

Boreham Conservation Society (BCS)

Deadline 4 Submission, comments upon Applicant's Written Statement of the case for the Scheme: Issue Specific Hearing 1, REP3-012

Introduction

1. BCS in common with other IP's, believe it is extremely difficult to contend with the volume and structure of the Applicant's responses. Unlike the publicly funded Applicant, staffed by professionals and with access to legal and other advisors, BCS is operated by unpaid volunteers and funded by subscriptions from its 300 or so members. In response to the Applicant's oral case for the dDCO proposals, BCS's responds to the Applicant's case in the context of the key issues for the village of Boreham. These are as follows:
 - a) The new link road from the B1019 to Junction 21 as proposed by Essex County Council and Maldon and District Council and supported by BCS.
 - b) If a new link road is not provided, whether southbound access from the B1137 (replacing the Junction 20a on-slip to the A12) is maintained and the distribution of traffic from the B1019 to the A12 via Junction 21 or the B1137 to Junction 19.
2. The Applicant's approach to Junction 20a has been set in stone since the "value based technical engineering decision" closure decision in 2019. In plain words, closure saves time and money. In plain words the Applicant, to protect these savings will not, unless compelled to do so, consider the retention of southbound access to the A12 irrespective of the adverse impacts upon local residents. BCS contend that the following examples illuminate this intent in the Applicant's approach:
 - a) Traffic data has been gathered for several years but the Applicant did not publish any data regarding the traffic flow implications from the closure of the Junction 20a on-slip until June 2021. **Why not?** Once published the data became the focal point for objections to the proposed closure.
 - i) The Applicant's original "fly through" explanatory video for the 2021 statutory consultation programme, did not even mention the closure of Junctions 20a and 20b. **Why not?**
 - ii) The Applicant did not arrange for hard copy of the June 2021 statutory consultation literature to be made available in Boreham. **Why not?** Boreham will be significantly impacted by the Applicant's proposals, much more so than at other locations where hard copy was made available. BCS complained to the Applicant regarding this lack of hard copy. The Applicant ignored this complaint and repeated Boreham's exclusion by omitting to make hard copy of the November 2021 Supplementary consultation documentation available within the village. **Why?**
 - iii) The Applicant did not disclose its predictions for the split of traffic, at the Duke of Wellington junction, between Junction 21 and the B1137 until after

the statutory consultation programmed ended. **Why not?** This is critical data for the residents of Hatfield Peverel and Boreham that should have been available to enable an informed consideration of the proposals.

iv) The Applicant did not disclose its prediction for a 50% increase in traffic on Plantation Road Boreham in the 2021 statutory consultation programme. **Why not?** The Applicant did not voluntarily disclose this data until questioned by BCS. **Why not?** This is material information that should have been disclosed in the statutory consultation programme so that residents were fully aware as to the full implications of the Applicant's proposals.

v) The Applicant had access to traffic data for several years but did not propose any mitigation on the B1137 until prompted to do so by objections. The mitigation proposed of a reduced speed limits without enforcement is a "no cost" response from the Applicant but has the impact of allowing the Applicant to reduce its predictions for traffic on the B1137. The adverse implications for residents of the Applicant's prediction of 12% of those arriving on the B1019 at the Duke of Wellington junction, selecting the B1137, has fostered a Statement of Common Ground by Essex County Council, Chelmsford City Council, Boreham Parish Council, Essex Police and BCS in support of enforcement by the installation of Average Speed Cameras. BCS and others share significant doubts over the Applicant's modelling assumptions; if the 12% is a material underestimate the admitted adverse impacts are also materially underestimated.

vi) The Applicant admitted, in March 2022, that it did not know whether the junctions on the B1137, including astonishingly Junction 19, could cope with the traffic implications of the dDCO proposals. **Why not?** BCS requests the Applicant to publish the "plan B" it presumably had to cope with an outcome that the roads / junctions would not cope; in particular Junction 19.

3) BCS contend that the examples above amply illustrate the Applicant's failure to consider the local impacts of their scheme and their disregard for the adverse impact of their scheme for local residents. BCS recognise that the Applicant is "National Highways" but it is not acceptable that the adverse impacts for local residents are ignored / minimised in order to promote the Applicant's favoured, least cost and time solution to the issues for long -distance commuters. It is unacceptable that local commuters be diverted on to local roads, to become dangerous rat-running traffic harmful to local residents. The Applicant must realise that it cannot run down the Enquiry timetable without addressing the questions raised and professionally assessing the alternative solution proposed by BCS. BCS note that after 14 months of effort on its part, the Applicant now admits that the BCS alternative plan is physically possible.

BCS Comments; these follow the referencing of REP3-012

REF 3

The Applicant quotes in support of its case, minority approval from respondents to a non-statutory communication programme in 2017, which did not disclose traffic flow data and as admitted in the case for the scheme in the dDCO, inferred that the new junction would be

to the **south** of Hatfield Peverel. A Junction to the south of Hatfield Peverel held out hope that this could solve the access problems for traffic from the Maldon area on the B1019. The actual location of Junction 21 is to the **east** of Hatfield Peverel.

REF 4

- a) The Applicant's response outlines possible A12 weaving length issues between their proposed Junction 21 and BCS's proposed link to the A12 and quotes the A12 main line layout as being "well below" DMRB standards. It appears that the Applicant is saying that their proposed layout (with junction 20a southbound closed) is below DMRB weaving standards and their premise for dismissing the BCS proposal to retain a link to replace Junction 20a southbound, is based on this weaving length issue. BCS request clarification on this issue from the Applicant. Whilst these weaving length concerns might be valid in some situations, BCS contend that at this specific location the distances between merges are satisfactory and indeed visibility for A12 drivers southbound is good due to the downhill topography of the road and landscape. Any merging will be easily read by A12 through traffic.
- b) The Applicant gives much detail about "all movement junctions" being preferred to "half or three-quarter movement junctions". BCS fail to see the relevance to the actual one-way movement being proposed. The BCS proposed one-way movement junction is less hazardous for A12 weaving traffic as those already on the A12 will not be manoeuvring to leave it until a considerable distance to the south, on the approach to Junction 19.
- c) Moving Junction 21 nearer to Hatfield Peverel may encourage more drivers to use it as opposed to using the B1137. By doing so, the Applicant appears to agree with BCS that the B1137 Main Road is an attractive option to Junction 21 for southbound drivers from B1019 Maldon Road. Drivers from the B1019 from Maldon after a longer queue for the Duke of Wellington, giving way and negotiating the Duke of Wellington mini roundabout, will have to turn north, give way at the first Junction 21 roundabout, give way at the second Junction 21 roundabout, before entering the A12 southbound. BCS contend that these interactions will be sufficient, especially for HGV drivers, to deter the use of Junction 21 and consequently increase the usage of the shorter, direct route to Junction 19 on the B1137, Main Road. Accordingly, BCS contend that the Applicant's modelling assumptions are wrong. Given the Applicant's determination to close the Junction 20a on-slip, this is not surprising, **but it is wrong.**
- d) BCS has rebutted the Applicant's report titled the A12 Junction 20a Southbound Merge Assessment of Alternatives Report, in REP1-023, REP1-025 and REP1-026. The Applicant has not responded, on the record, to REP1-023 and has only partially dealt with REP1-025 and REP1-026. BCS acknowledge an informal virtual meeting with the Applicant on 6th March 2023 but this meeting is not accepted as the formal response to the range of issues raised. BCS request that in order for the ExA to track developments, a formal response provided by the Applicant.

- e) The Applicant advised BCS in the 6th March meeting that, while they now concede it is physically possible to provide the link to the A12 proposed by BCS, they would not produce a detailed design of the BCS plan. BCS contend that the Applicant, cannot be allowed to continue to avoid a detailed comparison of the merits of the dDCO proposals against those of the BCS proposal. Without such a comparison the ExA cannot weigh up the pros and cons of each design. BCS request that the Applicant be instructed to produce the detailed design for accurate comparisons. The decision regarding maintenance of southbound access has significant impact for hundreds, if not thousands, of residents. It must be based upon a full evaluation of the available options.
- f) The impact on the local roads of Hatfield Peverel and Boreham is dependent upon whether southbound access to the A12, currently provided by the Junction 20a on-slip, is maintained. If access is not maintained there will be significant and adverse impacts upon the local roads in both Villages. The key factors are the split of the traffic arriving at the Duke of Wellington junction between Junction 21 and the B1137 and the capacity of local roads and junctions to cope with the increases in the volume of traffic. The Applicant asserts that local roads can cope. The Applicant's assertions are simply disputed, modelled predictions. While these have helped the Applicant favourably shape the perceptions of others, **they cannot just be accepted as fact.**
- g) The Applicant's modelling of road capacities is challenged and the apparent anomalies raised have yet to be satisfactorily explained. The Applicant undertook, during the recent virtual meeting with BCS, to provide further explanation and this is awaited.
- h) The Applicant has repeatedly failed to explain why an increase in rat-running traffic is regarded as dangerous everywhere except for Boreham nor why the Applicant seeks to deliberately increase such dangerous rat-running traffic by diverting traffic from the A12 through Boreham. BCS requests that the Applicant now answers this question. BCS add that it is aware of the welcome reductions in such traffic elsewhere in Essex. Boreham residents do not live elsewhere, **they live in Boreham.**
- i) The Boreham bypass was built by the Applicant's predecessor to rescue Boreham from traffic on the former A12, now the B1137. The Applicant and its many advisors should be ashamed that their solution to traffic problems on the current A12 is to increase traffic on the former A12, now the B1137. Boreham must not be accepted as the collateral damage necessary to compensate for the failure of the Applicant and their advisors to find a solution to today's issues. This not only seems ridiculous, **but it is also ridiculous.**

REF 5

- a) The crucial prediction which directly impacts local roads in Hatfield Peverel and subsequently the local roads in Boreham is the split of the traffic, arriving at the Duke of Wellington mini-roundabout junction on the B1019, between those who turn right for Junction 21 and those who turn left on the B1137. The Applicant

predicts that 88% will turn right to Junction 21 and 12% will turn left onto the B1137 through Boreham. This predicted split is strongly contested, see REF 4 above.

- b) BCS and many others, including local authorities, have made the points that it is human nature to turn left towards the destination (rather than turn right away from the destination), turning left is an established routine that many will choose to follow, it is less distance to travel and it avoids the possibility of being stranded, without an escape route, on the A12. The Applicant states it predicts fewer serious accidents on the A12 with an enhanced capacity to use the extra lane to cope with incidents. The Applicant also concedes that the higher volume of traffic on the A12 will lead to more non-serious accidents. There will not be a hard shoulder on the A12. BCS points to the history of the operation of “smart” motorways to question the capacity of the A12 to operate, without significant queues following non-serious accidents or incidents. The reality is that traffic alerts, simple observation of queues / red lights ahead will be more than sufficient to cause diversions off the A12 at Junction 21 and onto the B1137. For commuters on the B1019, the obvious choice is to turn left on the B1137 through Boreham to Junction 19. These points have been made repeatedly by BCS and others. They have not been adequately answered hence the need to repeat them once more in this document. The Applicant’s response is that the modelling takes these factors into account; BCS believe they are not alone in finding this an unconvincing answer. The Applicant must disclose the assumptions made and the impact these have on its predictions.
- c) The rationale given and on which the Applicant’s modelling prediction rests is that an estimated saving of one minute per journey will entice 88% of commuters away from the shorter and less complicated route on the B1137 through Boreham and onto the longer more complex route via Junction 21. BCS contend that the possibility of saving one minute on a commute, where commute time has so many other influences, is not material when compared with the reality of travelling a shorter distance on a more direct more route. BCS contend that in real life this could easily be 50/50 decision and not a theoretical modelled outcome of 88% / 12%.
- d) BCS note that the significant adverse impacts resulting from “only” a 12% prediction has unified Essex County Council, Chelmsford City Council, Essex Police, Boreham Parish Council and BCS in a Statement of Common Ground for mitigation including the installation of Average Speed Cameras. BCS ask – “what is plan B, what are the practical mitigation measures available, if more than the 12% predicted use the B1137. The Applicant’s answer seems to be that congestion on the B1137 will eventually reduce its attractiveness and so increase the number using Junction 21. BCS do not accept that congestion which brings increased pollution and severance is an acceptable form of mitigation. BCS also find it callous that the Applicant finds it acceptable that residents be allowed to suffer ever increasing congestion to the point that congestion itself forces commuters on to the A12. By the same token will not congestion on the A12 divert commuters back on to the B1137 and the same congestion cycle re-starts? The solution out of this vicious circle is predictable longer journey times on the B1137 through reductions in speed limits, enforced by Average Speed Cameras. BCS recognise that congestion is a no cost solution for the Applicant

and is symptomatic of the lack of concern shown throughout for the residents of Boreham.

- e) BCS requests the Applicant to publish the predicted time saving for HGV's together with the predicted percentages for turning right and left at the Duke of Wellington junction in Hatfield Peverel. BCS contend that a higher percentage of HGV's will turn left at the Duke of Wellington junction and continue on the B1137, through Hatfield Peverel and Boreham to Junction 19 as this shorter, simpler, direct route with no speed enforcement measures and many less occasions to drop and regain speed will be attractive compared to the longer route via Junction 21 which will involve a difficult right-hand turn at the Duke of Wellington junction, followed quickly by a left-hand turn and negotiation of two priority-controlled dumbbell roundabouts to reach the southbound A12. Using the B1137 will be especially attractive during the night-time hours as there is no proposed enforcement of speed limits, no social pressure to obey speed limits nor traffic congestion to impede the journey to Junction 19.
- f) Hatfield Peverel: Church Road; the expected decrease takes no account of the elongated queue the Applicant predicts stretching back down the B1019 from the Duke of Wellington junction. This queue / red lights braking to queue will be clearly visible on the B1019 at the approach to its junction with Church Road. BCS contend that these queues on the B1019 will cause diversions onto Church Road to then use the B1137 through Hatfield Peverel and Boreham.
- g) Boreham: Main Road; BCS notes the Applicant introduces the wording "The removal of Junction 20a southbound means that some traffic from the west side of Hatfield Peverel would choose to travel via Main Road to join A12 southbound at junction 19, where they otherwise would have joined the A12 at junction 20a." BCS contend that the Applicant's earlier description that such traffic will "find it too far to travel back to Junction 21 through Hatfield Peverel" is clearer statement of fact. The Applicant cannot minimise, by nuanced words, that closure of Junction 20a on-slip forces these commuters off the A12 and onto the B1137, local road, through Boreham. The Applicant admits that increasing rat-running traffic on local roads is dangerous and states that it is an objective of the scheme's £1.3bn expenditure, to take such rat-running traffic off local roads (where it does not belong) and put it on the A12 (where it does belong). BCS again request the Applicant to explain why increases in rat-running traffic are dangerous elsewhere (but not in Boreham) and why the outcome for these commuters is diametrically opposed to the scheme's objectives. BCS ask the Applicant to refrain from repeating their previous responses that overall traffic on local roads will decrease. **Boreham parishioners do not live in "overall", they live in Boreham.**

BCS note the Applicant's prediction that in the pm peak traffic on Main Road will decrease by 14%. BCS ask that the Applicant publish the traffic flow assumptions in their model. BCS believe that traffic could reasonably be expected to increase in the pm peak e.g.

- a. The Applicant states that it will be too far for residents from the west of Hatfield Peverel to travel back to Junction 21 in the am peak, will it not

similarly be too far for them to travel home from Junction 21 in the pm peak?

- b. Commuters from Chelmsford may well choose for the reasons given in 2., 3. and 4 above, to choose the B1137 through Boreham rather than the A12.
- h) Boreham: Church; Road Church Road Boreham meets Hammonds Road at the bridge over the River Chelmer (known locally as Black Bridge). Between Boreham Village and Black Bridge, Church Road is designated as a Protected Lane (REP3-027 refers). The Applicant predicts an increase of 60 vehicles per hour (REP1-002 / RR-074-006 refer) on Hammonds Road and logically, therefore on Church Road. BCS request that the Applicant clarifies the sections of Church Road predicted to have an increase in rat-running traffic.
- i) Boreham: Plantation Road; the Applicant is requested to clarify the predicted increase of one vehicle per minute / increase in daily traffic of 590 vehicles. The Applicant predicted in January 2022 an increase, in the am peak alone, of 74 vehicles.
- j) Boreham: Plantation Road; BCS would direct the ExA to REF 37 where BCS raise questions regarding the omission of Plantation Road from the statutory communication programme and the Applicant's misdirection to REP1-009 as an answer to volatility of predictions, within 3 months or so, from plus 50% to plus 25% increases.

REF 6

- a) The Applicant remains the outlier in its opposition to enforcement of the proposed reduced speed limits by the deployment of Average Speed Cameras. Such opposition has been consistent but is unsupported by data. The limited data referenced by the Applicant is for the wrong hours and does not differentiate between commuters and HGV's. The Applicant has successfully run the clock down so that there is no time left within the Enquiry timetable to gather the relevant data. Accordingly, BCS request the ExA to approve the request from Essex County Council (as the relevant road authority) that, should the closure of the Junction 20a on-slip be approved, Average Speed Cameras be installed on the B1137. BCS notes that Average Speed Cameras are supported by Essex Police, Chelmsford City Council, Boreham Parish Council and BCS.
- b) If the Applicant's proposed closure of Junction 20a is approved the **two vital factors** are the split of traffic at the Duke of Wellington junction and the mitigation proposed for the B1137 between Hatfield Peverel and Boreham. Predicted traffic splits are dealt with in REF 5 above.
- c) The Applicant asserts Average Speed cameras are not proposed because "the speeds in Boreham are already more like those expected in a 30mph, and more traffic in Boreham is likely to reduce speeding". BCS does not accept that congestion is an acceptable solution to speeding. BCS contend that it is unacceptable that the Applicant expects that its assertions are accepted at face value and without

comprehensive back up data. People matter and decisions affecting their well-being must be based on facts, not assertions.

- d) BCS point out, which the Applicant must surely recognise, that the utility of Average Speed Cameras is to enforce the proposed reductions in speed limits for the **entire** length of the B1137 and not simply the Main Road section through Boreham Village. It is only by ensuring that journey times on the B1137 are slowed that commuters could be deterred from using it.
- i) BCS contend that, surprisingly at this late stage in the process, the Applicant bases its assertions on incomplete data measurements taken at the wrong location and at the wrong time of day. The Applicant's data refers to the "middle of the day" when a combination of social pressure not to be seen speeding and a much higher proportion of non-commuting traffic would be factors in lowering speeds. BCS are given to believe that one of the measuring devices was located at / near the junctions of Main and Church Roads. BCS request that the Applicant publishes the number and location of the devices used. If a device was located at / near the Main Road / Church Road junction in Boreham village the speeds recorded in the "middle of the day" will have been slowed, at that site, by a combination of junction usage, the Zebra Crossing (a busy crossing, one of only two pedestrian controlled crossings on the Main Road), vehicles (of all types and size) entering and leaving the busy forecourt of Nicks Tyres (the forecourt is directly opposite the Zebra Crossing) and access for vehicles travelling northwards is particularly difficult involving a slow manoeuvre to turn right around the bollards for the Zebra Crossing, vehicles entering / leaving the off street parking for the Barber and Beauty businesses directly opposite Church Road and a bus -stop near the junction. The entrance to the village from Junction 19 can be difficult as, in addition to the Church Road issues, traffic must cope with right hand turns into The Lion Hotel followed in quick succession by an island, right hand turns into Church Road immediately followed by the Zebra Crossing and other issues as previously outlined. It is no surprise to BCS that speeds are low at that site in the "middle of the day". Measurements taken here are unlikely to be representative of speeds elsewhere.
 - ii) BCS contend that it is traffic in the "middle of the night" that is the issue. This is not news to the Applicant, the point has been made to them many times by BCS. The Applicant admits that it is night-time noise that will cause sleep disturbance and annoyance. The Applicant must also know that it is simply and plainly "wrong" to extrapolate day-time data as a response to a night-time issue. Night-time traffic speeds are higher (many BCS members can confirm this from their personal experience) as drivers are unhindered by social pressure to be seen to be near the speed limit, lower volumes facilitate higher speeds as will the absence of Average Speed Cameras to enforce the new reduced speed limits. HGV's are the main source of noise that causes sleep disturbance and annoyance. BCS are alarmed at the prospect of higher

volumes of HGV's through the night creating significantly increased adverse impacts for more and more parishioners, REF 5 refers.

iii) The Applicant agrees that night-time traffic is the issue and states that:

“At other times for example late at night when people might choose to drive much faster, the scheme would not have an adverse effect. Therefore, while speed enforcement, for example through average speed cameras, would have benefits at all times when speeding is possible (principally off-peak), the Applicant has not proposed it as part of the scheme proposals.”

BCS simply asks, given the above, **WHY NOT?**

e) The Applicant:

- i. Knows and accepts that speeding night-time traffic is the cause of sleep disturbance.
- ii. Seemingly, has not gathered, at any time over the past several years, data regarding night-time traffic, differentiating between cars and HGV's.
- iii. Nevertheless, remains “firmly of the view that no additional measures are required on Main Road”.
- iv. Expects the ExA to arrive at a decision unencumbered by relevant, comprehensive data.

f) The Applicant has had several years to gather acceptable data but has not done so. Instead, the Applicant has run the clock down so that there is insufficient time left to gather data within the Enquiry period. BCS therefore request the ExA to stipulate the installation of Average Speed Cameras as a condition of approval to the dDCO.

g) B1137 between Hatfield Peverel and Boreham; The Applicant explicitly admits to a lack of comprehensive data (“While the detail of existing speed profile in this section is limited, it suggests that a lowering of the speed limit is both appropriate and safe” and “The currently available speed data suggests”). BCS contend that it is unacceptable that the Applicant expects the ExA to take decisions, directly impacting the quality of life for thousands of residents in Hatfield Peverel and Boreham, based on incomplete data. BCS would also comment that:

- i) The Applicant's description of this stretch of the B1137 as “the relatively confined environment; some frontage development and the narrow adjacent footway” does not stand up. BCS know as will the ExA from their drive through that this stretch, which was formerly the A12, is wide and, other than for one bend, straight as befits an ancient roman road. It is true that there is some frontage. It is also true that this frontage is very limited, spaced out along the road and generally set back from the roadside. Many sections of this route run between fields and open countryside. It is not “confined”.
- ii) The footpath between the villages is perfectly adequate for the small volume of pedestrians involved. Those who actually and regularly walk / drive this route do not accept the Applicant's description.

- iii) BCS advocate Average Speed Cameras to promote the use of the A12 by dissuading the use of the B1137 and contend that these objectives are completely aligned with the stated objectives of the scheme. The Applicant's stance of opposing Average Speed Cameras is directly in contrast with the stated objectives of the scheme.
- iv) BCS advocate Average Speed Cameras on safety grounds. BCS members who regularly drive this route know that the rationale for these lower limits is not clear. BCS contend that, while the reductions are vital, without enforcement they are:
 - i. Likely to be ignored thus negating their utility as effective mitigation.
 - ii. Likely to cause frustration between those observing the limit and those who see no reason to do so. Such frustration is a known causal factor of road rage and accidents.
- v) BCS note the Applicant's statement that "Further speed reductions – and associated safety benefits - would be expected if flow increases as expected at some times of day within the capacity of the road". In plain language this means that more traffic and more congestion reduce traffic speeds. BCS agree this is so but point out that more traffic going slower means more pollution and more adverse impact upon air quality and more severance within the Village. BCS do not regard increased congestion as an acceptable mitigation measure. BCS would add that because of congestion on the alternative route from the Maldon area to the A12 southbound i.e., the A414 through Danbury to Junction 18, commuters are already switching to the B1019 to Hatfield Peverel and / using country lanes to find routes from Danbury / Little Baddow to the A12. This part of Essex is "full" and desperately needs the release valve of a new link road from the B1019 to Junction 21.

REF 7

The effectiveness of directional signs to Junction 21 for commuters (all of whom know where they are commuting to and from) is clearly open to question. The Applicant is requested to answer the point made by publishing the assumed impact of such signs in enticing commuters to use Junction 21.

REF 8

- a) The Applicant opposes enforcement of speed limits and their modelling apparently assumes that the proposed reductions in speed limits will always be voluntarily observed by everyone. BCS understand that, annually, more than 2 million fines for speeding are issued and notes that this 2 million does not include those who do speed but are not caught. BCS request the Applicant to detail its assumptions on these issues and the modelling impact of these assumptions.
- b) The traffic model assumes that the reduced speed limits will always be observed without the need for enforcement. BCS again put on record that the Applicant stated at the February 2022 Village Hall meeting in Boreham, that this assumption enabled

the Applicant to halve its predicted 50% increase in traffic on Plantation Road to a 25% reduction (now 17% in the dDCO). The Applicant has never rebutted this account of the February 2022 meeting.

REF 17

Church Road Boreham meets Hammonds Road at the bridge over the River Chelmer (known locally as Black Bridge). Between Boreham Village and Black Bridge, Church Road is designated as a Protected Lane (REP3-027 refers). The Applicant predicts an increase of 60 vehicles per hour (REP1-002 / RR-074-006 refer) on Hammonds Road and logically, therefore on Church Road. BCS request that the Applicant clarifies the section of Church Road to which it refers.

REF 28

BCS share the data uncertainties expressed by Essex County Council. BCS cannot comment on the formulae of the models used by the Applicant. BCS has had significant concerns from Autumn 2021 onwards, regarding the data and the assumptions loaded into the formulae and with the volatility of the modelling outputs. BCS points to the example of Plantation Road where the predicted increase was given as +50% in September 2021 but revised to +25% in January 2022. BCS therefore do not accept the Applicant's statement that the "modelling is reliable and robust".

REF 34

- a) BCS requested the Applicant to provide their estimate of the queues, in the first year of construction, on the B1137 between Junction 19 and Boreham Village. Will the Applicant please do so.
- b) The Applicant's statement that "BCS sought confirmation that there is no intention to link B1137 measures" does not reflect the question that was asked. BCS's question asked requested the Applicant "to confirm that it was not their intention to create a dedicated access lane, avoiding the General's Farm dumbbell, from the B1137 to the southbound A12". BCS await the Applicant's response.
- c) BCS await the Applicant's clarification regarding "Plate F-1.5; 2025 AM Peak with Construction Traffic- Average Queue Lengths". The Applicant infers that queueing on the A12 will not materially impact the B1137. This contradicts the Applicant's statements that congestion on the B1137 would influence motorists to use the A12. BCS agree and contend that the reverse must also be fact. BCS seek further advice from the Applicant regarding APP-259. BCS recognise the Applicants prediction that, without the proposed scheme, Junction 19 would be gridlocked in the am and pm peaks. BCS do not understand the Applicant's response regarding the queues predicted in the am and pm peaks for 2025, the peak year of construction. In particular, "Plate F-1.5; 2025 AM Peak with Construction Traffic- Average Queue Lengths", seems to illustrate queues on the A12, for the southbound off slip at Junction 19, stretching back from Junction 19

almost to the Waltham Road bridge. BCS request the Applicant to advise if this interpretation of Plate F-1.5 is correct. If so, BCS contend that queues of that magnitude will inevitably cause drivers:

- i) To divert off the A12 at Junction 21 and onto the B1137 for Junction 19.
- ii) Arriving on the B1019 at the Duke of Wellington junction in Hatfield Peverel to select the B1137 through Boreham as their route to the southbound A12.
- iii) To create more congestion and pollution for the residents of Hatfield Peverel and Boreham

REF 35

- a) BCS note the Applicant does not refute BCS's contention that there was minority support for the "merger" (i.e., closure) of the Junction 20a on-slip and that decisions made in 2017 without data for either traffic flows or junction location should now be discounted.
- b) Similarly, the participants at the event held in Boreham in 2019, were not given traffic or location data. BCS contend that the relevant expression of public opinion relates to that given, in 2021, following the first publication by the Applicant of traffic and location data. The Applicant knows that public opinion since 2021 has been strongly opposed to the closure of Junction 20a on-slip and BCS would point to the fact that circa 25% of all the Relevant Responses (organisations and individuals) were opposed to closure. **This may seem a trivial point to make but BCS contend that the Applicant should not be allowed to infer support where little or none exists.**
- c) The Applicant has not responded, on record, to the submissions on behalf of BCS and recorded in the Examination Library as REP1-023, REP1-025 or REP1-026. BCS acknowledges an informal virtual meeting with the Applicant on 6th March 2023 which although welcome and useful in exploring positions, cannot be regarded as an acceptable response to the issues detailed in the BCS submissions. These require written responses to enable the ExA and any interested others, to track the questions and answers upon which decisions will be made.

REF 36

- a) The Applicant fails to respond to the specific points BCS raised regarding safety including those set out in REP01 -023. The Applicant has stated many different safety concerns regarding the Junction 20a on-slip. BCS contend that none bear scrutiny. The Applicant will know from the often-quoted 2017 consultation exercise that most responses identified Junction 20b on-slip as dangerous with no significant concerns detailed regarding the Junction 20a on -slip. The Applicant initially claimed that the Junction 20a dangers were a short-stacking length and right-hand turns across the B1137. The Applicant no-longer attributes these dangers to Junction 20a on-slip; the dDCO admits the stacking length is acceptable and that oncoming traffic is light and there are good sight-lines from Junction 20a. The Applicant now seeks to attribute every nearby accident on

both carriageways to the Junction 20a on-slip. This will not do; BCS requests that the Applicant reviews all the points previously made and produces detailed (if any) rebuttals.

- b) It seems that BCS may have not been clear regarding HGV journeys between Boreham and Hatfield Peverel. BCS hope that the following will resolve their position and, if so, await a response from the Applicant. BCS's views are:
- i) The appropriate route for HGV's on the A12 and approaching Junction 19, whose next destination is in Hatfield Peverel, Maldon or Witham, is the A12 via Junction 21.
 - ii) The appropriate route for HGV's on the B1137, whose next destination is in Hatfield Peverel, Maldon or Witham is the B1137.
 - iii) The appropriate route for HGV's in Boreham whose next destination is west of Boreham, is the A12 via Junction 19. It was in this context that BCS described HGV's who rather than use Junction 19, would decide to travel east through Hatfield Peverel to Junction 21 to then reverse direction to travel west, as "lost". BCS apologise for their attempt to use levity to make their case.
 - iv) BCS contend that the responses given by Mr Martin regarding the adoption of a 30mph speed limit on the alternative roundabout design would resolve the perceived safety issues.
 - v) BCS do not grasp the meaning of the words "The Applicant produced a refined plan and the objections from Applicant was that with reducing size, lorries travelling from Boreham would not have enough room. They think that a lorry heading north from Boreham would be lost". The "lost" comment is dealt with in d) above. BCS request the Applicant to clarify the use of "Applicant" in the context of a point that they believe to have been made by BCS.

REF 37

- a) The Applicant states "In relation to the Duke of Wellington roundabout, saving a minute. It will be difficult to keep the 40mph restriction through Boreham.". BCS appreciate that it can be difficult to summarise issues. Nevertheless, **this statement fails on every count**; it does not summarise the issue nor correctly reflect the sense of the statement made by BCS. The issues around the data / assumptions used by the Applicant's model to predict the split of traffic at the Duke of Wellington junction in Hatfield Peverel are crucial for the villages of Hatfield Peverel and Boreham and the mitigation necessary on the B1137.
- b) BCS categorically did **not** state that "it will be difficult to keep the 40mph restriction through Boreham". BCS have advocated a 30mph speed limit through Boreham from the start of the consultation processes in 2021. Accordingly, BCS welcomed the proposal to introduce a 30mph limit. The Applicant seems to have forgotten its agreement to a 30mph limit.
- c) The point made by BCS in relation to the 40mph referred to the dangers of introducing, without enforcement by Average Speed Cameras, a 40mph limit on a

largely straight road, constructed to “A” class standards, through open countryside and between the villages of Hatfield Peverel and Boreham.

- d) Plantation Road: The Applicant refers to REP1-009 in which the Applicant admits that the predicted traffic flow was not published in 2021 statutory consultation period. BCS has a simple question – **Why not?** BCS contend that other than through questioning from BCS this data would never have been published. Given that the initial prediction, to BCS in September 2021 was for a 50% increase, this is clearly material data. The Applicant compounded their mistake by also omitting the Plantation Road data from the documentation in respect of the supplementary consultation of November 2021.
- e) The Applicant refers to REP1-009 as its response to the variation in the Plantation Road predictions. REP1-009 deals with the reduction from a 25% increase to a 17% increase. The Applicant knows from numerous communications that BCS seek an explanation of the reduction from the September 2021 prediction of plus 50% to the January 2022 prediction of a plus 25% increase. Could the Applicant please provide this and answer the question – **why was this material data withheld?**

REF 38

- a) The Applicant’s summary that “BSC suggested that accepting the alternative plan would be preferable than facing the criticism.” Is simply **not true** and has the effect of trivialising BCS’s counterproposals. BCS refer the Applicant to the submissions from Mr Martin and to **REF 4** above.
- b) The Applicant refers again to the “A12 Junction 20a Southbound Merge Assessment of Alternatives, contained within 9.3 Applicant's Response to Relevant Representations - Rev 2 [REP1-002].” BCS refer the Applicant to REP1 – 023, REP1-025, REP1-026 and **REF 4** and **REF 5** above.
- c) BCS contend that the Applicant’s attempt at designing a suitable roundabout solution for Junction 20a as submitted by them in The A12 Junction 20A Southbound Merge Assessment of Alternatives (Document 9.3) is overdesigned to comply with the **wrong** speed limit. The Applicant’s stance is that as the B1137 currently has a 60mph then any new design must comply with that limit and so the Applicant’s design has an extreme effect on Crix House and its environs. Whereas the design submitted by BCS member Charles Martin recognises the proposed reduction in speed limit **to 40 mph**. Thereafter, there will be a 30mph on the approach to Hatfield Peverel. BCS contend that their proposed roundabout design is the best and most appropriate design of highway infrastructure to achieve the transition from 40mph to 30mph and that this clear change of layout would produce the desired speed reductions. The Applicant advised BCS at a recent informal virtual meeting that they would not be producing a detailed design reflecting the design submitted by BCS. BCS do not believe that the Applicant should be allowed to avoid a detailed comparison of the merits of the submitted dDCO versus the

alternative BCS proposal. Without such a comparison the ExA cannot weigh up the pros and cons of each design and BCS request that the ExA insist that the Applicant produce a detailed design for accurate comparison. BCS are confident in the merits of their scheme; it seems that the Applicant is not confident that its design will stand scrutiny and comparison. This decision directly impacts the quality of life for thousands of residents in Hatfield Peverel and Boreham. The dDCO proposes a £1.3bn expenditure and the Applicant was made aware of the BCS design in February 2022; the Applicant must not be allowed to continue to prevaricate until the clock runs out.

- d) At the virtual meeting referred to above, the Applicant's staff were completely transparent and advised BCS and other Interested Parties that they would not carry out any further design work on any alternatives for Junction 20a and would proceed with the dDCO as submitted. BCS find this an extraordinarily unhelpful stance that strengthens the belief that the actual reason behind the Applicant's stance is the impact on cost and time budgets should the BCS plan be adopted. BCS, which is a voluntary organisation funded by subscriptions, has spent a considerable amount of time on supplying an alternative design for the ExA to consider only to be advised that it would not be investigated properly. BCS respectfully request that the ExA instruct the Applicant to produce a realistic design that will stand up to proper scrutiny. So far in Document 9.27 the ExA has asked the Applicant to "outline their approach to junctions 20a and 20b". The Applicant, in response, has listed out the high-level reasons favouring all movement junctions as opposed to part movement junctions, an irrelevant response. They have not mentioned any alternatives for junction 20a, have not fully answered the ExA's question and should now be instructed to do so.

REF 41

The Applicant refers to the " A12 Junction 20a Southbound Merge Assessment of Alternatives, contained within 9.3 Applicant's Response to Relevant Representations - Rev 2 [REP1-002]." BCS refers the Applicant to **REF 4** and **REF 5** above.