

Mr Adrian Hunter
Lead Member of Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Served via Portal and email:
A12chelmsfordA120@planninginspectorate.gov.uk

MALDON DISTRICT COUNCIL

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



11 April 2023

Your Ref: PINS Ref: TR010060

Our Ref: MDC/A12/PINS/110423



Dear Sirs,

RE: 20033123 - PROCEDURAL DEADLINE 4 SUBMISSIONS

I write on behalf of Maldon District Council with regards to the Deadline 4 and its request for the above. The authority submits the following appendices as responses to the deadline; submitted as separate Appendices to assist with uploading to the online portal:

- Appendix A – ExQ2
- Appendix B – Additional Comments

The Council trusts this information is to your satisfaction.

Yours sincerely,

Paul Dodson
Director of Strategy, Performance & Governance

Appendix A

Section 3 - Biodiversity, Ecology and Natural Environment (including HRA)

Q2.3.1 - Can MDC comment on the extent to which the Applicant's response to ExQ1 – 7.0.3 [REP2- 025] and the results of botanical and species surveys undertaken at Blue Mills (submitted at Deadline 2) [REP2-026 to REP2-029], address the concerns raised in MDC's LIR [REP2-068] regarding potential impacts on the Blue Mills nature reserve?

As set out in the MDC LIR – Impact 11 [REP2-068], MDC has been concerned that as presented in the worst-case scenario appraisals, the proposed route of the Cadent Gas Main would cut through the woodland of the Blue Mills Nature Reserve forming a permanent scar on the landscape which would be visible from the public footpath to the east of the Reserve, impacting on the public amenity of this location. In the draft Statement of Common Ground (April 2023) with the Applicant, the Council has accepted that the Applicant's approach to evaluating impact is based on a *worst-case scenario* due to the absence of the gas pipeline's detailed design and the benefit of all survey work. On this basis, MDC accepts that there is therefore the potential for the eventual scale of impact to be reduced. Furthermore, MDC was concerned in its LIR that the route selected by the Applicant for the Cadent Gas Main diversion is subject to a Woodland Tree Preservation Order and has been recommended by independent ecologists as being worthy of designation as a Local Wildlife Site.

Environmental Impact and Mitigation

MDC now acknowledges that REP2-026 to REP2-029 have helped to fill in several gaps previously present in the evidence concerning Blue Mills Nature Reserve.

As set out in REP3-054 p3, MDC welcomes the Applicant's post LIR confirmation of environmental considerations including GEPC.01 (Retain Vegetation), GEPC.03 (Compensation Planting), GEPC.04 (Protection of Main Rivers), GPEC.05 (Aesthetic Value) and GPEC.07 and 08 (Environmental Management Plan). There are some principles which MDC feels the Applicant should consider further and incorporate into the DCO and supporting documentation as necessary, namely:

- a) For GPEC.04, MDC considers that this should go further, and the tunnelling techniques should be scrutinised by appropriate ecological specialists to mitigate any ecological impacts possible to riparian species including otters that could otherwise be disturbed by the tunnelling methods due to sensitivities to vibrations and noise through ground disturbances.
- b) For GPEC.05 (Aesthetic value – detailed design), MDC consider that where woodland, trees, tree lines and tree belts would be unavoidably lost and could not be replaced due to the easement restrictions imposed by Cadent for the diverted

pipeline that replacement vegetation should still be planted as close to the easement impact areas as possible, whilst respecting the Cadent guidance restrictions, to make the scheme compliant with Maldon District Local Development Plan Policy N2; thereby softening the scar across the landscape when it has had time to recover. This should be in addition to the measures already set out in GPEC.05 in respects of using native shrub and hedgerow planting within easements, in line with Cadent Gas guidance.

- c) MDC consider that a further GPEC principle should be included by the Applicant that is not currently specified for the gas pipeline (but which exists for the main A12 widening project (i.e., PRO.04 and LSC.13)) under Environmental Protection to cover principles around species and biodiversity.
- d) As set out in REP3-054 p.6, MDC is also pleased that the Applicant has identified potential mitigation of possible impacts to otter populations on the River Blackwater and note that the final solutions will be dependent on the final alignment of the gas pipeline diversion; works for which MDC understand are ongoing with Cadent.

Botanical Surveys

It is acknowledged that the Applicant has now established through botanical surveys that part of the woodland at Blue Mills Nature Reserve is 'wet woodland'; a priority habitat of moderate condition and that parts of this is within the coverage of the proposed Local Wildlife Site. It is welcomed that the Applicant has confirmed the Project has now amended its consideration of the wet-woodland component therefore as being of national value in accordance with DMRB LA 108. Furthermore, it is acknowledged that the Applicant has confirmed that the wet woodland and proposed Local Wildlife Site now have the potential to be affected through the loss of a 30m corridor (assuming maximum extent) due to tree and vegetation clearance to construct the diverted Cadent Gas Main, rather than just the loss of lowland mixed deciduous woodland as assumed in Chapter 9, alongside potential impacts due to changes to hydrology should trenchless techniques not be used and operational effects should water be drawn away from habitats.

MDC strongly support the Applicant's new avoidance of impacts to the wet woodland component of Blue Mills Nature Reserve through the REAC commitments. This is now more consistent with the Tree Preservation Order.

MDC note there is potential to replant along parts of the maximum 30m corridor to reduce the width of the landscape scar in the longer term and note that this will come through as part of detailed design.

MDC note the botanical survey is consistent with the findings of surveys it has commissioned itself since 2021, which led to the Tree Preservation Order (Woodland) and in turn the recommended Local Wildlife Site designation. MDC appreciates the communication by the Applicant of the location of the black poplar to Cadent, as well as the presence of mature oaks and notes they will now be more accurately mapped in the arboricultural survey. MDC feel however that the rarity of these two poplars, being likely to be the *only surviving specimens in Essex* should not be undervalued by the Project or Applicant and

they must be retained to avoid a “major adverse magnitude of impact in accordance with DMRB LA 108” as per Table 9.8 of Chapter 9 (APP-076).

Blue Mills Nature Reserve Local Wildlife Site Designation

MDC welcomes the proactive steps the Applicant has since taken in the Project to recognise Blue Mills Nature Reserve’s recommended Local Wildlife Site designation, which will mean that the Project effectively treats it as if it had already been formally designated. This position is reflected positively in the latest iteration of the draft Statement of Common Ground between MDC and the Applicant. MDC acknowledges that the Applicant would like to be updated about the process of formal designation. In the draft Statement of Common Ground, clarification has been given that MDC is currently working with the Essex Planning Officers’ Association and the new statutory body the Essex Local Nature Partnership to formalise an approach Essex-wide to get all proposed Local Wildlife Sites in Essex designated as quickly as possible. This is not a situation unique to the Maldon District and affects all other Essex authorities where Local Wildlife Site designations have been reviewed.

Section 11 – Historic Environment

Q2.11.7 - Maldon District Council expressed a concern at the ISH1 over the impact on the Grade 1 Listed church of St Nicholas. The Applicant has stated at para 84, REP3-012 that the impact on the church would be neutral. Does the Council have any further comment on this?

The Applicant's conclusion that 'neutral impact' on the church would result from the Project was based on: *'construction traffic [for the gas pipeline diversion] would not use Little Braxted Lane, and operational traffic would be infrequent and compliant with the existing access restrictions, an effect of neutral significance was assessed for the listed buildings in Little Braxted, including Grade I listed St Nicholas Church, at construction and operation of the proposed scheme.'*

MDC raised concerns at ISH1 following an incident in October 2022 detailed in para 6.13.6, MDC LIR [REP2-068], when an 18 Tonne vehicle, commissioned by the Applicant to carry out pre-construction works via the proposed gas pipeline 'maintenance track' within the Project's Order Limits, accidentally accessed Little Braxted Lane from Junction 22 Coleman's Bridge and crossed the 'weak bridge' with a 3 Tonne limit and accessed the 'maintenance track' opposite the Grade 1 Listed church of St Nicholas.

Whilst driver error is blamed by the Applicant for the contravention of width restrictions and weight limits in the October 2022 incident, it did nevertheless happen and demonstrates it could happen again, which is in direct contradiction of the Applicant's reference in para 84, REP3-012 that: *'there would be no impact on the heritage assets in the vicinity of Little Braxted Lane from vehicles going to and from the gas main.'*

It is also accepted by MDC that this is not the first time that oversized and overweight HGVs and heavily laden LGVs have accessed Little Braxted Lane to access or exit the SRN at Junction 22 Colemans Bridge. These matters combined, lead MDC to conclude that the Outline Construction Traffic Management Plan (OCTMP) [REP2-003] and its Appendix B [REP2-004] Permitted and Excluded Routes for Construction Vehicles, is still not sufficient and additional design measures and/or signage is needed to avoid any negative impacts on heritage assets in Little Braxted, especially the Grade 1 Listed church of St Nicholas.

MDC notes and welcomes at para 84, REP3-012 the Applicant's recognition of the matter: *Little Braxted Lane post construction, in the Statement of Common Ground with Essex County Council [REP2-018] ref 2.56 states 'National Highways will proactively work with Essex Highways to design Little Braxted Lane in a manner that deters HGV's and oversize vehicles from travelling southwards from the A12 beyond the access to Colemans quarry, whilst recognising that this will remain an Essex Highways asset'*

In addition, MDC seek the Applicant's commitment to work with ECC to redesign the other end of Little Braxted Lane/Witham Road on the LRN at the junction with Old School Lane and St Nicholas Cottage, within the parish of Little Braxted. This should occur to deter HGV's and oversize vehicles travelling along Little Braxted Lane from Great Totham parish

onwards to Little Braxted and the Grade 1 Church of St Nicholas to access the A12 at Junction 22, Colemans Bridge, or to maintain the gas main diversion from the 'gas main diversion access track' opposite St Nicholas Church, Little Braxted.

MDC would therefore agree the impact on the Grade 1 Church of St Nicholas can be considered neutral, but only if the additional mitigation in the two paragraphs above, is contained in the Development Consent Order and implemented.

Section 17 - Traffic and Transport

Q2.17.2 - The Applicant - In response to the predicted increase in traffic through Boreham, please confirm which of the traffic mitigation measures proposed by IPs at the ISH [REP3-012] are going to be incorporated in the Proposed Development. For any measures proposed by the IPs not to be incorporated, please detail and justify the reasons for their exclusion.

Whilst this question is not directed at MDC, it is considered to be of such an interest to the Maldon District that it warrants MDC providing the following observations to the Examining Authority.

Traffic originating from the Maldon District arriving at the Maldon Road junction with the Duke of Wellington mini roundabout, to currently access and exit Junctions 20a (to close), forms part of the '*predicted increase in traffic through Boreham*'. At the ISH1 and on the ASI to the Duke of Wellington mini roundabout and Duke of Wellington bridge [REP-051], the Applicant said that '*appropriate signage*' at the Maldon Road junction with the Duke of Wellington mini roundabout would deter traffic going through Boreham village. MDC concurs with ChCC concerns [REP3-030] as to just how an increase in traffic through Boreham village could be mitigated through traffic mitigation measures.

MDC questions the effectiveness of '*appropriate signage*' at the Maldon Road junction with the Duke of Wellington mini roundabout to access the A12 Colchester bound carriageway and Chelmsford bound carriageway. The Applicant assumes in their Transport Assessment [REP-253] that all traffic originating from the Maldon District will turn right at the Maldon Road junction with the Duke of Wellington mini roundabout, cross over the upgraded Duke of Wellington bridge (that will take 2-way traffic) and carry on to the new Junction 21 to effectively '*double-back*' on itself to travel southbound.

Appendix G of the Transport Assessment [APP-260] contains technical notes on the Duke of Wellington mini roundabout (referred to as the B1137 The Street / Maldon Road junction). The 2019 model data summaries at tables G1-17 and G1-19 indicate that traffic in the AM peak turns left on to The Street toward junction 20a (453 vs. 151 heading for 20b); in the PM peak the corresponding figures are 392 and 203 for the left and right turns respectively. The overall volumes of traffic and the distribution suggests that traffic from Maldon District was primarily using the Duke of Wellington mini roundabout in 2019, with a majority approaching on Maldon Road turning left rather than right at this junction.

MDC is of the opinion that the only option to ensure traffic turns right at the Maldon Road junction with the Duke of Wellington mini roundabout to access the A12 northbound or southbound, is to physically prevent it turning left, otherwise some of it will not be deterred from doing so; particularly drivers from the Maldon District which have used the junction for many years and know that the Boreham A12 junction can be accessed by simply turning left.

The Applicant states in their ISH1 oral representations [REP-012] (referencing their Transport Assessment [APP-253]) at 5., page 6, first bullet point:

“Impact on local roads around Boreham and Hatfield Peverel

Traffic on B1137 The Street in Hatfield Peverel is predicted to reduce by up to 50%, as this stretch of road would no longer take the major movement between A12 junction 20a and the B1019 Maldon Road.”

MDC remains concerned with the Applicant assuming, through its traffic modelling alone, with the closure of Junction 20a, that all traffic at the Maldon Road junction with the Duke of Wellington mini roundabout (most of which will originate from the Maldon District) will turn right only to the new Junction 21 and will not continue to turn left and join the A12 southbound at Junction 19 via The Street, Hatfield Peverel and through Boreham village. The same assumption is made on the northbound carriageway, that traffic will not leave at Junction 19 to travel through Boreham village and along The Street, Hatfield Peverel, to access the Duke of Wellington mini roundabout for Maldon Road. The Project and the Transport Assessment assume all traffic to access the SRN and leave the LRN at Maldon Road from the Duke of Wellington mini roundabout will use Junction 21, whether travelling southbound or northbound. MDC feel this is overly simplistic and not realistic.

The Applicant stated at the ISH that the traffic flow modelling will take 1-2 minute off journey times if the ‘turn right’ option to Junction 21 to travel southbound is taken (instead of turning left and travelling along The Street, Hatfield Peverel and via Boreham village to Junction 19 southbound. MDC raised in its Deadline 3 submissions, including comments made at the ASI at the Duke of Wellington mini roundabout [REP3-051], that driver behaviour cannot be determined through traffic forecasting [APP-253, Appendix C] or relied upon to just change with ‘appropriate signage’ as was suggested by the Applicant.

The Applicant states in their ISH1 oral representations [REP-012] (referencing their Transport Assessment [APP-253]) at 5., page 6, second bullet point:

“Impact on local roads around Boreham and Hatfield Peverel

Traffic on Church Road in Hatfield Peverel is predicted to decrease, as most traffic from B1019 Maldon Road would be travelling east towards the proposed new junction 21 instead of west towards junction 20a. This makes the route via Church Road less attractive.”

MDC is concerned that driver behaviour cannot be determined through traffic modelling or Applicant predictions alone. Traffic originating from the Maldon District (Point 9 South of Church Road) may well continue to use Church Road, if there is a long queue on the Maldon Road leading up to the Duke of Wellington mini roundabout (assuming turn right only to Junction 21 – see above). If Church Road is used, does the Applicant predict traffic to turn right back up The Street, Hatfield Peverel to the Duke of Wellington mini roundabout to access Junction 21 to travel southbound or northbound or to turn left and continue to Main Road, Boreham and on to Junction 19 southbound via Boreham village?

The Applicant stated in their ISH1 oral representations [REP-012], on page 8, first bullet point (referencing: *the impact on local junctions, modelled in more detail to make delays more accurate in Boreham and Hatfield Peverel* is summarised in their Transport Assessment, Appendix A [APP-254]):

“Duke of Wellington Junction between B1019 Maldon Road and B1137 The Street in Hatfield Peverel. No proposal to change to this junction is included as part of the proposed scheme, but traffic patterns will change at the junction as more traffic from B1019 Maldon Road would turn right to use the new junction 21 to join the A12 southbound, instead of turning left to junction 20a. There would also be a significant reduction in traffic arriving from junction 20a to turn right for the B1019 Maldon Road. Overall, there is predicted to be a slight improvement in junction performance. However, the B1019 Maldon Road arm is predicted to have an increase in its average queue from 45m to 62m. Detailed queue information is provided in chapter G.1 of Transport Assessment - Appendix G [APP-260]).”

MDC has raised concerns in its Deadline 3 submission [REP3-051], Appendix A, regarding the suitability of the Duke of Wellington mini roundabout to accommodate HGVs and LGVs (12% of traffic – Applicant to MDC via e-mail 15 February 2023) turning right from Maldon Road to Junction 21 and converging with HGVs and LGVs leaving the Duke of Wellington 2-way bridge from the northern arm of Junction 21 over the Duke of Wellington mini roundabout. The Applicant confirms *‘traffic patterns will change at the junction as more traffic from B1019 Maldon Road would turn right to use the new junction 21 to join the A12 southbound, instead of turning left to junction 20a.’*

MDC is concerned that the Applicant’s statement: *‘There would also be a significant reduction in traffic arriving from junction 20a to turn right for the B1019 Maldon Road’* is purely assumptive. MDC is concerned that driver behaviour in leaving the SRN at Junction 19 and continuing to utilise The Street Hatfield Peverel, to turn right to Maldon Road is a real possibility. It must be accounted for where traffic that does not arrive along The Street, will arrive at the Duke of Wellington mini roundabout over the Duke of Wellington upgraded 2-way bridge from Junction 21. MDC is concerned that the Applicant’s prediction to *‘a slight improvement in the junction performance’* is too simplistic and therefore misleading and especially in the following sentence the Applicant predicts *‘the B1019 Maldon Road arm is predicted to have an increase in its average queue from 45m to 62m. Detailed queue information is provided in chapter G.1 of Transport Assessment - Appendix G [APP-260]).’*

MDC reiterates from its MDC LIR [REP2-068] that the Applicant’s reference to the *‘Maldon Road arm’* is a residential street, Maldon Road, at the junction to the Duke of Wellington mini roundabout. The *‘Maldon Road arm’* is not therefore to be interpreted as an ‘arm’ to a full-size roundabout as such.

Appendix B

Additional Comments

Air Quality

The Applicant response to MDC LIR [REP3-012] pages 6-9, acknowledges MDC concerns *'that some traffic is likely to flow via Main Road in Boreham and the A414 to bypass the construction works around junctions 20a and 20b'* and *'if traffic emissions and subsequent concentrations did change as a result of the closures, the temporary nature of the construction phase would not significantly affect air quality within the Maldon and Danbury AQMAs'*. MDC is concerned that the Applicant scoped out any further assessment of constructional and operational impact at Maldon and Danbury AQMAs in the Environmental Statement Ch 6 – Air Quality, Section 6.7.2 – 6.7.6 [APP-073].

MDC is concerned that the Applicant's disregard of increased traffic through the Maldon and Danbury AQMAs (on the A414) as a result of driver behaviour, to avoid the project's construction phasing related disruption and congestion, is misjudged. MDC does not agree that the *'temporary nature of the construction phase'* is a justifiable reason to permit NO₂ exceedances in an AQMAs as a result of increased traffic and congestion.

MDC recommend the DCO needs to change to factor in air quality monitoring in the AQMAs between the commencement of the widening and the end of the works. If air quality exceedances do rise in the Maldon and Danbury AQMAs, however short lived, MDC recommend a funding mechanism be established benefiting the local authority to support air quality related improvements in those areas and mitigate the impact.