAEL and LOAEL?

Braintree District Council
Co-Responder's Response

Yes, please see the Council's Local Impact Report

Applicant's Response

The Applicant welcomes the Interested Party's confirmation that it is satisfied with the methodology as set out in Chapter 12 of the Environmental Statement [APP-079].

Colchester City Council
Co-Responder's Response

Yes, we are happy with the applicant's identified methodology as set out in 12.5 of ES Chapter 12. The use of LOAEL and SOAEL appear correct. The methodology follows DMRB LA 111 with operational noise calculated from CTRN methodology, which we understand is the relevant methodology for such a scheme.

Applicant's Response

The Applicant welcomes the Interested Party's confirmation that it is satisfied with the methodology as set out in Chapter 12 of the

Environmental Statement [APP-079].

Essex County Council

Co-Responder's Response

This is for the Local authorities along the route to answer.

Applicant's Response

The Applicant notes the Interested Party's response.

Maldon District Council

Co-Responder's Response

MDC has no issues with the methodology, but it is disappointing that there are four dwellings within the Maldon District on Braxted Road that will suffer from significant adverse impacts despite embedded, standard and additional mitigation being considered. The significance of the impact comes from the magnitude of the increase in noise levels, in part at least, associated with the realigned Braxted Road, but it should be noted that the absolute level experienced is still below the SOAEL. It is noted that mitigation of the adverse impacts on these properties through use of a low noise road coating on Braxted Road and /use of noise barriers have been considered and discounted and whilst they may not be so significant so as to require an intervention, they will still cause an increased noise impact to Maldon District residents which is not currently present and steps are being taken elsewhere in the project to make the A12 a better neighbour. The assessment still arguably meets the aims of the Noise Policy Statement for England & the National Planning Policy Framework to avoid significant adverse impacts on health and quality of life and to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, which MDC notes is also echoed in the National Policy Statement for National Networks. There is obviously no outright requirement to avoid significant impacts at all

costs but MDC is dissatisfied at the negative impact on MDC residents in these four dwellings and would ask the Applicant to take some goodwill steps, at the very least, on Braxted Road to reduce the impact.

Applicant's Response

The Applicant welcomes the Interested Party's confirmation that it is satisfied with the methodology as set out in Chapter 12 of the Environmental Statement [APP-079].

The Applicant acknowledges there are predicted to be significant adverse effects at four dwellings on Braxted Road, and this is described in paragraph 12.11.41 of Chapter 12: Noise and Vibration, of the Environmental Statement [APP-079]. At these four receptors there is predicted to be an increase in noise of over 3dB(A) which is due to an increase in traffic flow on Braxted Road.

However, the daytime absolute noise level at these dwellings would be between 60 and 64dB(A), which is below the SOAEL. It is not possible to mitigate these significant effects 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 predicted speed along this part of Braxted Road is predicted to be 48km/h and so a low noise surface would not be effective.
- To be effective, a noise barrier needs to be unbroken. In a situation such as Braxted Road, where access is required from the road to sensitive receptors, in this case residential properties, it is not possible to have a barrier that is unbroken.

Colchester City Council

Co-Responder's Response

CCC is satisfied with the proposed methodology.

Applicant's Response

The Applicant welcomes the Interested Party's confirmation that it is satisfied with the methodology as set out in Chapter 12 of the Environmental Statement [APP-079].

15.0.3

Examiner's Question

Paragraph 12.5.24 of ES Chapter 12: Noise and Vibration [APP-079]? identifies the Applicant's consideration of significant effects from construction activities. Are the parties satisfied with this approach as set out? If not, please explain why.

Braintree District Council

Co-Responder's Response

Yes, please see the Council's Local Impact Report

Applicant's Response

The Applicant welcomes the Interested Party's confirmation that it is satisfied with the approach to consideration of significant effects in Chapter 12 of the ES [APP-079].

Colchester City Council

Co-Responder's Response

Yes, we are satisfied with the approach set out, which is in accordance with DMRB LA 111, paragraph 3.19.
Applicant's Response
The Applicant welcomes the Interested Party's confirmation that it is satisfied with the approach to consideration of significant effects in Chapter 12 of the ES [APP-079].
Essex County Council
Co-Responder's Response
Yes, we are satisfied with the approach set out, which is in accordance with DMRB LA 111, paragraph 3.19.
Applicant's Response
Noted.
Maldon District Council
Co-Responder's Response
MDC accept that the approach outlined is consistent with DMRB LA111, which in turn is informed by BS 5228-1:2009: Code of practice for noise and vibration control on construction and open sites – Part 1: Noise
Applicant's Response
The Applicant welcomes the Interested Party's confirmation that it is satisfied with the approach to consideration of significant effects in Chapter 12 of the ES [APP-079].

Chelmsford City Council
Co-Responder's Response
CCC is satisfied with the approach.
Applicant's Response
The Applicant welcomes the Interested Party's confirmation that it is satisfied with the approach to consideration of significant effects in Chapter 12 of the ES [APP-079].
15.0.4
Examiner's Question
Please explain and justify why only the south bound side of the existing A12 between J19 and existing J20a is to be surfaced with better noise reducing surface. Would provision of such a surface on both sides deliver further noise reduction?
Chelmsford City Council
Co-Responder's Response
CCC would wish for both sides of the A12 between J19 and J20a to be surfaced with a better noise reducing surface to deliver improved and enhanced noise reduction to Boreham residents.
See paragraph 6.48 of the Local Impact Report.

Applicant's Response

The Applicant has provided reasons and justification for the proposed surfacing of only the southbound carriageway within the answer to ExQ1 15.0.4 within the Applicant's Response to the Examining Authority's First Round of Written Questions [REP2-025].

15.0.5**Examiner's Question**

Paragraph 12.10.19 of ES Chapter 12: Noise and Vibration [APP-079] refers to discounting the insertion of noise barrier alongside proposed development by Boreham. Please provide further detail and justification for this decision. How would these barriers perform in comparison to the identified mitigation measures?

Chelmsford City Council**Co-Responder's Response**

CCC wishes for further consideration to be given to the introduction of a noise / air quality barrier along the A12 roadside frontage.

CCC considers that it is premature to discount the environmental effects of introducing a noise and air quality barrier along the A12 roadside frontage. The management of the mitigation to achieve noise reduction, whilst not causing harmful environmental impacts is a sensitive balancing act.

However, there is likely to be an appropriate scheme of mitigation

that reduces noise impacts whilst complying with environmental legislation. Measures for this mitigation should be included within the proposal.

Paragraph 6.49 of the Local Impact Report refers.

Applicant's Response

The Applicant has provided reasons and justification for not providing a noise barrier alongside the A12 at Boreham within the answer to ExQ1 15.0.5 in the Applicant's Response to the Examining Authority's First Round of Written Questions [REP2-025].

15.0.8

Examiner's Question

Please clarify what part of the proposed development is causing the significant noise effect at the 28 dwellings along Main Road as identified in paragraph 12.11.31 of ES Chapter 12: Noise and Vibration [APP-079]?

Chelmsford City Council

Co-Responder's Response

CCC considers that mitigation should be provided for the 28 dwellings along Main Road and has provided a substantive response to noise and vibration within paragraphs 6.40 - 6.49 of its Local Impact Report.

CCC will work in collaboration with National Highways through the dSoCG/dDCO to address these concerns

Applicant's Response

The Applicant welcomes the opportunity to work in collaboration with Chelmsford City Council through the dSoCG/dDCO to address their concerns. However, as is described within paragraph 12.11.31 of Chapter 12: Noise and Vibration, of the Environmental Statement [APP-079], specific noise mitigation measures (e.g. low noise surfacing, noise barriers) would not be effective at reducing noise at receptors along Main Road.

18.0.1

Examiner's Question

Are the parties content with the Applicant's Flood Risk Assessment (FRA) and drainage proposals as detailed in Appendix 14.5 [APP-162] and Appendix 14.6 [14.6] of ES Chapter 14: Road drainage and the water environment [APP-081]? If not, please explain why and what additional information is required.

Anglian Water

Co-Responder's Response

Anglian Water notes that the Environmental Statement (ES) Chapter 14: Road drainage and the water environment [APP-081] has responded to comments we raised in relation to the Scoping Opinion regarding the following matters: the consideration of all sources of flooding, including sewer flooding whether there is a requirement for connection to the public sewer network

The matter regarding sewer flooding has been addressed in the Flood Risk Assessment Appendix 14.5 [APP-162] to demonstrate that relevant sewer flooding records have been obtained from Anglian Water and it has been determined that no flood events have occurred within the order limits, and the risk of future sewer flooding as a result of the scheme is considered to be low. However,

ES Chapter 14 (Table 14.1) indicates that wastewater connections are uncertain subject to local constraints. National Highways should therefore submit any proposals to connect to our network to our Development Services team.

As raised under our response to ExQ1 6.1.5, Anglian Water has requested to be included as a consultee for surface and foul water drainage under Requirement 11 which would provide us with the opportunity to review and comment on detailed mitigation measures proposed to manage

surface and foul drainage. This remains an issue under discussion in the draft Statement of Common Ground.

Applicant's Response

The Applicant notes the request for proposals to connect to the Anglian Water network to be made to the Development Services team and the request to be included as a consultee for surface and foul water drainage under Requirement 11. These and other items raised will continue to be discussed as part of the development of the Statement of Common Ground between the Applicant and Anglian Water and as detailed design continues.

Braintree District Council

Co-Responder's Response

No comment

Applicant's Response

N/A

Colchester City Council
Co-Responder's Response

Colchester City defers to the opinion of ECC in these matters.

Applicant's Response

N/A

Environment Agency
Co-Responder's Response

As confirmed in our Relevant Representation (RR-011), we are broadly satisfied with the FRA. We have reviewed the supporting flood modelling and are satisfied that it is fit for purpose. We have identified some small areas of increased flood risk, which we highlighted would require compensatory storage or landowner agreement to accepting the increase. The Applicant has confirmed that affected land will either remain within the ownership of National Highways, or discussions with landowners are underway. We highlighted some potential losses of functional floodplain which the Applicant has addressed. We also stated that it should be considered whether the road needs to remain operational during a worst-case flood event, and that some further assessment is required to consider the effects of such an event on a specific section of the route. We are continuing to work with the Applicant on all issues raised.

Applicant's Response

The Applicant will continue to work with the Environment Agency on the issues raised. The applicant is preparing materials to set out the change in risk for sharing with affected landowners on this matter.

The Applicant will consult with local authority Emergency Planners on the need to remain operational during a worst-case flood event.

Essex County Council

Co-Responder's Response

ECC as LLFA supports the development with reference to flood risk mitigation and surface water drainage strategy, including appropriate measure by using sustainable drainage system (SuDS).

Exceedance flow analysis (Surface water Drainage Strategy Appendix 14.6) have shown localised flooding within the order limits of Proposed development however, it is not considered significant as the scheme is designed to DMRB standards.

LLFA has significant concerns in relation to pollution prevention to water environment. The runoff generated from A12 drainage catchments is discharging into an outfall considering no to minimum treatment.

Majority of the proposed drainage catchments are not meeting ECC water quality standards.

ECC supports the Chapter 14: Road drainage and the water environment including baseline condition.

Applicant's Response

The Applicant welcomes the support of the LLFA with reference to flood risk mitigation and sustainable drainage.

With regard to the provision of water quality measures the Applicant has provided measures as determined by the assessment methodology detailed in Design Manual for Roads and Bridges (DMRB) LA113 and set out within the Water Quality Assessment Report (WQAR) [APP-158].

Twelve of 92 proposed scheme outfalls have been identified through this detailed assessment as requiring no mitigation to meet the DMRB LA113 water quality requirements. Whilst not requiring embedded mitigation through the detailed assessment process these locations are being considered as potential points of enhancement (where mitigation may be added in places where the proposed scheme assessment has concluded it is not required) through the detailed design process.

The Essex County Council Design Guide requires all pollutant loading to be mitigated. The Design Guide suggests the use of a non-dimensional simple index approach (SiA) outlined in Chapter 26 CIRIA C753. It should be noted that Chapter 26 C753 points to use of Table 4.3 of Chapter 4 C753 to determine how to assess pollutant run-off. Table 4.3 sets out what assessment method to use to assess minimum water quality management requirements for discharging to surface water and groundwater. Table 4.3 of C753 states that for highways and trunk roads the appropriate form of assessment is the DMRB. Essex County Council Design Guide states that "HAWRAT (Highways Agency Water Risk Assessment Tool) is not considered robust enough and may allow increased pollutant flows into a receiving watercourse, which is contrary to paragraph 174 of the NPPF"

The Applicant confirms that they have used HEWRAT (the updated version of HAWRAT) to undertake detailed assessment following the DMRB guidance and process outlined in the WQAR APP-158 using absolute guidance thresholds for water quality identified by the UK technical advisory group (UKTAG) on the Water Framework Directive for copper and zinc and the results of the assessment indicate that the Proposed Scheme meets these requirements.

The Applicant would suggest that the approach of the proposed scheme is consistent with NPPF Paragraph 174 in that whilst there may be some increase in pollutant loading to the water environment it is assessed that the resultant risk to the water environment is not environmentally significant through use of DMRB methodology supported by the Environment Agency that requires embedded mitigation where significant adverse impacts are identified.

Water Quality measures proposed within the applicant's submission include filter drains, attenuation ponds and swales and are required to meet the water quality assessment in the submitted Environmental Statement through APP-158. These measures will be referred to through the Water Management Plan (APP – 198) and are also indirectly referenced through the Record of Environmental Actions and Commitments (REAC) RDWE 30 A (APP-185).

Maldon District Council

Co-Responder's Response

MDC set out the position of known flood risk baseline for the Maldon District in Section 6.15 of the MDC Local Impact Report.

MDC will defer to Essex County Council as the Lead Local Flood Authority (LLFA) for the district in respects of compliance against the Essex Flood Strategy and to both the LLFA and the Environment Agency in respects of the adequacy of the Flood Risk Assessment from a technical perspective.

In respects of Road Drainage and the Water Environment MDC feel that Anglian Water should also be included as a consultee on the DCO Requirement 11 for surface and foul water drainage as the statutory sewerage undertaker for the Order Limits. This is to ensure that designs for the management of the surface water do not prejudice the operation of Anglian Water assets including currently unknown connections to the public sewer network and the consequent impacts on the capacity of their network to serve

existing customers and future development.
Applicant's Response
The response of MDC is noted and the Applicant continues to liaise with the LLFA and Anglian Water.
Chelmsford City Council
Co-Responder's Response
Defer to ECC.
Applicant's Response
N/A
18.0.2
Examiner's Question
ES Chapter 14: Road drainage and the water environment [APP-081], do the parties agree that section 14.8, baseline conditions, is an accurate assessment of the current situation? If not, why not.
Braintree District Council
Co-Responder's Response
Refer to ECC as statutory undertakers for surface water flooding

Applicant's Response

The Applicant notes the Interested Party's comment to defer to Essex County Council.

Colchester City Council

Co-Responder's Response

Colchester City defers to the opinion of ECC in these matters.

Applicant's Response

The Applicant notes the Interested Party's comment to defer to Essex County Council.

Environment Agency

Co-Responder's Response

We can confirm that we are satisfied with the baseline conditions outlined in section 14.8 of the Environmental Statement.

Applicant's Response

The Applicant welcomes the Interested Party's comment that it is satisfied with the baseline conditions outlined in Section 14.8 of the Environmental Statement [APP-081].

Essex County Council

Co-Responder's Response

The baseline conditions for the water environment are accurately presented using available resources with reference to quality of surface water and groundwater water as well baseline flood risk from both sources.

Applicant's Response

The Applicant welcomes the Interested Party's comment that it is satisfied with the baseline conditions outlined in Section 14.8 of the Environmental Statement [APP-081].

Maldon District Council

Co-Responder's Response

MDC will defer to Essex County Council as the LLFA and the Environment Agency in respects of the adequacy of the Section 14.8.

Applicant's Response

The Applicant notes the Interested Party's comment to defer to Essex County Council as the LLFA and the Environment Agency.

Chelmsford City Council

Co-Responder's Response

Defer to ECC.

Applicant's Response

The Applicant notes the Interested Party's comment to defer to Essex County Council.

