

A12 Chelmsford to A120 widening scheme

TR010060

9.42 Applicant's Comments on Information received at Deadline 3

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

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CONTENTS

1 Introduction1

2 Applicant's Comments on Information received at Deadline 2.....2

REP3-025 - Andy Nichols2

REP3-026 - Boreham Conservation Society4

REP3-027 - Boreham Conservation Society8

REP3-028 - Boreham Parish Council19

REP3-029 - Braintree District Council21

REP3-030 - Chelmsford City Council23

REP3-031 - Chelmsford City Council32

REP3-032 - Essex County Council34

REP3-033 - Essex County Council43

REP3-034 - Essex County Council45

REP3-035 - Essex County Council46

REP3-037 - Essex Local Access Forum (ELAF)72

REP3-038 - Essex Local Access Forum (ELAF)76

REP3-039 - Essex Police79

REP3-040 - Feering Parish Council88

REP3-041 - Feering Parish Council91

REP3-042 - Historic England93

REP3-043 - Ian Mahoney94

REP3-044 - Holmes and Hills LLP on behalf of J Bunting & Sons98

REP3-044 - John Chilcott Lindsay108

REP3-046 - Keith Lomax110

REP3-047 - Keith Lomax115

REP3-049 - Lynfield Properties Ltd116

REP3-050 - Maldon District Council118

REP3-051 - Maldon District Council119

REP3-052 - Maldon District Council130

REP3-053 - Maldon District Council136

REP3-054 - Maldon District Council144

REP3-055 - Maldon District Council155

REP3-056 - Margaret Freeman158

REP3-058 - Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council159

REP3-059 - Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council.....	160
REP3-063 - Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council.....	162
REP3-064 - Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council.....	169
REP3-066 - Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council.....	172
REP3-067 - Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council.....	177
REP3-068 - Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council.....	182
REP3-069 - Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council.....	185
REP3-070 - Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council.....	187
REP3-071 - National Farmers Union	189
REP3-072 - National Farmers Union	193
REP3-073 - National Farmers Union	194
REP3-074 - Addleshaw Goddard on behalf of Network Rail Infrastructure Limited	198
REP3-076 - Holmes and Hills LLP on behalf of Pegasus Prested Investments Ltd.....	203
REP3-077- -Pinsent Masons LLP on behalf of Royal London UK Real Estate Fund and Edmundson Electrical Limited.....	223
REP3-078 - Roger Wacey	238
REP3-079 - Strutt & Parker.....	240
REP3-080 - Sue & Alan Russell	242
REP3-081 - Essex County Council	243
REP3-082 - Essex County Council	244
3 Applicant's Comments on Additional Submissions accepted by the Examining Authority after Deadline 3	245
AS-043 - Colchester Cycling Campaign	245
AS-044 - The Ramblers - Essex Area.....	270
AS-045 - The Ramblers - Essex Area.....	295
AS-046 - John Holt	299
AS-047 - Louise Debenham.....	300

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 submissions made by Interested Parties Representations at Deadline 3 of the Examination. It also includes comments on Additional Submissions accepted at the discretion of the Examining Authority after Deadline 3.

2 Applicant's Comments on Information received at Deadline 2

Andy Nichols	REP3-025-001
Sub-Question	
<p>Submission ID: 14645</p> <p>I am writing to support the restoration of the route from Chancery lane, Boreham to the Junction of Damases Lane and Main Road CM3 3AD. There are numerous accidents at the Junction of Main Road with Waltham Road and so it would increase the safety if cyclists and pedestrians if they could go over the original brick bridge that is at the end of Chancery lane then over the A12 to Damases Lane.</p>	
Applicant's Response	
<p>The Applicant has previously provided a response to this suggestion in The Applicant's Response to Relevant Representations [REP1-002] reference DA-010-001, content copied below</p> <p>Regarding the suggestion to extend the existing bridge structure to span the A12 and connect Chantry Lane to the B1137, as opposed to the location where the Applicant is proposing a new crossing of the railway and A12, the railway here is significantly lower than the A12 carriageway and a simple extension of the existing structure would require ramps to elevate the bridge deck by approximately 4m. In line with current LTN 1/20 guidance on cycle track vertical geometry, this would require approximately 200m of ramps. There is insufficient space between the railway and the A12 in this location for a ramp of this nature to head east or west and then return, or chicane to prevent excessive descent speeds for cyclists. Additionally on the south side of the A12, approximately another 300m of ramps to reach the B1137 at ground level would be needed, including the acquisition of land not currently within the Order limits. It should also be noted that the abandoned length of Chantry Lane south of the existing A12 is no longer highway maintainable at public expense. The Applicant does not recognise the Interested Party's reference to footpath 29, but footpath 213_20 on the Essex County Council register of Public Rights of Way is served by the Chantry Lane rail bridge.</p>	

This footpath, as well as footpath 90_35 originate from Waltham Road and Terling Hall Road respectively which both have railway and A12 crossings to connect to the B1137, and an additional pedestrian footbridge between these is not considered to meaningfully aid the permeability of the railway and the A12 for walkers. Whilst the Applicant has sought enhancements to the existing Public Right of Way Network as part of the application for Development Consent, given the above the proposed scheme cannot justify a proposed extension of the historic Chantry Lane rail bridge.

<p>Boreham Conservation Society</p>	<p>REP3-026-001</p>
<p>Sub-Question</p>	
<p>Issue Specific Hearing 1 28th February 2023 Confirmation of Issues Raised by Boreham Conservation Society</p> <p>1. Junction 19 BCS referenced the queues shown, in construction year 2025 plate F1-5 of 7.2 Case for Scheme refers which predicts queues on the west bound carriageway stretching back from Junction 19 almost to the Waltham Road Bridge. BCS requested the Applicant to provide similar illustrative data for the B1137 stretching back from Junction 19 to Boreham.</p>	
<p>Applicant's Response</p>	
<p>A response to this comment was provided in the Applicant's response to comment 34 in their Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].</p>	
<p style="text-align: right;">REP3-026-002</p>	
<p>Sub-Question</p>	
<p>BCS requested the Applicant to confirm that it was not their intention to create a dedicated access lane, avoiding the Generals Farm dumbbell, from the B1137 to the west bound A12.</p>	
<p>Applicant's Response</p>	
<p>The Applicant has previously responded to this issue in the Written Submission of Oral Case for Issue Specific Hearing 1 reference 34 [REP3-012].</p>	

REP3-026-003

Sub-Question

2. Junction 20a BCS confirmed their continuing objection to the closure of Junction 20a / west bound access between Hatfield Peverel and Boreham referred the Applicant to REP1-23, REP1-25 and RREP1-26. BCS confirmed that they would be happy to meet with the Applicant should the Applicant action their proposal to meet regarding REP1-012 before Deadline 3. BCS outlined their alternative plan and the Applicant confirmed that the BCS plan's dimensions could be accommodated on the B1137. BCS also noted that Applicant's objection that the BCS alternative plan did not meet the DMRB specifications. BCS contend that as such "departure from standards" is not unusual and pointed to the Applicant's decisions recorded in 2019 Value Engineering Report that "departure from standards" were approved with regard to the River Ter Bridge and Concrete Safety Barriers. BCS confirmed that should the Enquiry approve closure of 20a / removal of west bound access to the A12; BCS supported Essex County Council (ECC), Chelmsford City Council (CCC), Essex Police and Boreham Parish Council, that Average Speed Cameras combined with the traffic intervention measures on the B1137 within Boreham Village would be essential. BCS requested confirmation that it remained the Applicant's intention that a 40 mph speed limit be introduced between Boreham Village and Junction 19. BCS also requested confirmation that the Average Speed camera coverage would include this section of the B1137. BCS also stated that after months of submissions/rebuttals the Applicant still had not produced a realistic detailed alternative roundabout design to satisfy BCS that this was not a viable solution. If a roundabout solution was installed at Junction 20A along with a 30mph speed limit from the Hatfield Peverel village boundary to 100 m southwest beyond the new roundabout, this would give drivers a clear indication of a change in road standards/speed. This lower speed limit would also facilitate a tighter design which will remove the swept path analysis issues raised by the Applicant.

Applicant's Response

The Applicant notes the issues raised by the Interested Party at Issue Specific Hearing 1 and has provided a response in Written Submission of Oral Case for Issue Specific Hearing 1 reference 35, 36, 37 and 38 [REP3-012]. A meeting was also held between the Applicant, Boreham Conservation Society and Mr Charles Martin on 6th March 2023 to provide further clarity on these issues.

REP3-026-004

Sub-Question

3. Traffic Modelling

BCS share the general unease referred to by previous participants concerning the assumptions fed into the Applicant's modelling formulae. BCS referenced the assumption that commuters would voluntarily observe the proposed lower speed limits along he B1137 as simply not sustainable. Nevertheless, this assumption enabled the Applicant to: Reduce the predicted increase in the am peak traffic on Plantation Road in Boreham from +50% to +25%, the draft DCO now quotes, without explanation, a further reduction to 17%. The +50% increase has never been publicly available and BCS offered to provide the ExA with the relevant emails from the Applicant should these be required. Claim that 88% of commuters would turn east to use Junction 21 to then turn west and continue their commute, as this would save one minute per journey. BCS contend that this one-minute saving is illusory and, in real life, a 50/50 split of traffic at the Duke of Wellington mini roundabout is entirely possible. BCS note that the Average Speed Cameras and other measures supported by ECC, CCC, Essex Police, Boreham Parish Council and BCS are deemed essential to mitigate the adverse impact of the Applicant's predicted 12% increase in traffic towards Boreham. Clearly, if as is contended, the increase traffic exceeds 12% the adverse impacts would be correspondingly increased.

Applicant's Response

The Applicant's traffic model assumes that, on average, traffic would observe the proposed lower speed limits along the B1137. The reasoning behind this assumption is provided in the Applicant's response to comment 6 in its Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

That response also states the Applicant's view is that no additional measures are required on the B1137 to enforce speed limits, but notes that several stakeholders have raised the desire for more measures and as such the Applicant will continue to liaise with Essex County Council on the matter.

Regarding the traffic model prediction that 88% of traffic would use junction 21 to join the A12 southbound instead of travelling through Boreham, the response at reference 7 in its Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012] outlines the reasoning behind this prediction.

Regarding the Interested Party's comment about the traffic predictions for Plantation Road, the Applicant has responded to this point in paragraph 4.1.3 of the Explanation of Traffic Model Changes technical note, which was provided as Appendix OFH1A in Applicants Response to Open Floor Hearing 1 – Rev 1 [REP1-009].

Boreham Conservation Society

REP3-027-001

Sub-Question

Protected Lanes 1. Church Road, Boreham is, because of its historic interest and landscape value, designated from Shottesbrook to the river Chelmer Bridge (known locally as “Black Bridge”), as a Protected Lane. This section of Church Road had a high score in the assessment criteria adopted. Chelmsford City Council Policy DC15 refers and we quote: “2.3 Protected Lanes Policy in Chelmsford Borough The Chelmsford Borough Local Development Framework 2001 – 2021, Core Strategy and Development Control Policies was adopted in February 2008 and contains the following development policy (DC15) and supporting text for Protected Lanes: Planning permission will be refused for development that would have an adverse environmental impact upon Protected Lanes as defined on the Proposals Map. Any proposals which would give rise to a material increase in the amount of traffic using Protected Lanes will not be permitted. Within the Borough there are a number of country lanes and byways which are of historic and landscape value and which make an important contribution to the rural character of certain areas. The Borough Council intends to protect these lanes and byways by preserving, as far as possible, the trees and hedgerows, banks, ditches and verges which contribute to their character, and by resisting development proposals which have a detrimental effect upon them.” In Nov 2017 - Chelmsford City (Additional Lanes) Report - Appendix 13 - PLACE SERVICES EDB 088, Essex County Council’s Place Services Historic Environment Team were commissioned by Chelmsford City Council to assess 6 Lanes of which 3 were original part of Protected Lanes Report 2009. The Protected Lanes scoring system used for Additional Lanes survey For Chelmsford City Council in November 2017 uses a consistent scoring approach as detailed in Appendix 13 Places Services Report EDB 088 and therefore alignment with original Protected Lane Survey Report September 2009 and as such Church Road was originally scored highly at 17 as a collective score across 3 stages of 7 assessment criteria of which Church Road met Protected Lane status and as such recognised and listed for protection under Protected Lanes Policy DC15 Appendix 1 is a map taken from Protected Lanes Study Report Sept.2009, which clearly shows Church Road’s Protected Lane status from Shottesbrook to Black Bridge. It also shows the network of connecting lanes, including Little Baddow’s Protected Lanes, referred to in 5.h) below.

Applicant's Response

The Applicant acknowledges the Interested Party's comments on Protected Lanes in Chelmsford City Council area and planning policy. The Applicant has considered the heritage status of Protected Lanes and is not using this route as a construction route, nor is the Applicant proposing works to improve the desirability of the Plantation Road as a through route.

On Plantation Road, the daily traffic flow is predicted to increase by 17% (590 vehicles per day). The level of predicted traffic is still within the expected capacity of these roads, as calculated using the proposed scheme's traffic model. Further information is available within Chapter 5 of Combined Modelling and Appraisal Report - Appendix B Transport Model Package Report [APP-263].

REP3-027-002

Sub-Question

2. BCS notes from REP1-002 / RR-074-006, that the Applicant states: "With the proposed scheme in place, some traffic is still predicted to travel from junction 18 to Boreham via Hammonds Road. Traffic on Hammonds Road is predicted to increase as a result of the proposed scheme by around one vehicle per minute. One reason for this is because, due to a slight increase in the amount of traffic on the A12 south of Boreham Interchange, journey times on the A12 between junction 15 and junction 19 are predicted to increase by around one minute overall in the proposed scheme opening year of 2027." 3. BCS also notes from REP1-002 / RR 158 -01 that the Applicant states: "The protected lane status and the weight restrictions on Church Road and the River Chelmer bridge are proposed to remain to discourage traffic from using this route to bypass junction 19 and join the A12 at junction 18." 4. BCS would record that: a) Both Church Road and Hammonds Road are roads in name only. Both Roads are more accurately described and would be recognised as rural, country lanes. Church Road is narrow, with high embankments to the side and blind bends both of which obscure sight of vehicles and WCH users. Hammonds Road has blind bends and narrow sections in which passing motor cars need care to avoid collisions. b) The rat-running, commuter traffic referred to in RR-074-006 is heading east on Hammonds Road onto Church Road whereas the rat-running, commuter traffic referred to in RR158-01 is heading west on Church Road onto Hammonds Road. These rat-running traffic streams meet, head-on, at the single lane, west bound priority, River Chelmer Bridge known locally as Black Bridge. c) Appendix 2 attached, clearly illustrates in pictures the issues contained in this paper.

Applicant's Response

The Applicant notes the Interested Party's comments and recognises the constraints which exist on this route which has led the Applicant to propose weight restrictions. In addition, due to the narrow and bendy nature of Church Road, the Applicant believes this does not present as a desirable route for commuters to use.

REP3-027-003

Sub-Question

5. BCS have the following objections: a) The traffic increases predicted by the Applicant are in clear contravention of Policy DC15. b) The weight restriction of 7.5 tonnes is intended to deter HGV's and has no effect upon motorists' decisions to rat-run along Church Road and Hammonds Road. c) REP1 -002 / RR158-01 implies that Church Road's Protected Lane classification deters commuters from using it as a rat-run. This is untenable. Commuters will be unaware of this planning classification. BCS contend that even if commuters were aware, a planning classification is no deterrent to rat-runners. Planning policy, not commuters, has the responsibility for measures to safeguard Protected Lanes.

Applicant's Response

With regards to sub-question 'a', the Applicant has previously responded to this issue in 9.24 Applicant's response to Written Questions, question REP2-039-001. Policy DC15, has been superseded by Policy S3 and Policy DM14 Chelmsford City Council's Local Plan adopted in May 2020. The Applicant has demonstrated compliance with both policies in the Case for the Scheme Appendix F : Local Planning Policy Accordance Tables [APP-252].

The Applicant notes the Interested Party's comments regarding 'b'. The Combined Modelling and Appraisal Report – Appendix B: Transport Model Package Report [APP-265] includes the assessment of all main roads, as well as those secondary routes and local routes in residential areas (especially 'rat-runs') that are likely to carry traffic movements which could use the proposed scheme.

With regards to points 'b' and 'c', the Applicant acknowledges the Interested Party's comment on deterring commuters from using Church Road. On Church Road, the daily traffic flow is predicted to increase by 2% (100 vehicles per day), as reported in the Transport Assessment Appendix C: Traffic Flow Diagrams – Communities and A12 Mainline [APP-256]. The Applicant's

proposals do not rely on planning classifications and is of the view that due to the narrow and bendy nature of Church Road, the Applicant believes this does not present as a desirable route for commuters to use.

REP3-027-004

Sub-Question

d) The Applicant must think again as it is simply unacceptable that the outcomes from an expenditure of £1.3bn of public money includes an increase in rat- running traffic on local roads and Protected Lanes. BCS would reiterate that such traffic was described by Mr P Davie, National Highways Project Director for the scheme as “dangerous” and Mr Davie has yet to explain why the Applicant believes it is acceptable for Boreham (but not elsewhere) that the known adverse impacts of the scheme design is to increase danger for motorists and WCH users on Boreham’s local roads and Protected Lane.

Applicant’s Response

The Applicant notes the Interested Party’s comments.

The Applicant would like to clarify that at no point has the project’s Director stated to the Interest Party that the forecast increases in traffic on local roads is dangerous. For example, in Boreham traffic on B1137 Main Road is forecast to increase in the morning peak and reduce in the evening peak as a result of the scheme changes. The increased flow forecast in the morning peak is within the capacity of a road of this type and does not render it ‘dangerous’.

The Applicant does continue to liaise with the local highway authority on whether the Proposed Scheme may be able to provide some enhancements on Main Road. For absolute clarity, the Applicant maintains its position and confidence that the proposed scheme proposals are appropriate, and the proposed scheme is not required to provide additional interventions to the road to secure development consent. As such, should these enhancements and measures be delivered, it would be outside of the DCO process.

REP3-027-005

Sub-Question

e) Church Road and Hammonds Road are both prone to flooding that causes road closures. This flooding hazard necessitates a permanent Flood Warning sign and water level indicator board at the approach to Black Bridge on Church Road from Boreham. Flooding is especially prevalent in the area including the junction of Church Road and Hammonds Road. Both roads have multiple locations where deep and extensive puddles quickly form that slow traffic / force them over to the other traffic lane. This is not satisfactory for light, non- commuting traffic; it is dangerous for rush hour traffic. f) The Chelmer waterway in Boreham Parish, has always been popular with anglers and has many long -established stands along the river. The river and pathways have become increasingly popular with water-sports enthusiasts and walkers. Parking is very limited and restricted to east side of Church Road at its approach to Black Bridge and this necessitates pedestrians crossing the road from between parked vehicles and avoiding traffic. The increased leisure use (including that generated by the Tri-farm triathlon facility that is accessed from Church Road) has recently necessitated the introduction of parking restrictions with double yellow lines now in place. This is not a location where extra traffic should be accepted. g) At Black Bridge west bound traffic has priority. The sight lines for east bound traffic are poor, the bridge construction impedes the view and foliage all but completely obscures the view in spring and summer. This combination creates dangers with east bound traffic, believing the bridge is clear, unexpectedly meets west bound traffic on/ for the bridge. Parked vehicles and leisure users (see above) compound the problems and the dangers. This location already has the probability to become an accident black spot, increased traffic increases that probability.

Applicant's Response

e) Any flooding issues in these locations are existing conditions which the proposed scheme does not make worse and should be raised with Essex County Council.

f, g) The constraints on these routes are noted, and the low standard of the roads is reflected in the low traffic volume using that route. The proposed scheme does not materially affect these sections, and the low-standard nature of the route deters drivers from re-routeing to those roads. Maintenance requirements relating to existing vegetation or other aspects of usage should be raised with Essex County Council.

The Applicant also notes the response provided to REP3-027-003 which confirms weight restrictions and nature of the narrow road in discouraging traffic from using this route to bypass junction 19 and join the A12 at junction 18.

The predicted change in traffic over the River Chelmer bridge in 2027 is shown in the tables below.

All traffic flows are provided in vehicles per hour.

AM peak

	Without scheme	With scheme	Difference
Northbound (to Boreham)	82	117	+35
Southbound (to A12 J18)	219	258	+39

PM peak

	Without scheme	With scheme	Difference
Northbound (to Boreham)	218	243	+25
Southbound (to A12 J18)	152	178	+26

The predicted increase in traffic over the River Chelmer bridge is around one vehicle per minute in total, split evenly between each direction. The Applicant notes the low design standard of this route, which is reflected in low traffic flows because many drivers are likely to be deterred from using a constrained route. The self-explaining nature of the location and the potential hazards are reflected in the recorded safety record for the road. There were no recorded personal injury collisions in the last 20 years for which collisions are available for the 500m section of the route including the bridge and its approaches and exits. The additional traffic on this route as a result of the proposed scheme is 39 vehicles an hour in the worst case (southbound pm peak) and 35 vehicles per hour in the other direction at that time. This means less than 1 additional vehicle per minute in each direction and does not materially change the safety status of this route. For this reason, no mitigation is proposed as part of the proposed scheme.

REP3-027-006

Sub-Question

h) There are two clearly related issues that the Applicant has, so far, ignored. The provision of WCH access over Paynes Lane Bridge directly to Beaulieu Railway Station and beyond that restores the Public Right of Way, severed for some 50 years or so by the current A12 Boreham bypass, is welcomed by BCS. However, there is an obvious downside for Boreham that needs to be addressed. When compared with the distance and time to access the Railway Station through Junction 19 and then pay for parking, pedestrian access to Beaulieu Railway Station combined with the availability of free and generally unrestricted parking within Boreham / on the B1137 has obvious attractions for commuters from the east of Boreham i.e. along the B1137 from Hatfield Peverel / Maldon areas together with those from the south, (i.e. again from Maldon together with Danbury and Bickenacre areas). Those from the south will use the network of country lanes, from Little Baddow and Danbury, to reach and remain on Church Road to Boreham and /or the B1137 by remaining on Church Road (or diverting up Plantation Road). The natural route for these commuters will be to remain on Church Road through the village, passing several Grade 2 listed Buildings including the Church. On this route the road in front of the Church narrows to a single lane with priority to oncoming traffic, followed by a very sharp challenging bend before widening out to a section where on-road parking is the norm and which necessitates give way to oncoming traffic. Church Road has a very narrow pavement in front of the Church that continues round the very sharp turn. This necessitates crossing the road and re-crossing the road to reach the Church, GP surgery / pharmacy, village shops and school. The increased danger from rat-running traffic is clear for all to see. It is therefore reasonable to expect the Applicant, with the expertise available to it, to be aware of these issues. The Applicant is aware, see 5.d) above, of the dangers from increased traffic on roads as described but has not proposed any new mitigation to safeguard Boreham residents of all ages or for the obvious parking problems that can be anticipated. BCS contend that the Applicant must now do so.

Applicant's Response

The Applicant thanks the Interested Party for their support for the improved access and reduced severance provided through Paynes Lane WCH bridge.

Identification of necessary parking restrictions is an issue which would form part of the detailed design and the applicant will work with Essex County Council to agree where changes can be made, if required.

The Applicant thanks the Interested Party for their comments on wider network issues which will be borne in mind in design of the scheme where the scheme materially affects these routes. Regarding Church Road specifically, this has not been identified as a road requiring mitigation based on the expected traffic flows from the Proposed Scheme and existing road layout.

REP3-027-007

Sub-Question

6. BCS have the following requests: a) The Applicant publish the risk assessment regarding the impact of increased commuter traffic from east and west meeting head-on at Black Bridge and from the increased risks for pedestrians from such traffic and unsatisfactory parking provision. b) The Applicant publish the standard traffic assessments for flows without /with the scheme for Church Road (Boreham to Hammonds Road) and Hammonds Road.

Applicant's Response

Regarding 6a relating to Black Bridge (which carries Church Road over the river Chelmer), the proposed scheme would not cause a substantive change in traffic flow, so no specific risk assessment is required.

6b) Regarding flows without /with the scheme for Church Road (Boreham to Hammonds Road) and Hammonds Road, these are set out in the table and response in REP3-027-005 above.

REP3-027-008

Sub-Question

c) The Applicant advises if the traffic modelling for Church Road takes account of the additional, rat running traffic, detailed in 5.h) above, that can be expected for Beaulieu Railway Station. This rat-run is an obvious alternative from, sat=navs / maps, to accessing the station through Junctions 18 or 19.

Applicant's Response

Regarding 6c, traffic using the proposed Beaulieu Park Railway Station is included within the Applicant's traffic model. Detailed information on the assumptions used to model this traffic is provided in Section 5.10 of the Combined Modelling and Appraisal Report - Appendix C: Transport Forecasting Package Report [APP-264]. The traffic model includes some traffic travelling via Church Road to access the station car parks.

Beaulieu Park Railway Station is assumed to be in place in both the 'with proposed scheme' and 'without proposed scheme' traffic model scenarios. The traffic would therefore be there regardless of whether the Applicant's proposed scheme is delivered.

REP3-027-009

Sub-Question

d) The Applicant agrees to make before and after scheme photographic records and accepts responsibility for any necessary "make good" restoration works that may be necessary on Church Road or Hammonds Road.

Applicant's Response

Regarding 6d, the Applicant notes the Interested Party's comments. As detailed in paragraph 4.4.2 of the Outline Construction Traffic Management Plan (OCTMP) [REP2-003] the Applicant would undertake a condition survey on local road diversion routes, Church Road and Hammonds Road are not planned to be used as a diversion route, so therefore a condition survey would not

be undertaken. Additionally, Sheet 2 of 21 of Appendix B of the OCTMP [REP2-004] shows Church Road as an excluded route for construction vehicles. As Hammond Road and Church Road link junction 18 with the village of Boreham it would not be possible for construction vehicles associated with the Proposed Scheme to use Hammond Road as Church Road is an excluded route. The Applicant therefore does not agree that there would be any requirement to undertake restoration works to these roads as a result of the Proposed Scheme

REP3-027-010

Sub-Question

7. Conclusions a) Rat-running traffic is dangerous on Church Road and Hammonds Road. These routes simply do not have the capacity to safely carry current volumes, far less increased volumes, of rat-running commuters. b) It is an unacceptable outcome from an expenditure of £1.3bn of public funds should be to increase the dangers from rat-running traffic on local Roads and Protected Lane. It is the responsibility of the Planning / Road authorities to protect the "Protected Lane". The Applicant has a responsibility to find solutions without destroying the character of local roads and Protected Lane. The Applicant has accepted that the closure of the Junction 20a on-slip will divert traffic from the A12 and onto the B1137. The Applicant predicts increases in west bound traffic on Plantation Road and so on to Church Road and Hammonds Road to Junction 18, some of which will be as a direct consequence of closing the Junction 20a on-slip. BCS contend that retention of the Junction 20a on-slip would mitigate the increase in west bound traffic over Black Bridge. As for east bound traffic, BCS recognises the difficulties with mitigation but proposes that appropriate signage could, at least, be erected at the entrance from Junction 18 to Hammonds Road. c) The River Chelmer Bridge warrants a visit by the Examining Authority.

Applicant's Response

The Applicant notes the Interested Party's conclusions and the response to this summary is contained in the responses above.

Boreham Parish Council

REP3-028-001

Sub-Question

Boreham Parish Council Deadline 3 Written confirmation of comments made during ISH1 and comments on the materials presented. The focus of Boreham Parish Council (BPC) is on the well-being of Boreham's residents, and on the need to reduce the negative effects on them of the A12 widening scheme. That is our priority. We recognise that the removal of A12 Junctions 20a and 20b will increase the amount of traffic passing through Boreham on Main Road, particularly during the morning rush hour. BPC broadly supports the measures proposed by Essex County Council (ECC) and Chelmsford City Council (CCC) to mitigate impacts on the village of Boreham and we use this opportunity to clarify the specific mitigation measures which we believe are necessary to ensure Boreham residents can safely access village amenities and residences on both sides of Main Road as traffic volumes increase. We stated in the ISH1 hearing that we are not convinced by the traffic projections submitted by the Applicant and particularly the view that 88% of A12 southbound traffic from Maldon will go north to Junction 21 when the A12 widening is complete. These projections are the basis of calculations of traffic flows, road noise and air quality impacts and modelling uncertainty introduces potential for error. Therefore, we support the ECC suggestion that, to give more reliable data, traffic numbers should be monitored for one year before and three years after completion of work on the widening scheme. The speed limit for traffic passing through Boreham on Main Road (B1137), and on the stretch of the Main Road between Junction 19 and Hatfield Peverel, should be reduced to 30 mph to improve safety for Boreham residents and to make selection of this route (rather than the A12) less attractive. This will also benefit users of the proposed Paynes Lane WCH overbridge and also make it safer for Boreham cyclists using the cycle path to and from Chelmsford. However, we do foresee the likelihood of non-compliance with the reduced speed limit on this straight road and, therefore we support enforcement via the siting of average speed cameras along this route. We also support suggestions from ECC and CCC for additional traffic calming measures in the village of Boreham. A zebra or signalised pedestrian crossing with road-narrowing is required in the area of the Co-Op (in order to make crossing the road to and from the Co-Op easier and safer for residents). We further propose that the entire length of the Main Road (B1137) between the two Boreham village signs should be narrowed and the additional road width be used for a cycle/WCH pathway through the village whilst retaining pull ins for local bus services. In order to avoid congestion at the main junctions in Boreham which will result from the increase in through traffic, we propose that mini-roundabouts be sited at the junction of Plantation Road with Main Road and at the end of Church Road at Main Road so that Boreham traffic from these side roads can get onto Main Road. We are not persuaded by the applicant's assertion that the volume of traffic from Waltham Road will reduce. It seems more likely that increased westbound traffic on Main Road during the morning rush hour will increase

delays for traffic joining Main Road from Waltham Road. Therefore, we propose that traffic lights (which may be part-time) are installed at the junction of Waltham Road with Main Road. We have previously proposed that noise-reduction measures be implemented on both carriageways of the widened A12 in order to reduce the effect of traffic noise on Boreham residents. We also support other measures proposed by CCC for the mitigation of noise and decreased air quality predicted under the applicant's traffic models, including installation of natural or manmade barriers between houses and the road in the affected locations.

We offer these proposals as practical measures for reducing the effects of the widening of the A12 on the residents whose interests we represent.

Applicant's Response

The Applicant has previously responded to the issue of traffic in Boreham, monitoring of traffic and traffic calming measures in the Written Submission of Oral Case for Issue Specific Hearing 1 reference 6, 17, 31 and 33 [REP3-012].

Regarding air quality and noise mitigations in the village of Boreham, the Applicant has provided a response to Chelmsford City Council's proposals in response to the council's Local Impact Report, paragraphs 6.31-6.39 and 6.40-6.49 [REP3-017].

Braintree District Council

REP3-029-001

Sub-Question

Application by National Highways for an Order Granting Development Consent for the A12 Chelmsford to A120 Widening Scheme Project Deadline 3 submission At Issue Specific Hearing (ISH1) (Part 2) on Environmental Matters, the ExA requested that Braintree District Council makes a submission in writing on the matter of Land Use and PROW. This submissions concerns allocated employment land in the adopted Braintree Local Plan. The site is Eastways and is at the address, Land North Of Colchester Road Witham. I have attached a plan to this representation (appendix A). The developers and the Council are looking to secure a permissive cycleway/footway through the development from Eastways (A on the plan) to connect into the new A12 (point B on the plan). This path will provide a much needed connection into Eastways, which otherwise would require a significant detour to currently access (via the main vehicular access) which may discourage walking/cycling to the multiple businesses in this area from further afield (e.g Rivenhall, Kelvedon .etc). The Eastways developer has modified the National Highways Plan to show a potential connection as on the attached plan, however the submitted DCO plans do not show a potential connection from the proposed footway/cycleway of the new A12 scheme. We have had informal discussions with Nuno Fernandes from Jacobs, acting for National Highways, who said they are happy with the principle of a connection at some point on the boundary however, have made no further commitments or indeed amended any plans to show the connection. The Eastways development is a full application, therefore the only location that the new link can be created is on point B on the attached plan. The proposed

cycleway/footway will be privately owned on the Eastways development, but through the S.106 agreement accompanying the application, provisions will be made to secure access to use the cycleway/footway in perpetuity for members of the public, as well as maintaining it .etc. Provisions would also be made in the S.106 so that National Highways could go on their land to make the footpath connection. The Council requests that National Highways give a firmer commitment, in whatever form that may be, so that they will construct a connection point to the proposed cycleway/footway. This should be undertaken in discussion with the Council and the developers, who I understand they are already in discussions with (due to temporary land take required to construct junction 22). If they amended the plans to reflect the connection point as shown on the attached plan, that would be the ideal. If we have this commitment now, and potentially a revision to the plans, this would greatly assist this new link being secured. I hope this sets out where we are and the rationale behind wanting it included.

Applicant's Response

The Applicant has been in communication with Braintree District Council (BDC) Planning Officers to assess the possibility of providing a cycle connection at point B, as shown in BDC attachment.

The Applicant's current position is that it may be possible to provide the cycle connection however, as detailed design is ongoing the connection has not yet been modelled as there are other elements of the design that need to be finalised. Specifically utility diversions at the back the junction 22 northern dumbbell roundabout, could potentially impact the alignment of the WCH route which the cycle connection will tie into need to be fully understood which will occur as part of the detailed design. Until this is fixed through detailed design, the cycle connection cannot be modelled.

While the Applicant anticipates that this connection could be made this is subject to detailed design and as such the Applicant does not propose changing any plans at this stage to show the connection in this location.

Chelmsford City Council

REP3-030-001

Sub-Question

Chelmsford City Council's concerns regarding traffic are set out within its Local Impact Report REP2 – 107 – LIR.

As shown by National Highways modelling, the closure of Junction 20A and replacement with junction 21 (Witham) would lead to a sizeable increase in traffic along the B1137 (Main Road) through the settlement of Boreham in the peak hours, which will harmfully affect the amenities of Boreham Village.

To make the route less attractive and discourage users from travelling southbound to Junction 19 from Hatfield Peverel, National Highways proposes to reduce the speed limit from 40mph to 30mph through Boreham village and from 60mph to 40mph between Boreham and Hatfield Peverel. At present, National Highways proposes only to update speed limit signs in connection with the speed limit reductions.

The City Council considers that this measure alone is insufficient and is not enough to make the route less attractive to road users, particularly if the speed limits are ignored. There needs to be a mechanism to enforce lower speeds and reduce traffic flows.

Chelmsford City Council, together with Essex County Council, Braintree District Council plus other interested stakeholders propose the following measures that could help to ensure that National Highways proposed speed limit reductions are adhered to, once the A12 DCO scheme in place. These are:

- Average speed cameras covering the section of Main Road from the southern end of Boreham village to the existing A12 J20a on-slip
- A new signalised pedestrian crossing with road narrowing in the vicinity of Boreham Co-op.
- Road narrowing at:
Location 1 (Boreham village entrance for SW traffic), Location 2 (outside Orchard cottages) and Location 3 (pedestrian entrance

to recreation ground). • Softer measures at: Location 1 (outside of Orchard Cottages) and location 2 (just before the recreation ground) and location 3 (outside of the Little Hedgehogs Day nursery). The measures should be included within the proposal as mitigation for the predicted increases in traffic in Boreham, and to help ensure that the reduced speed limits proposed by National Highways are adhered to. Although the City Council supports the principle of the A12 Widening proposal, the proposal will lead to a change in the living and working environment of Boreham village harmfully affecting Boreham Village.

The proposed mitigation as it stands (speed reduction) is not enough to manage and mitigate against the harm to Boreham village.

The measures proposed by the City Council, Essex County Council, Braintree District Council and other Interested Parties should be considered by National Highways / the Examining Authority and should be incorporated into the proposal.

The City Council is willing to work with National Highways and other Interested Parties regarding how the mitigation can be secured and adopted.

Applicant's Response

The Applicant has responded to Chelmsford City Council's oral submission in comment reference 6 (as cross referred by reference 9) of its Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

REP3-030-002

Sub-Question

Air Quality

Chelmsford City Council's concerns regarding air quality are set out within its Local Impact Report REP2 – 107 – LIR.

The proposal identifies a number of receptors within Boreham that are expected to be affected by high air quality emissions as they will experience higher levels of Nitrogen Dioxide than they are used to.

National Highways consider the effect not to be significant due to the small number of properties to be affected. Yet Chelmsford City Council consider this position to be unacceptable.

The change in air quality and increase in Nitrogen Dioxide levels experienced by the affected receptors would not be considered insignificant and National Highways should ensure that all affected properties receive appropriate mitigation. Harm is still harm irrespective of the number of affected receptors.

The Environmental Statement identifies that the modelled effect of the proposed scheme would lead to an increase in nitrogen dioxide (NO₂) concentrations at receptor R225, located between B1137 Main Road in Boreham and the A12 carriageway.

Air quality modelling undertaken by Chelmsford City Council for the Local Plan submission, did not identify an exceedance of the air quality objectives at R225. Chelmsford City Council is the air quality authority and the exceedance of the annual mean air quality objective for nitrogen dioxide (NO₂) and would result in Chelmsford City Council having to declare an AQMA (Air Quality Management Area) and develop an air quality action plan for that, and any other affected receptors.

The Environmental Statement provides no commentary of an AQMA being required at R225, nor does it provide appropriate air quality mitigations.

It is common practice that planning and environmental health legislation procedures do not duplicate themselves. Regardless of the Environmental Statement, LAQM policy guidance (PG22) identifies National Highways as a relevant public authority and, should an AQMA be declared, requires that National Highways work with Chelmsford City Council as the relevant Authority to undertake monitoring, dispersion modelling and provide air quality mitigations.

It has been indicated by National Highways that there may be scope to introduce diffusion tube monitoring, which is welcomed, yet currently there is no mechanism for this. The proposal will expose receptors / Boreham village to higher levels of particulates than they are used to and this must be mitigated.

Mitigation needs to have a threefold approach through: • the reduction in traffic along Main Road by implementation of the traffic measures previously mentioned, • the introduction of monitoring to establish whether an AQMA will be declared and what measures and form this will have • the introduction of physical barriers next to affected receptors / along the northern boundary of the A12 alongside Boreham village. This could take the form of natural and man made (fencing) measures to mitigate and lower air quality.

The City Council is willing to work with National Highways and other Interested Parties regarding how the mitigation can be secured and adopted to ensure that air quality emissions are managed, mitigated and lowered.

Applicant's Response

The Applicant acknowledges the concerns raised and refers the Interested Party to the response provided within Applicant's Comments on Chelmsford City Council's Local Impact Report [REP3-017], paragraphs 6.31 to 6.39. The Applicant is in discussions with the Interested Party regarding NO₂ diffusion tube monitoring with a view to determining the status of the air quality.

The Applicant considers that the most appropriate way forward would be to monitor NO₂ at the relevant location (R225) to determine the actual NO₂ concentration and compare it with the AQO. If, as expected, the NO₂ concentration is below the AQO, there would be no need to declare an AQMA. Ideally the NO₂ monitoring should be conducted over 12 months to compare the result against the relevant AQO. However, monitoring over a shorter period (i.e. less than nine-months) can still be annualised to obtain the annual monitored NO₂ concentration. This evidence would facilitate the Local Air Quality Management (LAQM) prescribed process for declaring an AQMA (in line with Local Air Quality Management Technical Guidance (LAQM-TG22)). Furthermore, the annual mean monitoring results could then be considered alongside the predicted contribution from the proposed scheme, which may or may not support the Applicant's assertion that an exceedance is unlikely in 2027.

REP3-030-003

Sub-Question

Noise

Chelmsford City Council's concerns regarding noise are set out within its Local Impact Report REP2 – 107 – LIR.

To mitigate against the impacts of noise from the A12, Standard Mitigation is proposed, together with additional mitigation in the form of Additional Mitigation Surfacing (AMS) between Junction 19 and existing Junction 20a on the southbound carriageway of the A12 only.

In a presentation of slides presented by National Highways to the OFH (1), Additional Mitigation Surfacing was shown to be applied to both sides of the A12 carriageway (north and south) close to Colchester. The reason for the AMS was to reduce noise levels at receptors at locations that appeared to be shown on the slides to be further away from the A12 than Boreham village. The National Highways modelling showed that there would be a benefit and reduction in noise levels as a result of applying the AMS to both sides of the carriageway.

Chelmsford City Council does not understand why additional mitigation surfacing cannot be applied to both sides of the A12 carriageway between Junctions 19 and 20A at Boreham when it is clear from the National Highways submission at OFH (1) that there will be an overall net benefit and reduction in noise levels to affected receptors / villages.

Whilst the City Council welcomes the introduction of Standard Mitigation within Boreham, there would be an increase in noise levels above the Significant Observed Adverse Effect Level (SOAEL).

There would be 28 dwellings along Main Road where there would be a minor increase in noise where National Highways state that it would not be possible to mitigate against significant adverse effects.

The City Councils understanding is that mitigation can be provided in the form of noise barriers and vegetation planting; in addition to the installation of an AMS surface to the A12.

Consideration was given to the use of noise barriers alongside the A12 in Boreham, but this was ruled out by National Highways because their installation would likely create adverse environmental effects on landscape visual and biodiversity as they would require large amounts of vegetation. The management of the mitigation to achieve noise reduction, whilst not causing harmful environmental impacts is a sensitive balancing act. Chelmsford City Council considers that this balancing exercise should be undertaken by the Local Planning Authorities / Examining Authority and not by National Highways.

There is nothing within the Development Consent Order (DCO) submission that allows the balancing exercise to be undertaken. There are no submissions showing the introduction of noise barriers and / vegetation along the roadside. This is unhelpful and prevents the balancing exercise to be undertaken. It may be that the need for noise mitigation outweighs any landscape, visual/biodiversity harm. There needs to be an opportunity within the DCO examination for this assessment to take place. Subsequent to this, it may be necessary to update the Requirements as set out in the DCO to enable the additional mitigation to be provided.

Further, as with Air Quality, the effect of the proposal is to turn Boreham village into an 'island', exposed to higher levels of noise and vibration than it currently used to and would negatively affect quality of life

In summary, Chelmsford City Council does not agree with the proposal to only surface the southern side of the A12. Given that the introduction of an AMS to both sides of the A12 at Boreham and the introduction of additional noise barriers and planting would reduce noise levels, particularly along the A12 roadside and at affected receptors. Chelmsford City Council considers that the introduction of further mitigation is not unreasonable, and this should be formally considered within the DCO examination.

The City Council is willing to work with National Highways and other Interested Parties regarding how the mitigation can be secured and adopted to ensure that noise levels are managed, mitigated and lowered.

Applicant's Response

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

The Applicant is not planning to undertake any further assessment work into the viability of further noise mitigation for the A12 at Boreham.

REP3-030-004

Sub-Question

Cultural Heritage

Chelmsford City Council's full response to cultural heritage is set out within its Local Impact Report REP2 – 107 – LIR.

Boreham House is a Grade I listed house and has grade II listed grounds registered on the Register of Parks and Gardens. It is located within the vicinity of Junction 19 and the house and garden are of high level of significance/setting.

The proposals indicate the realignment of Main Road; which would include removal of the trees and vegetation to the east and west the entrance to Boreham House and trees 'at risk', including those on the north side of Main Road. Replacement planting

would be provided but there is inconsistency within the Environmental Statement. The landscaping plan indicates no replacement planting, but the heritage assessment notes new planting will be provided. The inconsistency must be corrected and clarified with the corrected submission being submitted to as part of the DCO.

The combination of widening the road, taking part of the lawned verge within the RPG, earthworks and removal of large areas of screening, would lead to a notable change to the setting of Boreham House and would open up the site to the visually intrusive highway paraphernalia at Boreham Interchange and also the site to the north (Lorry park and Premier Inn).

There is disagreement between National Highways and Chelmsford City Council regarding the environmental impact of the proposal to Boreham House and its registered garden. The

City Council consider the change to be minor to an asset of high value (based on the EIA criteria), resulting an impact of moderate magnitude (significant for EIA purposes), rather than slight as indicated in National Highways assessment. The magnitude of impact could be reduced if a comprehensive landscaping scheme were provided.

The DCO submission currently contains insufficient information to understand the impact upon Boreham House and its setting. Large scale plans should be provided to show the works at the entrance to Boreham House and adjacent The Generals. A landscaping scheme taking in the frontages should also be proposed.

Given the high significance of the setting to Boreham House and its Registered Park and Garden it is essential that there is sufficient detail at this stage to be able to fully consider the impacts and the mitigation required.

Further, there is a brick culvert which runs under Main Road, from the pond to the north and into Boreham Houses lake. The culvert is not currently shown on the constraints plans and it is requested that this is identified, retained and protected during the works. The culvert is important because it feeds the lake from a natural spring to the north. There have been issues over the last few years due to the feeder not providing water to the lake. The lake is an important part of the designed landscape and a defining feature of the setting to the house.

Further technical information should be provided to ensure the situation with the feeder is no worse than at present as a result of the proposed works. It is also desirable to explore if the dried up pond on the north side of Main Road (within the copse east of The Generals) could be utilised for surface water attenuation, thereby improving the feed to the lake and offsetting the identified harm to the designated heritage assets resulting from the scheme.

The City Council is willing to work with National Highways and other Interested Parties to fully understand and / or mitigate against the level of harm on Boreham House and its registered garden. To do this, the details requested above need to be provided.

Applicant's Response

The Applicant notes the Interested Party's comments. The Applicant has responded to these comments in the Deadline 3 Submission - Applicant's Comments on Chelmsford City Council's Local Impact Report [REP3-017, paragraphs 6.95 to 6.109].

The Applicant had a meeting with the Interested Party on 16 March. During this meeting the Applicant clarified the issue of no replacement tree planting being shown on the Environmental Masterplan. The reason for this is that the trees in question are shown as 'at risk', rather than trees to be lost. This means the intention is to retain the trees through further design development at the detailed design stage. If the trees cannot be retained, then they would be replaced in accordance with commitment LV7 in the Register of Environmental Actions and Commitments [APP-185].

The Applicant is continuing to engage with Chelmsford City Council to resolve outstanding issues through the Statement of Common Ground.

Chelmsford City Council

REP3-031-001

Sub-Question

A12 Chelmsford – A120 Widening Scheme Development Consent Order Interested Party reference number: 20033066 March 2023 Written summary of oral representations made to Issue Specific Hearing 2 (ISH2) from Ruth Mabbutt on behalf of Chelmsford City Council Chelmsford City Council has substantive concerns regarding the design of Paynes Lane Bridge which are set out in its Local Impact Report REP2 – 107 – LIR. The Council is concerned that there is limited reference to design within Schedule 2, Requirements of the draft Development Consent Order (dDCO). In Interpretation 1, the definition schedule referring to the First Iteration Management Plan contains no reference to any design documentation or drawings. By definition, it follows that the omission of design documentation also applies to the second or third iteration management plans. Requirement 10 states that the detailed design of the development must accord with the preliminary scheme design and the environmental masterplan. Yet the preliminary scheme design and other plans and documents relating to design are not referenced within the First Iteration Management Plan or elsewhere within the dDCO. Given Chelmsford City Councils substantive concerns relating to design, it is very concerned that there is nothing within the dDCO submission at present that currently enables further consideration of the detailed design between National Highways, the City Council and other interested parties. Typically, it would be expected that the Requirements contain provision for further plans and drawings related to the detailed design of the proposal to be submitted for consideration / discharge. There also needs to be a mechanism for dealing with amendments/revisions to drawings (to show an amended design). The Development Consent Order, if granted, would be based on the plans and documentation submitted within the DCO application. As it stands, this presently does not refer to specific plans and documentation relating to design. This position, for the reasons set out within the Councils Local Impact Report (relating to design), is unacceptable. Chelmsford City Council would welcome further discussion with National Highways / Interested Parties with a view to amending the Requirements schedule to refer to design and the submission of further documentation as set out above.

Applicant's Response

Design Principles [REP2-006] have informed the proposed scheme design shown on the Permanent Works Plans [AS-026], Engineering Section Drawings [APP-027 – AS-016], Structures Engineering Drawings and Sections [APP-031 - APP-032] and Environmental Masterplan [APP-086 - APP-088] which are certified in the draft DCO [REP3-002] and are secured in Schedule 2

Requirements, Part 1 Requirements '10. Detailed Design' of the draft DCO [REP3-002].

The Applicant has submitted revision 2 of 7.10 Design Principles [Applicant Reference TR01600/EXAM/7.10] which identifies, for each design principle, how it is controlled through the DCO documentation. Where a design principle is related to detailed design and therefore is not controlled by an existing certified document/plan, the Applicant has detailed the relevant technical design standard or legislation the Applicant will comply with to ensure compliance.

In accordance with Requirement 10 of the dDCO, changes that do not accord with the preliminary design must be approved by the Secretary of State, following consultation with the local planning authority and the local highway authority where such a request is relevant to their function. Any changes must not result in any materially new or materially different environmental effects from what was reported in the Environmental Statement.

On the basis that there is sufficient detail in the application documents, and the fact that should any changes be required that do not accord with the preliminary design, these changes must be approved by the Secretary of State after consultation, the Applicant does not believe any changes are required to Requirement 10.

Essex County Council

REP3-032-001

Sub-Question

Dear PINS Casework Team

Re: A12/A120 National Strategic Infrastructure Project. Response to the questions as raised by the Examining Authority at Ex01 to the applicant, National Highways, and their response to the Examining Authorities. Essex County Council (ECC), reference 20033137

ECC has been asked by the Examining Authority (ExA) to respond to the above by the set Deadline of the 09th March 2023 as far as they relate to ECC.

Our comments on the same are as follows, to assist the ExA, where no response to specific questions is mentioned, it should be correctly interpreted that we have no comments to make. Where we refer to Questions this relates to those responded to by the applicant.

In responding to this we have not sought to duplicate comments as made previously, in particular those contained within our Local Impact Report [REP2-055] not in our response .to the ExA's questions [REP2-054]

Economy and Skills

Question 16.0.1 covers potential 'sterilisation' of land with development potential.

The question does not explain which land is being referred to. From a public interest perspective, ECC wants to ensure that strategic sites that are allocated for development, or benefit from planning permission, will not be sterilised or have their prospects of development negatively impacted by the DCO scheme.

The response is comprehensive, and this issue is covered in the DCO application mainly in section 8.13 of the Case for the Scheme. Having reviewed this again, we have nothing to add to comments already made in our Local Impact Report.

Applicant's Response

The Applicant notes the Interested Party's comments.

REP3-032-002

Sub-Question

Biodiversity

We have reviewed the Applicant's response to ExQ1 (NH, Jan 2023) relating to Biodiversity and note that the response to 3.01-3.04 is N/A.

At the Hearing last week we secured some limited information regarding Barbastelle bats and Hazel Dormouse, however we obviously will need to review the bat information when it is available on the PINS website, but there is still general uncertainty on the adequacy of the mitigation measures so we would appreciate answers to the missing ExQ1.

The only response provided is to ExQ1 3.05 relating to Whetmead LNR/LoWS and the proposed offsite compensation. We did not comment on the decision not to restore any habitats within the designated site. Our concerns are related to the suitability of the "ecological mitigation area" (immediately south-west of the LNR/LWS) for creation of all the different habitats proposed, remains and the Applicant's response lacks any reassurance on this matter.

Applicant's Response

The Applicant notes the point made with respect to the response to ExQ1 3.01 to 3.0.4, however, these questions were directed at Natural England and the local authorities and not the Applicant which is why no response was provided.

The Applicant has submitted further information at Deadline 3 with respect to barbastelle bats, please see pages 62 to 68 of the Applicant's Comments on Essex County Council's Local Impact Report [REP3-021] and Appendix A of the same document.

The supplementary dormouse report is available on the examination library [AS-036].

With respect to ExQ1 3.0.5 and the proposed offsite compensation, the Applicant acknowledges the comments raised by Essex County Council. The proposed mitigation area is currently predominantly arable habitat as shown on Sheet 16 of 40, Figure A.3 of Appendix 9.8 Phase 1 Habitat Survey Report [APP-132]. Unlike Whetmead Local Nature Reserve and Local Wildlife Site there are no constraints with respect to contaminated land that would limit the creation of the proposed habitats.

The Landscape and Ecology Management Plan (LEMP) within the first iteration Environmental Management Plan (EMP) [APP-193] outlines how these habitats would be created and managed in the long term. For example, as per paragraph 1.4.24, grass seed mixes would be suitable to the specific ground conditions, such as loamy, clayey, silty, loamy over gravel and seasonally wet clay soils, that are present within the Order Limits.

As per commitment LV16 of the Register of Environmental Actions and Commitments (REAC) [APP-185], the LEMP would be developed and implemented based on the measures and approaches detailed within the LEMP in the first iteration EMP [APP-193].

The habitats to be created within the 2ha ecology mitigation area comprise a large component of grassland which when enhanced with hibernacula, log plies, south facing banks and localised areas of scrub would provide suitable habitat for reptiles. Within the 2ha mitigation area, ponds and ditches would also be provided. These would be of benefit to reptiles through increasing the diversity of prey items but would also provide enhancements for water voles. The Applicant does not consider that the inclusion of ponds and ditches would compromise the suitability of the mitigation area for reptiles.

The areas of woodland habitat required to offset the losses within Whetmead LNR/LWS would be located to the west, outside of the mitigation area, around a balancing pond and along the A12. The location of these habitats would not compromise the effectiveness of the ecological mitigation area for reptiles.

The Applicant has submitted a Technical Note on Ecological Mitigation [REP3-010]. Section 4.4 of the document sets out the general design principles which were applied in the selection of the mitigation areas for reptiles. As per Section 5.2 of the document, it was considered that to be most effective, the mitigation to offset effects on Whetmead LNR/LWS should be directly connected to the rest of Whetmead LNR and LWS to provide continuity of habitats, and so the plot was selected immediately to the south. It is considered that this plot also fulfils the general design principals for reptiles and is therefore ideally suited to mitigation effects in both receptors.

REP3-032-003

Sub-Question

Historic Environment

Question 11.0.1 Response

The approach to archaeological assessment is satisfactory and the applicant have carried out a significant amount of work for the assessment of archaeological remains however there are areas where this has not been quite as comprehensive and these will need addressing. This information has been submitted as part of the Local Impact Report and will be summarised below:

1. The Palaeolithic Desk Based Assessment (6.1 Environmental Statement Appendix 7.3 Palaeolithic DBA) covered only part of the Order Limits and so has not provided an adequate assessment of Palaeolithic potential for the whole scheme.
2. The Palaeolithic and palaeoenvironmental evaluation has not provided full coverage of the order limits and the works carried out have been based on initial design schemes where impact to deeply buried geoarchaeological deposits were predicted.
3. The Palaeolithic and palaeoenvironmental fieldwork carried out so far has identified areas of high significance for Potential archaeological remains and palaeoenvironmental potential, there may be remains of national significance which would be worthy of preservation. There is no consideration for the potential for preservation in situ should nationally significant deposits or sites be discovered which will be impacted upon by the scheme.
4. The submitted trial trench evaluation report (6.1 Environmental Statement Appendix 7.7) is a draft version that required considerable edits. A revised updated report should be submitted as part of the DCO application as soon as possible and definitely prior to determination.
5. The submitted Archaeological Mitigation Strategy (6.1 Environmental Statement: Appendix 7.10 Archaeological Mitigation strategy) has been agreed in part, however revisions are required and will need to be agreed and resubmitted in advance of a decision being made. The archaeological mitigation strategy for Palaeolithic and palaeoenvironmental remains is not yet agreed.

Question 11.0.5

It is considered there would be scope to demonstrate a commitment to delivering enhanced public understanding/benefit and legacy as part of the mitigation considering the significant size of the scheme and the interest in the heritage of the area. The details of outreach should be included within the overarching WSI.

Applicant's Response

The Applicant welcomes Essex County Council's statement that the approach to archaeological assessment is satisfactory and that a significant amount of work for the assessment of archaeological remains has been undertaken for the proposed scheme.

The Palaeolithic and palaeoenvironmental desk-based assessment was designed to answer specific questions about the potential for in situ archaeological remains to be preserved in areas where borrow pits were being considered, and where the proposed scheme was therefore most likely to have an impact on what are normally more deeply buried deposits.

The archaeological fieldwork undertaken to inform the Palaeolithic and Palaeoenvironmental Evaluation Report – Part 1 [APP-115] and the Palaeolithic and Palaeoenvironmental Evaluation Report – Part 2 [APP-116] has further refined understanding of these quaternary deposits and their Palaeolithic potential, especially in those areas where the proposed scheme is likely to have the most impact.

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

The Applicant will devise a borrow pit mitigation strategy that allows areas of particularly significant Palaeolithic archaeological remains to be preserved in situ, should any be discovered during construction. This mitigation strategy will be set out in detail in the Palaeolithic written scheme of investigation, secured through Commitment CH5 of the Register of Environmental Actions and Commitments (REAC) [APP-185].

The Applicant has received Essex County Council's comments on Appendix 7.7: Archaeological Trial Trenching Final Report [APP-114], and a revised report is being produced by the archaeological contractor and will be submitted to the Examining Authority at Deadline 5.

The Applicant welcomes Essex County Council's statement that Appendix 7.10: Archaeological Mitigation Strategy [APP-118] has been agreed in part. A revised version responding to comments received from Essex County Council and others will be submitted to the Examining Authority in due course.

The Applicant welcomes Essex County Council's comments on the potential for delivering enhanced public understanding. Detailed proposals for public outreach and public benefit would be included in the written scheme of investigation which is secured through Commitment CH2 of the REAC [APP-185].

REP3-032-004

Sub-Question

Minerals and Waste

At 14.0.5 the applicant indicates that following discussions with the operator of Coleman's Quarry an application will be submitted to vary the location of the on site processing plant. At this time (09 March 2023) ECC no such submission has been made. ECC determined by way of a Screening submission made by application ESS/45/22.BTE/SO that such a development would require an Environmental Impact Assessment.

Applicant's Response

The Applicant has previously responded to this issue in question 14.0.4 within the Applicant's Response to the Examining Authority's First Round of Written Questions (ExQ1) [REP2-025]. In addition, a public consultation event was held by Brice Aggregates Limited (BAL) in March 2023, with a planning application submission forecast for Spring 2023.

REP3-032-005

Sub-Question**Public Rights of Way**

At 13.02 the retention of Woodend Bridge for WCH would provide a better link for users from Witham entering the footpath network at Latney's. The alternative suggested by NH is less convenient and includes several road crossings around a busy junction.

NH states that the proposed walking-cycling provision includes a segregated off-road walking/cycling route on the north side of the A12 via Wellington Bridge, at the toe of the embankment of J21. However, the DCO plans show a shared use footway/cycleway. It is ECC's view that the cycleway between Hatfield Peverel and Witham should be segregated rather than shared use. The number of cyclists and pedestrians is likely to increase significantly in the future, as the housing developments in Witham are built out. The space is available for segregation; it would provide a safer facility in this location and help to encourage active travel more.

For 13.04 the DCO proposals include new cycling facilities in the vicinity of the de-trunked sections of the A12. However, the proposals do not accord with LTN1/20 best practice guidance. ECC has set out the deficiencies in the NH cycling infrastructure proposals in its Local Impact Report [REP2-055] and made recommendations as to how these should be improved.

Paragraphs 8.3.42 to 8.3.52 of REP2-055 set out ECC's concerns regarding the proposed cycling facilities between Witham and Kelvedon.

For the majority of the length of the de-trunked A12 between Feering and Marks Tey, NH are not proposing to improve the existing footway/cycleway provision (which does not accord with LTN1/20 guidelines, in terms of its width or design). In order to bring the proposals more into line with current national and local policy and strategy, the council has considered how the opportunity can be maximised particularly for active and sustainable modes of travel. This is set out in paragraphs 8.3.77 to 8.3.82 of REP2-055.

At 13.05 ECC has set out its concerns regarding the proposed cycling facilities at Jn25 in REP2-055 (paragraphs 8.3.85 to 8.3.94). These concerns have been raised with reference to the documents mentioned by NH in its response to Colchester Cycle Campaign (AS-027 and AS-028). As such, they remain ongoing concerns for ECC.

At 13.06 all pedestrian routes should be designed in accordance with DfT Inclusive Mobility Guide to Best Practice on Pedestrian and Transport Infrastructure – regardless of the onward journey outside of the order limits. The HA can make improvements in the future to these routes should this be necessary.

Applicant's Response

13.02 The Applicant notes the Interested Party's comments about the shared use path on the northern side of the junction 21 embankment. As this route is fairly short in length and connects back into a shared non-segregated provision at either side of the junction, the Applicant is proposing to keep the shared use path consistent along this length.

13.04 Regarding the WCH provisions along the de-trunked sections of the A12, the Applicant has provided a response in the Applicant's Comments on Essex County Council's Local Impact Report [REP3-021], paragraph 8.3.34-8.3.42, 8.3.43-8.3.52, 8.3.76-8.3.80 and 8.3.81-8.3.82.

13.05 The Applicant notes the concerns raised by the Interested Party regarding the proposed cycling facilities at junction 25 and has provided a response to these concerns in the Applicant's Comments on Essex County Council's Local Impact Report [REP3-021], paragraphs 8.3.85 to 8.3.94.

13.06 The Applicant notes the Interested Party's comments about designing in accordance with DfT Inclusive Mobility Guide to Best Practice on Pedestrian and Transport Infrastructure. All of the routes have been designed in line with Inclusive Mobility so far as practicable, in order that future network alterations beyond scheme extents at a later date can provide further enhancements.

Essex County Council

REP3-033-001

Sub-Question

Please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002089-Essex%20County%20Council%20-%20Comments%20on%20responses%20to%20ExQ1%201.pdf>

Applicant's Response

The Applicant has reviewed the technical note provided by Essex County Council regarding Inworth, Messing and Tiptree Mitigation Options. The Applicant provides the following comments in response to the technical note.

Section 3 - Review of National Highways' Bypass Option Assessment

The use of the RIS objectives to assess the bypass options is an approach consistent with previously assessed options on the scheme. Regarding the use of the Early Appraisal Sifting Tool (EAST), this is a tool provided by the Department for Transport. The EAST guidance notes that 'EAST is a decision support tool that has been developed to quickly summarise and present evidence on options in a clear and consistent format. It provides decision makers with relevant, high level, information to help them form an early view of how options perform and compare. The tool itself does not make recommendations and is not intended to be used for making final funding decisions'. During the early stages of the proposed scheme's development, EAST was used to develop a shortlist of route options. During later stages of scheme refinement, such as the assessment of potential bypass designs set out in Environmental Statement - Appendix 3.3: Junction 24, Inworth Road and Community Bypass Technical Report [APP-095], the Applicant did not consider it appropriate to use EAST. More detailed appraisal information was available by that time, such as a detailed traffic model and locally specific environmental assessment tools. Instead, the assessment of options set out in chapter 8 of that report [APP-095] adopted the principles used in EAST and scored options against a similar range of criteria including its strategic fit against objectives, economic and environmental impacts, deliverability, cost and practical feasibility.

The outcome of the assessment undertaken by Essex Highways using the EAST tool indicates that DS2 and DS3 score equally. This confirms the Applicant's position that the additional investment required to construct the Main Alternative does not provide a significant improvement compared to the proposed localised widening on Inworth Road.

Section 4 - Characteristics of Alternative Routes to Inworth Road

Traffic modelling indicates an increase in traffic in Messing as some traffic would travel via Messing to reach junction 24 from the B1022. This increase equates to approximately two vehicles per minute in Messing which is considered to be well within the capacity of the existing local road network.

The existing nature of Oak Road and Kelvedon Road with on street parking and narrow lanes is expected to deter large volumes of traffic and heavy vehicles from using these routes as a rat run. The proposed scheme is also not expected to have a significant impact on the performance of the double mini-roundabout in Tiptree between B1023 Kelvedon Road and B1022 Maldon Road.

Section 5 Potential Mitigation Options

The Applicant has reviewed the proposed measures presented by the Interested Party to reduce the impact of traffic flow changes in the vicinity of Messing, Inworth and Tiptree. As previously noted, the predicted increase in traffic volume in Messing is within the capacity of the local road networks and the Applicant maintains the position that additional engineering interventions are not required in Messing. and the Applicant does not wish to influence additional traffic to route towards Oak Road and/or the existing double mini-roundabout in Tiptree due to the junction capacity and noise concerns raised in section 7 of [APP-095]

The Applicant does, however, appreciate that several stakeholders have raised the desire for more measures and as such the Applicant will continue to liaise with Essex County Council on this matter.

Essex County Council

REP3-034-001

Sub-Question

Please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002090-Essex%20County%20Council%20-%20Comments%20on%20responses%20to%20ExQ1%202.pdf>

Applicant's Response

The Applicant has reviewed the technical note provided by Essex County Council regarding potential traffic calming measures for the B1137 in Boreham. This issue has previously been addressed in letters with Essex County Council, in Appendix A of the Applicant's Response to Relevant Representations [REP1-002], in response to the Council's Local Impact Report [REP3-021] and, in response to comment reference 6, in the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

The existing AM and PM peak average speed and average daily speed data provided in the technical note is consistent with the average speeds observed in the middle of the day (10:00-16:00). These measured speeds indicate that the average speeds are already below the existing posted speed limits. This is likely to reflect the relatively confined environment on the B1137; some frontage development and the narrow adjacent footway because self-evident hazards are most effective in naturally suppressing driver speed.

The Applicant maintains its position that lowering the speed limit on the B1137 is both appropriate and safe, and it is likely that a reduction in the limit would deliver a small but worthwhile reduction (typically 1-2mph) in speed. The currently available data suggests that there is no necessity for additional engineering measures to be implemented for a reduced speed limit to operate safely. The Applicant is firmly of the view that the additional measures proposed by the Interested Party in the technical note are not required on the B1137 to achieve the reduced speed limits proposed by the Applicant. The Applicant does, however, appreciate that several stakeholders have raised the desire for more measures and as such the Applicant will continue to liaise with Essex County Council on this matter. In that regard a further meeting took place on 22 March 2023.

Essex County Council

REP3-035-001

Sub-Question

1. Summary of oral representations made at hearings on 28 February and 1 March Set out below are summaries of the oral representations made by Essex County Council (ECC) representatives at the examination hearings on 28 February and 1 March 2023. Short biographies for each representative can be found in Appendix A. A summary of the technical notes referred to during the hearings can be found in Appendix B. Issue Specific Hearing 1 – Traffic and transport General traffic issues Witness: Michael Humphries KC (MHKC), Counsel for Essex County Council (ECC) ECC supports the principle and need for the scheme.

But fundamentally, we do consider that some substantive changes to the scheme are required to mitigate our highways and traffic-related concerns in order to make it acceptable to ECC. In particular, the scheme needs to include:

- Conversion of the de-trunked dual carriageway sections to single carriageway plus green active travel corridor
- Improvements to the proposed WCH facilities in line with the DfT's LTN1/20 Guidelines, to better encourage active travel
- Further mitigation of the impact of scheme related traffic on local roads

Junction 20a/20b – Boreham/Hatfield Peverel Witness: Billy Parr, Head of Network Development We support the creation of the new Junction 21 and understand the reasoning for closure of Junctions 20a and 20b. However, we are concerned that the proposed new speed limits on the B1137 (Main Road) will not be adhered to without further measures to reinforce them. If the speed limits are not adhered to, more vehicles than currently forecast are likely to use Main Road which would:

- Increase delay for local residents,
- Negatively affect vulnerable road users, and
- Adversely affect road safety

We agree with Maldon District Council that the provision of a new Maldon Road link road / bypass of the Duke of Wellington junction could have significant benefits and would be supportive of this being delivered as part of the A12 widening scheme. It is not clear to ECC however that this is justified in planning terms based on the assessment provided.

Witness: Mark Stubbs, Associate Director Transport Planning We have assessed a range of potential measures to reinforce the proposed speed limit reductions and believe that the following should be implemented as part of the DCO scheme:

- Average speed cameras covering the section of Main Road from the southern end of Boreham village to the existing A12 Junction 20a

on-slip • A new signalised pedestrian crossing with road narrowing in the vicinity of Boreham Co-op • Road narrowing at three key locations within Boreham Village • Softer measures, such as locally designed signage, at three appropriate locations On their own, the physical measures (signalised pedestrian crossing, width restrictions and signage) would not be sufficient to reinforce the proposed speed limit reductions. Main Road is wide and straight, having formerly been the A12, and drivers would find it easy to increase their speed between the width restrictions. Average speed cameras are required to ensure that speeding up between physical measures is minimised. As such, they are an essential element of the package, also supported by Chelmsford City Council, Boreham Parish Council and Essex Police. The proposed measures are set out in a technical note that was shared with NH on 7 February 2023, and referred to in REP2-018 Appendix E. [Post hearing note: This technical note is being submitted to the examination at Deadline 3 as requested]. In addition, we believe that NH should commit to monitoring the actual impacts of the scheme at a number of agreed locations on the local highway network and making the monitoring data available to interested parties. If this monitoring indicates the scheme is having a material adverse and unanticipated impact at the agreed locations, even with the measures outlined above in place, NH should commit to working with ECC as the local highway authority to investigate and address the impact. Witness: Michael Humphries KC (MHKC), Counsel for Essex County Council (ECC) We understand that the design of Junction 21 will be amended to ensure it is compatible with future plans. We are keen to ensure that these amendments are appropriately secured and are in discussion with National Highways. We will raise this during the examination if necessary. Proposed Junction 24 – Messing/Inworth/Tiptree Witness: Billy Parr, Head of Network Development We are content that an ‘all movements’ junction is appropriate for Junction 24. However, we have three main ongoing concerns regarding the applicant’s proposals:

- a. The design of the new Inworth Road roundabout: Should have been designed to DMRB 50mph standards but has been designed to ‘Manual for Streets’ 30mph standard, which will require additional measures to ensure that approach speeds are appropriate.
- b. The lack of sufficient measures on Inworth Road to ensure the B1023 is able to safely accommodate the expected increase traffic.
- c. The need for further measure to reduce the potential for ‘rat-running’ on local roads.

We have assessed a range of potential measures to address the above concerns and believe that the following should be implemented as part of the DCO scheme:

- Average speed cameras to the south of Inworth Road Roundabout and a fixed speed camera to the north
- The widening of Hinds Bridge
- Further improvements on the B1023 for walking, cycle and horse riding users
- Widening of pinch points between Perrywood Garden Centre and the
- Village entry gateways for Messing village and “Unsuitable for HGVs” signage on Kelvedon Road and Harborough Hall Road
- A 20mph speed limit, physical width restrictions and revised signage to help prevent inappropriate through traffic on Oak Road Tiptree

These measures are set out in a technical note that was shared with NH on 7 February 2023, and referred to in REP2-018 Appendix E. [Post hearing note: This technical note is being submitted to the examination at Deadline 3 as requested].

Other traffic matters – Approach to de-trunking Witness: Sean Perry, Transport Planning Manager The issue around de-trunking is the issue that Essex County Council considers to be one that it is furthest apart on with National Highways. At present the County Council does not find the de-trunking proposals as part of the applicant’s scheme to be acceptable for the following reasons:

a. ECC believes the applicant has not fully considered all reasonable opportunities to support other transport modes as required by NPSNN paragraphs 3.15-3.17 on sustainable travel and the need for the applicant to address the needs of cyclists and pedestrians with identified opportunities to invest but also paragraph 5.205 requiring the applicant to provide evidence that they have used reasonable endeavours to address existing issues. The de-trunked proposals are also at odds with ECC’s place making agenda and wider policies to take proactive steps to introduce green infrastructure and promote active and sustainable travel.

b. National Highways’ modelling of the de-trunked sections with the scheme in place show that the dual carriageway

arrangement is significant over-provision with a volume/capacity ratio of between 0.13-0.22 (with adequate capacity being classed as 0.85) as detailed in the Local Impact Report (REP2-055) for the traffic flows predicted.

c. NH is proposing a 40mph and 50mph speed limit at the Rivenhall section and Feering to Marks Tey section, respectively however we believe due to the nature of the old roman road (being a long straight carriageway) there would be increased prevalence of high-speed antisocial and dangerous driving with potential for a high number of drivers not complying with stated speed limits proposals leading to future unsafe road conditions for ECC to manage as the Highways Authority.

d. The applicant is proposing to transfer a large number of existing assets to ECC which are not prepared to adopt for example the Henry Dixon Overbridge. The quantity and condition of these assets are not fully understood and will be dependent on the Applicant's ability to secure maintenance funding through their RIS3 period

ECC has for several months been giving consideration to what it believes is a better alternative to the current proposals for de-trunking, and shared this work with National Highways on 16 January 2023. This could be found in Appendix 2 of the Council's LIR (REP2- 055). ECC has also produced a technical note on this matter which the council is happy to share with the examination. [Post hearing note: This technical note is being submitted to the examination at Deadline 3 as requested].

Witness: Michael Humphries KC, Counsel for ECC In response to the applicant's representation on de-trunking, MHKC stated that it is not acceptable for NH to simply pass over the de-trunked sections in a safe and servicable state. The NPSNN makes it clear schemes should be developed, and options considered, in the light of relevant local policies and local plans. Mitigation measures for schemes should be proportionate and reasonable and focused on promoting sustainable development. In respect of ECC's alternative proposals for de-trunking, we are assisting, we hope, National Highways to make this a scheme which is compliant with policy.

Applicant's Response

The Applicant notes the comments raised by the Interested Party at Issue Specific Hearing 1. The Applicant has provided a response to the request for a Maldon Link Road and traffic calming measures on Main Road in Boreham in comment reference 6, 30 and 31 of the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012] and in response to the technical note provided by the Council in REP3-034-001 of this document.

Regarding junction 24, the Applicant has provided a response to the issues raised about the design of junction 24 and Inworth Road in Item 45 of the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012]. The Applicant notes the technical note on mitigation measures in Inworth, Messing and Tiptree and has provided a response in REP3-033-001 in this document.

Regarding the matter of de-trunking, the Applicant has provided a response to the issues raised by the Interested Party at Issue Specific Hearing 1 in Item 26 of the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012]. The Applicant notes the technical note and brochure on a proposed alternative design for the detrunked sections of the A12 in Rivenhall End and between Feering and Marks Tey and has provided a response in REP3-081-001 and REP3-082-001 in this document. A technical note has also been developed by the Applicant to document the consideration of de-trunking proposals for the proposed scheme. This can be found in the Technical Note on De-trunking Proposals [Applicant Reference TR010060/EXAM/9.43].

REP3-035-002

Sub-Question

Issue Specific Hearing 1 – Environmental matters Air Quality Witness: Billy Parr, Head of Network Development While the district authorities are the respective air quality authorities for the area impacted by the scheme, ECC acknowledges that the transport sector is a significant contributor to air pollution and the council is currently producing an air quality strategy. This emerging strategy notes that further air quality monitoring is required to improve our collective understanding of air quality issues. While tackling air quality issues is challenging the means of doing so can include encouraging mode shift to more sustainable modes

and increasing green infrastructure (both of which ECC will be supported through the council's alternative proposals for de-trunking). We support the district authorities in their requests for air quality monitoring at locations of concern and set out within section 8.2.36 of our LIR (REP2-055) where we think as a minimum air quality monitoring should be provided.

Applicant's Response

The Applicant acknowledges the Interest Party's support of local authorities' requests for air quality monitoring at locations of concern and the two proposed air quality monitoring locations (B1137 Main Road, Boreham and The Street/Maldon Road (Duke of Wellington) junction, Hatfield Peverel as set out in ECC Local Impact Report Appendix 1 Letter from ECC to NH (Dated 7th February).

Given the uncertainty in the emissions and air dispersion modelling (which is reported in ES Chapter 6 Air Quality Section 6.6 [APP-073], the Applicant will continue to discuss aspects of monitoring where exceedances are predicted to determine the status of the air quality.

It is noted that Braintree District Council commenced monitoring at the Duke of Wellington junction and Bury Lane junction in Hatfield Peverel in June 2021. The results of the NO₂ monitoring would be indicative of the air quality situation currently experienced at these locations in Hatfield Peverel.

REP3-035-003

Sub-Question

Design (not discussed during ISH1) This topic was not discussed at the ISH1 hearings due to time pressures, hence the ExA asked if summaries of the points which would have been made are in writing in this response. Design is one of the golden threads running through planning legislation, the emphasis being on providing well designed spaces, establishing design principles, complying with local Within the DCO submission the applicant has submitted a a Design and Access Statement, the Examination Library having the reference to the same at APP-268. The structures which will cross the A12 and as are proposed to take both traffic and non- motorised users across the A12 proposal will be highly visible. At Section 7 of APP-268 the form of these structures is set out and the elevation of the proposed structures I terms of the choices made. The bridges as proposed are, ECC concludes, simple, formulaic and functional in their designs, with at best a neutral impact on the development. What isn't proposed are designs which exhibit design betterment, which and on balance, could benefit the development and explore

ways in which the same could contribute to quality designs to significantly improve the look of this infrastructure development. At ISH1 discussion was had as to other DCO proposals and their relevance to this submission respective to the proposals. ECC has been involved in the Lower Thames DCO, at which a large semi elevated structure in the form of a viaduct proposed across the Mardyke Valley, the design of which was referred to the Design Council for comment. ECC has not been involved in similar discussions on the bridges across the A12 so no forum has been established to discuss the designs for bridges as chosen in this case.

Applicant's Response

Highways structures have been designed in accordance with CD 351 The Design and Appearance of Highway Structures (Design Manual for Roads and Bridges (DMRB)). This document provides requirements and guidance which aim to improve the aesthetic outcomes of schemes that include bridges and other highway structures. It outlines an underlying approach to encourage best practice, establish intended outcomes that support aesthetic quality, and evidence how these can be addressed throughout all stages of the design life cycle of a highway structure. The most suitable solution, based on these considerations, was taken forward in the design.

Different design options were considered for each structure in accordance with DMRB. A number of factors were considered in the design development process including site constraints, structural efficiency, durability, whole life cost, safety in design, safety in construction, buildability, aesthetical appeal to create a positive legacy for local communities, the setting of the structure, potential risks, the intended end user, materials and environmental impact. The Applicant has designed the proposed scheme to create a family of structures along the A12 route. Overbridges, underbridges and footbridges families have been developed with form and materials appropriate to location and setting in the landscape to provide a common aesthetic language along the proposed scheme.

The Applicant is working closely with the relevant Local Authority with regards to bridge design and have engaged with ECC as the Local Transport Authority to consult on the ramp design for WCH bridges.

REP3-035-004

Sub-Question

Cultural heritage Witness: Teresa O'Connor, Historic Environment Consultant and David Sorapure, Built Heritage Consultant

Teresa raised the issue of the Palaeolithic DBA not providing full coverage of the proposed works. This was being addressed by the applicant and a report on the remainder of the route is expected to be produced, however the timetable for this is unknown.

The approach and results of the archaeological investigations are acceptable and we are happy with the approach, the mitigation is agreed in part however there are revisions to the proposed mitigation which is being dealt with in the forthcoming WSI (Written Scheme of Investigation) The proposed mitigation for Palaeolithic archaeology is not considered comprehensive or acceptable and there is not enough confidence to 'remove' areas from further investigation at this point. At this point the mitigation proposed for Palaeolithic archaeology is not agreed and will need revising before the determination of the application.

Applicant's Response

The Applicant welcomes Essex County Council's statement that the approach to archaeological investigation is acceptable, and that mitigation is agreed in part. Consultations are ongoing between the Applicant, Essex County Council and the individual advisors to Chelmsford City Council, Braintree District Council, Maldon District Council, and the advisor to Colchester City Council, to agree the detailed scope of the archaeological mitigation for inclusion in the written scheme of investigation. This will be secured through Commitment CH2 of the Register of Environmental Actions and Commitments [APP-185].

The Applicant has responded to Essex County Council's comments regarding the suitability of mitigation measures proposed for Palaeolithic archaeological remains in the Deadline 3 submission – Applicants Comments on Essex County Council's Local Impact Report [REP3-021, response to sections 9.7.1 – 9.7.23]. The Applicant has engaged a specialist with extensive experience of Palaeolithic archaeology to review the existing reports and re-analyse the supporting data with the intention of submitting a supplementary report addressing the comments raised by Essex County Council. It is anticipated that the results of this work will be submitted for examination at Deadline 5. The Applicant is continuing to engage with Essex County Council to resolve these outstanding issues through the statement of common ground.

REP3-035-005

Sub-Question

Biodiversity Witness: Sue Hooton, Principal Ecological Consultant In response to the applicants' comments to the ExA Sue indicated that ECC still was awaiting details of the impact of the development on protected species, in particular Barbastelle bats and Hazel Dormouse, ECC will need to review the bat information when it is available on the PINS website, however, there remains general uncertainty on the adequacy of the mitigation measures as may be proposed at this time. Witness: Mark Woodger, Principal Planner In respect of biodiversity, it is noted that the DCO only proposed net neutral in terms of biodiversity. The benefits of biodiversity on both the environment, the scheme and on the human receptors in terms of their physical and mental wellbeing, are significant, and the lack of the A12 DCO from securing uplift, which at this time is not set out as being necessary within DCO submissions, but we consider this is highly likely to change, is hugely disappointing. Discussions at the Hearing session have seen both the applicant and ECC refer to other NSIP proposals and it is correct that in discussions on the Grid connection projects we are responding to, including the Bramford to Twinstead and East Anglia Green NSIP proposals, a 10% biodiversity uplift is proposed to the schemes benefit.

Applicant's Response

The Applicant has submitted further information at Deadline 3 with respect to barbastelle bats, please see pages 62 to 68 of the Applicant's Comments on Essex County Council's Local Impact Report [REP3-021] and Appendix A of the same document.

The supplementary dormouse report is available in the Examination Library [AS-036].

The comment from Mark Woodger is incorrect; the Applicant is not proposing net neutral in terms of biodiversity net gain (BNG). Despite the fact there is not currently a legal obligation that NSIPs must deliver BNG (due to the fact the application of the BNG requirements for NSIPs is currently under consultation and is not expected to come into effect until November 2025), as per Section 9.13 of Environmental Statement Chapter 9: Biodiversity [APP-076], the proposed scheme is predicting a net gain of 25% for habitats, 36% for hedgerows and 157% for rivers.

REP3-035-006

Sub-Question

Land use Witness: Shirley Anglin, Public Right of Way (PRoW) Officer The Applicant has clearly sought to address the historic severance of PRoW's throughout most of this development. They have considered connectivity, providing new links, circular routes and overbridges. Overall the PRoW team are pleased that such consideration has been taken. However, none of the walking, cycling and horse riding (WCH) overbridges have been designed in full accordance with the recommendations outlined in LTN1/20. The overbridges in the General Arrangement drawings all have zig-zag ramps on one or both sides, which are inherently indirect, and turning radii that are too tight to allow cyclists to maintain momentum or for horses to turn. The applicant has not demonstrated that other ramp arrangements more in line with LTN1/20 have been thoroughly investigated, or provided suitable evidence to justify ruling other options out.

We have set our recommendations as to how each WCH overbridge should be amended Section 8.3 of our Local Impact Report. We further ask that the Dept of Transport Inclusivity Guide to Best Practice on access to Pedestrian and Transport Infrastructure is followed in all locations. Disabled access to the countryside is increasing as mobility vehicles technology develops and as access information improves for users. Regardless of the onward journey, this best practice should be implemented with all new infrastructure. Considering future usage of our network is key to ECC, with this in mind ECC would like to have confirmation that all bridges will be built to provide safe passage for horses. This will provide us the ability to increase the bridleway network in the future through opportunities provided by developments and public path orders adjacent to the red line boundary. This is an aim of the ECC Rights of Way Improvement Plan, Theme D: A more continuous network. The scheme sees an improvement to a severed network but we would ask that the applicant also seek further enhancements to our network by provision of a bridleway bridge (Ashman's Farm bridge) and dedication of a bridleway over footpath 30 Kelvedon and footpath 19 Great Braxted. This will connect a network of bridleways north to those to the south of Kelvedon.

Applicant's Response

The Applicant notes the issues raised by the Interested Party and has provided a response regarding the design of the WCH overbridges in comment reference 108 of the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012]. The Applicant has also responded to the issues raised in Essex County Council's Local Impact Report in Sections 8.3.6 - 8.3.15, 8.3.28 - 8.3.33, 8.3.43 - 8.3.52, 8.3.81 - 8.3.82, 8.3.83 - 8.3.94 of the Deadline 3 Submission - Applicant's Comments on Essex County Council's Local Impact Report [REP3-021].

With regard to the safe passage of horses on bridges, where connecting routes are bridleways, the Applicant has reflected that in the classification of the route on the proposed bridge. Where bridges crossing the A12 with no bridleway connection are not classified as bridleways they have been future proofed for equestrian use, with the exception of Marks Tey overbridge where this is not geometrically appropriate.

With regard to provision of a bridleway bridge along the proposed realigned footpath 92_30, the Applicant is proposing to relocate the existing Ashman's Farm footbridge which is not geometrically or structurally appropriate to dedicate as a bridleway bridge.

REP3-035-007

Sub-Question

Issue Specific Hearing 2 – Draft DCO Counsel for Essex County Council (ECC), Michael Humphries KC (MHKC) made the following points: Agenda item 2 – Articles and schedules of the dDCO Article 14 (Construction and maintenance of new, altered or diverted streets and other structures) MHKC explained that this articles imposes very significant new burdens on ECC, a the local highway authority, to maintain at its own expense the new, altered and de-trunked roads and other structures (other than trunk roads) within the DCO. This is particularly so, bearing in mind that some of the assets may not be in good condition. Whilst the article does provide that these roads etc “must be completed to the reasonable satisfaction of the local highway authority”, the DCO does not give the local highway authority any approval on the design or specification of those roads or structures. This is clearly inappropriate and the local highway authority should be given the ability in the DCO Schedule 2 ‘requirements’ to

approve the detailed design of the highways for which it will have to undertake maintenance responsibilities. Article 14(5) also requires ECC to maintain at its own expense those sections of the A12 that are to be de-trunked. As made clear at ISH 1 on 28 February 2023, ECC objects strongly to National Highways proposals to simply de-trunk sections of the A12 and leave the local highway authority with long, straight sections of dual carriageway that will become a local road. Not only is this a complete over-provision of highway capacity that may encourage the breaking of speed limits, but it is also a huge burden on ECC in terms of maintenance for a dual carriageway that it does not want to adopt. ECC suggests that there should be a new requirement in Schedule 2 that requires National Highways to bring forward and implement a more appropriate form of de-trunking that reduces the road to two lanes and makes provision for greening and sustainable transport on the redundant carriageways. MHKC emphasised that, even with a de-trunking scheme, the DCO still leaves ECC with a substantial maintenance liability for the de-trunked sections of the A12. ECC sees no reason why National Highways should not retain liability for the continued maintenance of the de-trunked sections of the A12 and is not currently minded to accept such a substantial liability under art.14. Article 15 (Classification of roads etc) MHKC pointed out that art.15(5) refers to the 'local planning authority', whereas it should more appropriately refer to the 'local highway authority'.

Article 16 (Speed limits) Article 16(1) makes provision for the imposition of various speed limits as set out in in Part 6 of Schedule 3. MHKC made clear that ECC does not agree with all of the speed limits proposed in that Part on its local roads. Mr Parr, on behalf of ECC, explained that the local highway authority has raised this previously with National highways, but to no avail. It is clearly important that speed limits are not imposed on local roads that the responsible local highway authority does not agree with. At the request of the Examining Authority a list of the speed limit changes that National Highways are proposing on local roads which are or may be of concern to ECC as the local highway authority can be found in Appendix C.

As was pointed out during ISH1 on 28 February 2023, the speed limits on the local highway network are a direct input to the modelling reported in the Transport Assessment and it is important, therefore, that appropriate speed limits are assumed.

MHKC also mentioned the relationship between this article and art.23 that was discussed later.

Article 18 (Street works) This article gives National Highways significant powers to carry out works to any streets within the Order Limits. Those works include the breaking up of streets, tunnelling under streets and the placing of apparatus in streets, but the nature and location of any such proposed works is not identified in the dDCO.

MHKC suggested that where such works are proposed (other than in trunk roads), the relevant street authority should have a

power of prior approval. MHKC referred to a similar provision in the Silvertown Tunnel DCO where art.6(3) provides that:

“(3) TfL must not carry out works to any street under paragraph (1) for which it is not the street authority without the consent of the street authority, which may attach reasonable conditions to any consent.”

This could clearly be adapted to refer to “the undertaker” in place of TfL.

Article 20 (Permanent stopping up and restriction of use of streets and private means of access) MHKC explained that ECC’s PROW unit was looking at the PROW that it is proposed to stop up or divert and that the County would come back with any comments. Article 23 (Traffic Regulation) This article gives National Highways power to make various traffic regulations on roads in respect of which it is not the traffic authority; in other words, the county highway network.

As para 4.109 of the Explanatory Memorandum makes clear “It is anticipated that this article will be used inter alia to allow National Highways to amend the speed limits on sections of the public highways adjacent to and connecting to the Order land for which the County Council is the Highway Authority and traffic authority.” Thus, this power is not confined to land within the Order Limits, but to roads generally.

Paragraph 4.109 does say, however, that “These amendments are required to align the existing speed limits with those to be imposed on the altered stretches of highway within the proposed scheme to which they connect.”, but this restriction on the power is not made in the article itself, which is therefore unrestricted.

Paragraph 4.107 does say that “Implementation of any of the measures is subject to the prior approval of the traffic authority in whose area the roads are situated.”, but as MHKC pointed out, if the purpose it to align the speed limits on roads outside the Order Limits with those within the Order Limits then ‘the pass would already have been sold’.

This is another reason why it is so important that the speed limits to be imposed under art.16 should be agreed with ECC, which they are not.

Article 60 (Certified Documents) MHKC pointed out that it may be necessary to have additional ‘certified documents’ in Schedule 12 and that these may include:

- Any scheme for de-trunking sections of the A12, or at least the principles against which any scheme for future

approval would have to be considered

- A plan for the monitoring and management of wider impacts on the local highway network

Agenda item 3 – Schedule 2 of the dDCO – Requirements Requirement 1 (Interpretation) MHKC drew attention to the definition of the term ‘commence’ which means the beginning of any ‘material operation’ (as defined in s.56(1) of the Town and Country Planning Act 1990), but then excludes a number of operations. This means that those excluded operations may be undertaken before National Highways has discharged the various ‘pre-commencement’ requirements in Schedule 2 (e.g. requirements 3, 5 and 7).

This restricted meaning of the word ‘commence’ is important when considering the ‘time limit’ in requirement 2.

Requirement 2 (Time limit) Requirement 2 provides as follows: “The authorised development must not begin later than the expiration of 5 years beginning with the date on which this Order comes into force.” (underlining added)

MHKC drew attention to a number of points.

First, section 154 of the Planning Act 2008 provides as follows:

“(1) Development for which development consent is granted must be begun before the end of—

(a) the prescribed period, or (b) such other period (whether longer or shorter than that prescribed) as is specified in the order granting the consent.

(2) If the development is not begun before the end of the period applicable under subsection (1), the order granting development consent ceases to have effect at the end of that period.”

(emphasis added)

Second, section 154(1) clearly relates to when development is ‘begun’ (it does not use the term ‘commence’) and the ‘material operations’ to begin development is set by s.155 that says:

“(1) For the purposes of this Act (except Part 11) development is taken to begin on the earliest date on which any material

operation comprised in, or carried out for the purposes of, the development begins to be carried out. (2) 'Material operation' means any operation except an operation of a prescribed description."

The 'operations of a prescribed description' are set out in regulation 7 of the Infrastructure Planning (Interested Parties and Miscellaneous Provisions) Regulations 2015 ('the 2015 Regulations') and comprises "The measuring or marking out of a proposed road ...". Thus, any 'material operation' (s.155(1)), apart from the measuring and marking out of a proposed road, will 'begin' development for the purposes of s.154(2), but the 'excluded' operations will not 'commence' development because of the requirement 1 definition.

Third, the 'prescribed period' referred to in s.154(1)(a) is set out in regulation 6(1) of the 2015 Regulations as follows: "Development for which development consent is granted must be begun before the end of a period of five years beginning on the date on which the order granting development consent is made." (emphasis added)

Requirement 2 has, therefore, set an 'other period' under s.154(1)(b) in that the five years is set to run from when the DCO comes 'into force' and not from when it is 'made'.

Fourth, requirement 2 has not set a time limit for when development must 'commence'; only when it must be 'begun'. Thus, if any material operation (apart from laying out a road) 'began' the development for the purposes of s.154(2) it would not cease to 'have effect' and, there being no time set within which it must 'commence', there would be no limit on when the undertaker could discharge its 'pre-commencement' requirements.

This situation arose in reverse in the Court of Appeal decision in *Tidal Lagoon (Swansea Bay) plc v Secretary of State for Business, Energy and Industrial Strategy* [2022] EWCA Civ 1579. There the relevant requirement gave a time limit for 'commence', but not 'begin', and the issue was whether works that were sufficient to 'begin' the development but not 'commence' the development meant that the DCO had not ceased to have effect.

MHKC suggested that requirement 2 be amended to read:

"2. (1) The authorised development must not begin later than the expiration of 5 years beginning with the date on which this Order comes into force. (2) The authorised development must not commence later than the expiration of 5 years beginning with the date on which this Order comes into force."

MHKC explained that this wording would remove any residual doubt about the effect of sections 154/155 and the time within which development must 'commence' (as defined) for the purpose of the pre-commencement requirements.

Requirement 10 (Detailed design) MHKC said that ECC has a number of concerns about the detailed design of the new and amended highways in the dDCO. ECC's witnesses explained a number of these points in ISH 1 on 28 February 2023 and they are also set out in sections 8.2 and 8.3 of its Local Impact Report [REP2-055].

ECC understand that National Highways is sympathetic to a number of these points, but it is important that any design refinements are secured through the DCO. To that end, ECC will continue to press National Highways to produce revised plans reflecting its points.

In addition, however, MHKC explained that it is appropriate that ECC should have the power to approve the detailed design of highways for which it will be the local highway authority. This is not currently reflected in requirement 10.

Indeed, requirement 10 currently states that:

"(1) The detailed design for the authorised 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."

[NB the '(c)' (but not the text that follows it) should be deleted as this is clearly a typo.]

Thus as the detailed design 'must' accord with the 'preliminary scheme design' shown on the works plans and the principles in the 'environmental masterplan' this would appear to preclude later refinements to reflect ECC's points, unless otherwise agreed in writing by the Secretary of State. ECC will be left with no assurance that any indications given during the examination of detailed design refinements will actually be delivered.

Requirement 10 needs to be amended to reflect these concerns.

New requirement – A scheme for de-trunking As explained by ECC at ISH 1 on 28 February 2023, ECC has considerable concerns about National Highways proposals for the de-trunked sections on the A12 and ECC has produced its own proposals for de-trunking. A note which details these proposals will be submitted to the examination at Deadline 3.

MHKC suggested that there should be a new requirement in Schedule 2 that provides for National Highways producing a de-trunking scheme for ECC's approval that National Highways should then be required to implement.

MHKC did not have the time at ISH 2 to introduce such wording, but such a requirement could be drafted along the following lines:

"[XX]. (1) No part of the authorised development is to open for public use until a written scheme for the de-trunking of the sections of the A12 between [LOCATION 1] and [LOCATION 2] and also between [LOCATION 3] and [LOCATION 4] has been submitted to and approved by the local highways authority. (2) The said de-trunking scheme must include: (a) [CRITERION A] (b) [ETC] (3) The undertaker shall implement the approved de-trunking scheme at its own expense within [XX] months of the first opening of the authorised development for public use."

ECC is prepared to discuss its proposed wording with National Highways and will ask the Examining Authority to recommend to the Secretary of State that such a requirement be added to Schedule 2.

New requirement – Monitoring and managing wider impacts on the local highway network At ISH 1 on 28 February 2023 ECC's witnesses explained their concerns about modelling uncertainty and the impacts of the proposed project on the wider highway network for which it is responsible.

MHKC mentioned requirements in the A428 Black Cat DCO and the draft Lower Thames Crossing DCO; both National Highways projects.

Requirement 23 of the A428 Black Cat DCO states:

"Operation phase local traffic monitoring

23.— (1) No part of the authorised development is to commence until an operation phase local traffic monitoring scheme has been submitted to, and following consultation with the relevant local highway authority, approved by the Secretary of State for

the following locations— (a) Great North Road, between A428 and Nelson Road; (b) Cambridge Road, between Station Road and A428; (c) Park Street East, Dry Drayton; (d) Brook Lane, Coton; and

(e) St Neots Road, Sandy.

(2) The operation phase local traffic monitoring scheme must include— (a) a survey to assess baseline traffic levels at the locations listed in sub-paragraph (1)(a) to (e); (b) an operation traffic survey at the locations listed in sub-paragraph (1)(a) to (e) within the first year and fifth year following the date on which the authorised development is fully completed and open for traffic to assess the changes in traffic from the baseline; (c) the methodology to be used to collect the required data; (d) the periods over which operation traffic is to be monitored; and (e) proposals for the submission of the survey data collected and an interpretative report to be provided to the relevant local highway authority. (3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker unless otherwise agreed in writing with the Secretary of State following consultation with the relevant local highway authority.”

This requirement was imposed on National Highways by the Secretary of State on the recommendation of the Examining Authority.

In the draft Lower Thames Crossing DCO, National Highways has volunteered the following requirement:

“Traffic monitoring

14.— (1) Before the tunnel area is open for traffic, the undertaker must submit written details of an operational traffic impact monitoring scheme substantially in accordance with the wider network impacts management and monitoring plan for approval by the Secretary of State following consultation by the undertaker with highway authority and where different, the relevant planning authority and other bodies identified in Table 2.1 of the outline traffic management plan for construction. (2) The scheme under paragraph (1) must include— (a) details of a before and after survey to establish the baseline traffic levels and the changes in traffic; (b) the locations to be monitored; (c) the methodology to be used to collect the required data; (d) the periods over which operational traffic is to be monitored; (e) the method of assessment of traffic data; (f) a programme for the provision of the collected data to local highway authorities. (3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker unless otherwise agreed with the Secretary of State.”

The “wider network impacts management and monitoring plan” accompanies the application and is a certified document in the

DCO.

Paragraph 6.11.2 of the LTC Explanatory Memorandum states that “Requirement 14 requires National Highways to submit a monitoring scheme to the Secretary of State prior to the opening of the Project. This monitoring strategy must be in accordance with the wider network impacts management and monitoring plan (Application Document 7.12). This is similar to a Requirement included in the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (see Requirement 24).”

MHKC made clear that ECC wishes to see a similar provision in the draft A12 DCO and, in addition, wishes to be a mechanism by which National Highways will implement measures to mitigate any unforeseen traffic impacts revealed by the monitoring programme.

Applicant's Response

dDCO Article 14 (Construction and maintenance of new, altered or diverted streets and other structures)

The Applicant does not agree the proposed changes to the dDCO is needed. The Applicant will work with the County Council on detailed design and continues to consult with it.

Article 14(5) also requires ECC to maintain at its own expense those sections of the A12 that are to be de-trunked.

As noted in REP3-035-001, the Applicant has prepared a technical note to document the consideration of de-trunking proposals for the proposed scheme. This can be found in the Technical Note on De-trunking Proposals [Applicant Reference TR010060/EXAM/9.43]. The technical note includes in Appendix A draft Heads of Terms that was shared with the council in November 2021, as well principles for de-trunking which have been established by the Applicant. The Applicant will continue to engage with the council on this matter, and acknowledges the importance of reaching a mutually agreeable solution.

Article 15 – As confirmed (at ISH2) the Applicant agrees the dDCO should say the highway authority and has made this amendment.

Article 16 (Speed limits)

Article 23 would allow the Applicant to impose speed limits on local highways, but only by way of revoking, amending or suspending an existing speed limit order. Such an order cannot be made except with the consent of Essex County Council as local traffic authority.

The Applicant notes that the council has provided some additional remarks on the proposed limits and has responded to these in sub-section REP3-035-011 of this response,

Article 18 (Street works)

Article 18 largely deals with matters which constitute "street works" within the meaning of Section 48 of the New Roads and Street Works Act 1991 and creates a "statutory right" of the type enjoyed by statutory undertakers. Statutory undertakers are not required under the New Roads and Street Works Act 1991 to seek the consent of the street authority before they carry out works and there is no reason why National Highways should be treated any differently. Where National Highways undertakes works under Article 18 they would be required to reinstate the highway under Section 70 of the New Roads and Street Works Act 1991 in the normal way

Article 20 (Permanent stopping up and restriction of use of streets and private means of access)

The Applicant notes ECC reserved its position on changes to the public rights of way (PROW) network. The Applicant will consider information further information from the county's Public Rights of Way Team when it is received.

Article 60 (Certified Documents)

The Applicant will review the list of Certified Documents at each deadline when a new dDCO is submitted. No scheme for de-trunking is proposed to be part of the supporting documentation so would not require certification.

Agenda item 3 – Schedule 2 of the dDCO – Requirements

Requirement 2

The Applicant amended Requirement 2 at Deadline 3.

Requirement 10 (Detailed design)

Whilst some amendments to requirement 10 were made at Deadline 3 the Applicant does not accept the proposals made by Essex CC are required.

Proposed new requirement for de-trunking

The Applicant does not agree that a requirement on de-trunking is necessary. However, the Applicant will continue to discuss its de-trunking proposals with Essex CC.

Proposed new requirement – Monitoring and managing wider impacts on the local highway network

As noted in the Applicant's response to Essex County Council's Local Impact Report, the Applicant plans to undertake pre-construction and post-opening traffic surveys as part of its standard scheme evaluation processes. The exact detail of these surveys will be defined during spring to summer 2023, to allow surveys to take place in autumn 2023. The Applicant notes the County Council's suggested locations for traffic monitoring outlined in its Local Impact Report, and will take these into consideration when defining

the pre-construction and post-opening traffic survey locations. The Applicant will consider further the potential for a commitment to monitoring at specific locations where the Applicant is predicting an increase in traffic in its modelling. The Applicant will not commit to additional post scheme commitments beyond clearly justified monitoring at specific locations.

REP3-035-008

Sub-Question

Compulsory Acquisition Hearing 1

Roger Moore from Lambert Smith Hampton (LSH), a firm of Chartered Surveyors and Property Consultants, acts on behalf of ECC on land and property matters. LSH are instructed to advise the Council in respect of this project.

The Project as currently proposed results in a number of impacts on the Council's land and property interests, in both its capacity as a landowner, and as the Highway Authority for the non-trunk road network in the county, and the Council would like the Inspector to note its current representations in respect of those interests, and the Council's wish to make further representations in the future.

The Council as third-party landowner

The Project requires the temporary and permanent acquisition of a number of plots of land which fall into two series in the Book of Reference: Plot 7 series (plots 7/17a-d); Plot 8 series (plots 8/3a, 8/6b, 8/6d-m, 8/25d).

A number of the plots required are classed as open space, and those in the Plot 8 series form part of a linear country park including public rights of way. National Highways is proposing to offer Replacement Land to maintain the level of open space and connectivity between retained land areas, but the proposals have not been outlined in detail or agreed by the Council.

Whilst the Council recognises the need for land to be taken for the Project, it wishes to reserve its ability to make further representations if the detailed proposals cannot be agreed.

The Council as local Highway Authority

Although much of the Council's interest as the local Highway Authority is being dealt with through other hearings and engagement with National Highways, two strands of that engagement also potentially impact on the Council's land and property interests.

Firstly, where existing highway is proposed to be de-trunked, responsibility for the highway and any associated land and property interests will pass to the Council. At present, the conditions under which National Highways propose to return the land are not clear, and the Council's future management of both the highway, and depending on the proposed future use, the Council's ability to maintain associated property interests, are yet to be resolved.

Secondly, there are some areas where former highway is proposed to be stopped up, and it is not clear whether land and property interests may be passed or returned to the Council.

Conclusion

The Council seeks to protect its property interests and the future impact on its assets, but at present has had limited engagement with National Highway on these matters, so wishes to reserve its ability to make further representations once more detail is available, or where issues cannot be resolved or agreed.

Applicant's Response

The Applicant notes the separate interests of the County Council in its capacity as a Landowner and as the local highway authority.

The Applicant also notes that the County Council reserves its position on land issues and the Applicant will respond to the County Council's further comments, if any, when these are received.

The open space and replacement land strategy has been described in detail as shown by the Replacement Land Statement [APP-279].

The proposals have been presented to Essex County Council through a series of meetings on Replacement Land and in the Statement of Common Ground meetings. The most recent meeting was held jointly with the local authorities ECC, Braintree

District Council and Witham Town Council who each are to be vested replacement land in the Witham area. This was to initiate discussions on the potential joint opportunities the replacement land may provide as each party's land may connect to form a wider connected open space. The aim of the replacement land is to create a cohesive network and to link into existing routes such as Witham River Walk and the Witham Rail Trail. The proposed replacement land for Essex County Council shown by plot 8/43e on the Land Plans [AS-009] provides connectivity as it would be open space and should ECC wish could be designated as a new permissive path.

The County Council's concerns regarding de-trunking are addressed elsewhere in this response.

REP3-035-009

Sub-Question

Appendix A: Essex County Council's witness biographies

Applicant's Response

The Applicant notes the Interested Party's comments.

REP3-035-010

Sub-Question

Appendix B: Technical notes During the hearings ECC representatives referred specifically to three technical notes that have been produced by the council in support of our position on several aspects of the project. These notes are amongst those listed in section 1.2.3 of the council's LIR (REP2-055) and are being submitted to the examination at Deadline 3. A short summary of each of the notes is set out below.

B1137 Main Road Boreham technical note (Essex Highways) This note assesses the appropriateness of the National Highways proposed speed limit reductions to the B1137 and looks into additional measures that might be required to help ensure they are adhered to.

Inworth, Messing and Tiptree mitigation options technical note (Essex Highways) This note was produced to review the multi-criteria assessment National Highways completed to compare the Inworth Road bypass options, and to consider potential measures for reducing the impact of traffic

flow changes in the vicinity of Messing, Inworth and Tiptree as a result of the Junction 24 proposals. This note has informed the council's position on the additional measures we think are required in connection with the junction arrangement. Alternative de-trunking proposals technical note (Essex Highways) This note has been produced to consider the implications of National Highways proposals for the two sections of the A12 which are planned to be de-trunked as part of the A12 widening project. The note sets out an alternative approach to these sections which the council considers is a better alternative to that proposed by National Highways. We have also produced a brochure which summarises our alternative proposals for de-trunking and this has also been submitted.

Applicant's Response

The Applicant notes the technical notes submitted by Essex County Council at Deadline 3.

- Regarding the B1137 Main Road Boreham technical note, the Applicant has provided a response to this report in REP3-034-001.
- Regarding the Inworth, Messing and Tiptree mitigation options technical note, the Applicant has provided a response to this report in REP3-033-001.
- Regarding the Alternative De-trunking Proposals technical note, the Applicant has provided a response to this report in REP3-082-001.

REP3-035-011

Sub-Question

Appendix C: Essex County Council's view on speed limit changes During the ISH 2 on the draft DCO, ECC stated that it has or may have concerns with some of the proposed changes to speed limits that National Highways are making to local roads, for which ECC is the local highway authority. It was agreed that ECC would provide a list of locations to the examination, please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002088-Essex%20County%20Council%20-%20Comments%20on%20responses%20to%20ExQ1.pdf> The council is continuing to review the proposed changes and will provide reasoning for our concerns to National Highways and the examination (if necessary) shortly. As it stands many of the proposed changes do not comply with the council's Speed Management Strategy¹ or the relevant Highway Practice Notes, with some lower than we would expect. The key principle of the SMS is to ensure that the speed for any road is in keeping with its environment. The consequence of a speed limit which is not suited to the context of the road is that there could be poor compliance with the speed limit, which creates operational and road safety risks.

Applicant's Response

The Applicant notes the comments and table provided by the Interested Party. Where the Applicant has proposed changes to the speed limit, this has been set in accordance with guidance from the Department for Transport (DfT) Circular 01/2013 and the 'Safe System' approach for appropriate speeds for usage. The Applicant welcomes a discussion with the Interested Party regarding the proposed speed limits highlighted in the table once the Interested Party has provided reasoning for their concerns.

Essex Local Access Forum (ELAF)

REP3-037-001

Sub-Question

Essex Local Access Forum (ELAF) deadline 3 submission (9 March 2023) Interested Party ref 2033138

1) ELAF echo the comments made by Essex County Council (ECC), the Highway Authority, especially as regards stakeholder engagement. There has been a lack of stakeholder engagement during and since lock-down and, as noted in ECC's Local Impact Report paragraph 8.2.13 [LIR REP2-056] there has been a lack of written records and no submission of a WCHR review report.

Applicant's Response

Extensive engagement has taken place throughout the course of the scheme development. In addition, the Applicant has undertaken several consultations. To manage the impacts of COVID the Applicant ensured that both in person and online events were available during both the Statutory and Supplementary Consultations, as documented in the Consultation Report [APP-045].

Furthermore, a representative of the Essex Local Access Forum has attended in person events, community forums and online events throughout the development of the scheme. The Applicant has also had several email exchanges with representatives of the access forum.

The scheme has been fully compliant with the requirements of GG 142 Walking Cycling Horse-riding Assessment and Review. An Assessment and two Reviews have been undertaken and a further review will take place in the detailed design stage. These assessment and review reports do not form part of the application, in accordance with GG 142.

REP3-037-002

Sub-Question

2) Whilst there is much to like in DCO scheme's WCH proposal, mitigation of past & current practical severances and the proposed improvements to the WCH network is considered to fall short of that required by NPPF paragraph 100 – ELAF bold: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.

Applicant's Response

The Applicant has previously responded to this issue in the Applicant's Response to Relevant Representations [REP1-002], response to Relevant Representation RR-002-008.

REP3-037-003

Sub-Question

3) re: severed Witham FP 25 (121_95) ELAF welcome the provision of a WCH bridge over the A12 to mitigate the severance of Witham FP 25. ELAF and other respondents including ECC have suggested some modifications to the precise location and configuration of the bridge with the suggestion of either a direct connection Howbridge Hall Lane, a truncated public road, or a connection through the edge of the National Highways attenuation pond area, potentially along the proposed track [AS-008 2.7 Streets, Rights of Way & Access Plans revP02 sheet8]. At the site visit I was told by a member of the National Highways' team that there will also be a connection from Witham PROW 25 on the south side of the A12 north-west to Maldon Road across what will be BDC public mitigation land. This is very welcome and will provide another circular route for Witham residents and well as restoring a largely off-road connection south to Olivers Farm Nurseries, Witham FP 96 (121_+96) and James Cook Wood (publicly owned). In the interests of Access for All, the connections should be WCH routes to enable Access for all non-motorised users.

4) re severed Witham FP 103 (121_103) The accompanied site visit included Stop G at the Fisheries off Little Braxted Lane. The west end of Witham FP 103 is effectively impassable as it requires navigating bunds, crossing the dual carriageway Witham by-pass and the central crash barrier. The DCO proposal is to loop the footpath back north to rejoin Little Braxted Lane partly along an existing fisheries track, at the base of the A12 bund, and partly through an attenuation pond area [AS-008 2.7 Streets, Rights of Way & Access Plans revP02 sheets 10 & 9]. The fisheries owners are not enthused. ELAF suggest that an alternative mitigation would be to continue the public right of way south inside the red line Order Plan limits to the Witham Whet Mead Nature Reserve (public) and Witham FP 101 (121_101). Witham FP 101 & the track connect under the Brain Bridge back into Witham town or continues on to Blue Mills and the public right of way network. The ELAF proposal would provide a circular route for people from Witham as well as filling a network gap as there are no PROW /WCH routes between Little Braxted Lane and the Whet Mead Nature Reserve (open public access) so meeting the NPPF paragraph 100 criteria and ECC's ROWIP.

5) re: Ashman's Bridge and Kelvedon FP 30 / Great Braxted FP 19 and the new Ewell Hall WCH bridge The request by Shirley Anglin at the Land Use ISH1 that Ashman's bridge and the connecting PROWs should be an inclusive WCH route is welcomed. The existing footbridge over the river Blackwater is due to be rebuilt and the line of most of the PROW is having to be moved, inside the red line Order Limits, to accommodate the changes in the A12 at the west end of Kelvedon [AS-008 2.7 Streets, Rights of Way & Access Plans revP02 sheets 12 & 13]. The termination of this PROW on Kelvedon Road is close to the proposed new path between Highfields Lane and the relocated Ewell Hall WCH bridge. This was stop D on the Accompanied Site Visit when the significant stabling at Ewell Hall was amongst the features noted. In ELAF's deadline 2 submission an extension east/ north-east was requested as a WCH route, on National Highways land, preferably not immediately adjacent to the A12, to Inworth Road. [AS-008 2.7 Streets, Rights of Way & Access Plans revP02 sheets 13 & 14]. This would provide a circular accessible route for the expanding population of Kelvedon and Feering.

7) The severance of Prested Hall drive and the nearby Feering FP 15 by the new A12 was noted in ELAF's deadline 2 submission. The mitigation requested is a WCH bridge. This will enable an active travel connection between the facilities at Prested Hall, the bus stops, ECC's proposed sustainable transport paths, cycle & bridleways on the de-trunked A12 section from the to-be-demolished Nursery Bridge at the north end of Feering, into the housing in Feering and also south to Messing and the local East Anglian Farm Rides network

Applicant's Response

3) Regarding the proposed Gershwin Boulevard bridge and connecting routes, the Applicant thanks the Interested Party for their comments.

Regarding which users are accommodated, WCH bridges have been futureproofed to accommodate bridleways so that an upgrade by the local authority to convert a footpath to bridleway would immediately include the bridge across the A12 in the route suitable for ridden horses in terms of parapet height headroom provision.

4) The suggestion from the Interested Party to route the footpath south towards Brain Bridge would be a significant diversion for this route. The intention of the proposed intervention is to provide a suitable alternative to the existing right of way across the A12 between the Fishery and Freebournes Road NNNPS paragraphs 4.73 – 4.77, and to provide the most direct route where possible.

5) The Interested Party's suggestions for the routes on the east side of A12 between the existing J23 and Inworth Road are noted. The proposed new and realigned footpaths provide a range of options for pedestrians to undertake circular walks from the Kelvedon/Feering settlements. Further new routes are not considered to be necessary as part of the A12 scheme.

(Note there is no point 6 in this sub-question)

7) Regarding Prested Hall, the proposed scheme provides improved networks, as shown on the Streets Rights of Way and Access Plans – Part 2 PAS-027], for walkers, cyclists and horses via:

- the realigned Prested Hall Access Road, via Prested Hall Overbridge – this is a quiet road with a dedicated walking/cycling route alongside. This is an improvement on the existing route which has no walking or cycling

facilities so users must walk in the road or on the grass verge. Ridden horses could use this road although there are no connecting bridleways so likely equestrian use would be low. This realigned access road bypasses J24 of A12 which pedestrians must use at present and where no cycle provision is present.

- Connections with the above route to proposed Feering East roundabout – including a cycle/pedestrian route segregated from the road connecting to both sides of A12 leading east and to New Lane leading to Hanover Square.
- Footpath 15 would connect to a new footpath to the east of A12 connecting to the former Easthorpe Road and from there to Easthorpe or over A12 at Easthorpe Road Overbridge to Dombey Chase and footpaths 3, 5 and 7 to the west of the existing A12.

There are very few residential or commercial properties in this area and likely utility use would be low. The routes described above represent a substantial improvement in this area for utility or leisure use. An additional bridge is therefore not considered necessary because of the low potential usage and the improvements already described.

Essex Local Access Forum (ELAF)

REP3-038-001

Sub-Question

ELAF (Essex Local Access Forum) written submission of oral representation at ISH. Interested Party ref 20033138

1) Tuesday 28 February ISH1 (session 1) Katherine Evans, Chairman of the Essex local Access Forum

re: mitigation measures on Boreham Road (ISH1 s1)

ELAF (Essex Local Access Forum) support Essex County Council proposal that one of the ways of narrowing Boreham Main Road is to widen the off carriageway walking, cycling and horse riding provision. [ECC Local Impact report 3.3.15 refers REP2-056]

2) Wednesday 1 March ISH1 (session 6) Katherine Evans, Chairman of the Essex local Access Forum

a) re Gershwin Boulevard WCH bridge I would like to support what the two gentleman (Mr Baker and Mr Lomax) have said about the location of the bridge. It would make a lot more sense from Gershwin Boulevard and the Local Access Forum have also suggested that the WCH bridge connects across to Howbridge Hall Road.

b) re: walkers navigating Junction 21 & the demolition of Woodend Bridge

I would like to pick up on a point of discussion yesterday about Woodend Bridge. I know the examining authority has asked questions about the necessity to demolish and not replace Woodend Bridge, which is the slip road bridge at the western end of the (new) Junction 21. The Local Access Forum have asked that a footway bridge could be retained. Cyclists can go around the dumbbell junction to get from Hatfield Peverel to Witham, but walkers would have to be going from the west side of Witham, round the dumbbell junction where there are only uncontrolled crossings, and crossing slip roads. As we heard yesterday, traffic is going to be encouraged to come from Hatfield Peverel around the dumbbell junctions to go south along the A12. So walkers are going to have to round the dumbbell crossing at uncontrolled crossings to achieve the footpath on the south side of Witham.

The north side of Witham is effectively a no go area because of the railway line where there is only one railway crossing in this area. So we would like the issue of the lack of crossings and the distance for walkers to be taken into consideration.

In regard to the issues with the Duke of Wellington roundabout and Maldon Road, I can't see how a cyclist would safely get to the railway station from the west side of Witham. What happens when they get to the Duke of Wellington?

Applicant's Response

1) The Applicant thanks the Interested Party for their comments and notes the suggestion that the carriageway could be narrowed to widen the adjacent path, which is currently only for pedestrians, thus allowing use by cyclists.

However, such a change is outside the scope of the proposed scheme which is already making extensive improvements to walking cycling and horse-riding provision but cannot tackle all shortfalls in current provision for these groups in the whole scheme corridor and connecting roads.

2a) The comments regarding Gershwin are noted. Alternative bridge locations have been considered but the proposed location represents the optimum with respect to minimum diversion; landscape design to mitigate the structure and impact on the local environment.

2b) The comments regarding Wood End Bridge are noted. The width of the A12 after widening is too great to retain any part of the existing bridge, so a complete replacement would be required to retain a pedestrian route at that location. The new protected walking/cycling route from the west side of Witham to the east side of Hatfield Peverel creates a continuous safe route without road crossings and would accommodate almost all of those people whose route currently uses Wood End Bridge. This means that the only users of Wood End Bridge would be those walking between Witham and Latneys Kennels or the public footpath adjacent to the kennels. This usage would be very low and not sufficient to justify an additional footbridge where Wood End Bridge is currently located.

The Interested Party's comments regarding routes via the junction 21 roundabouts are noted. The detailing of the route in this area will be undertaken in the detailed design stage, but the number of users travelling to Latneys Kennels and the adjacent footpath does not justify the provision of controlled crossings so carefully designed uncontrolled crossings are considered an appropriate design approach.

The shortfalls in access across the railway in north Witham are noted, but these are outside the scope of proposed scheme.

For southbound cyclists travelling between Witham and Hatfield Peverel (including the station), a parallel crossing (for pedestrians and cyclists) is proposed on B1137 to the south of Wellington Bridge, enabling riders to join the carriageway to travel through the village.

Essex Police	REP3-039-001
Sub-Question	
<p>Background As key social infrastructure providers, emergency services and interested parties in this Development Consent Order (DCO) process, Essex Police in partnership with East of England Ambulance Services NHS Trust (EEAST) and Essex County Fire and Rescue Service (ECFRS) identified the A12 to A12Q road widening scheme as having significant impact on its joint operations, service capacity and resources requiring appropriate mitigation and management measures. This document follows the initial representations of Essex Police previously outlined under interested party reference 20(933069. Reference to initial relevant representations made are noted in brackets as (RR)-</p>	
Applicant's Response	
The Applicant notes the Interested Party's comments.	
REP3-039-002	
Sub-Question	
<p>Considerations Our comments in relation to the responses provided by National Highways to Essex Police relevant representations are outlined below. Design Essex Police Designing out Crime Team will review the necessary design and landscape proposals and look forward to working with National Highways regarding the creation of safe and inclusive places. (RR sections 1.1 - 1.2)</p>	
Applicant's Response	
The Applicant notes the Interested Party's comments and will continue to liaise with Essex Police.	

REP3-039-003

Sub-Question

Essex Police support concerns raised by Essex Highways in relation to the proposed de-trunked sections of the scheme, Feering to Marks Tey and Witham to Rivenhall End. We wish to see measures introduced which decrease the opportunity for anti-social driving on these sections that do not require a need to increase our enforcement to mitigate risk. Alternative proposals for the de-trunked sections should support a route which provides safer road use by vulnerable road users and reduces risk and creates good off-road provision for active travel modes.

Applicant's Response

The Interested Party's concerns regarding detrunked sections of the A12 are noted. The Applicant has prepared a Technical Note on Detrunking Proposals [Applicant's Reference TR010060/EXAM/9.43] which provides further information.

There are many ways in which these sections could be remodelled, but the Applicant considers that the proposed scheme is safe and sufficient as designed.

This subject is part of the agenda for the development of Statements of Common Ground (SoCG) with both Essex County Council and with Essex Police and the Applicant notes the information provided by the Interested Party during SoCG meetings.

The Applicant looks forward to continuing engagement with the Interested Party and to making progress with the SoCG. The Applicant is expecting the SoCG meetings to continue in order to identify an agreed provision for the detrunked sections of the proposed scheme.

REP3-039-004

Sub-Question

The Human Rights Act 1998 makes provision for expression which includes protest. There is an obligation on public organisations to protect these rights, but protection of these rights must be balanced against the restriction protest activities may have on the wider community. The strategic road network within Essex, including the A12, has been subject to disruption by protest activity and it is anticipated likely that this will continue. Further engagement and liaison with National Highways is essential in regard to a specific protest response plan to this scheme to ensure an attendance management plan is agreed. (RR section 1.3)

Applicant's Response

These matters fall outside of the application for the proposed scheme and relate to National Highways' usual operation of the Strategic Road Network. There is a formal route for communication and liaison on these matters through the Applicant's Emergency Planning Team, that prepares for major incidents, emergencies, and public events, ensuring the impact of such scenarios to the surrounding communities, environment and strategic road network is minimised.

The Applicant notes the request for the provision of protest protection associated with the proposed scheme, and/or on a wider basis at this location. Meetings to review requirements and arrangements are in progress with Essex Police as part of the development of a Statement of Common Ground (SoCG), and these will continue to seek to agree the approach on this issue. The Applicant's Emergency Planning Team will contribute to the SoCG and ongoing meetings where possible.

REP3-039-005

Sub-Question

Construction Essex Police acknowledge the response regarding the location, design and security of site compounds and look forward to further discussion to ensure effective measures are in place to mitigate the risk of criminal activity such as theft of

equipment and/or materials and Anti-Social Behaviour (ASB). (RR section 2.2) Essex Police acknowledge the response provided regarding the construction workforce and note that within the Register of Environmental Actions and Commitments (REAC) portion of the Code of Construction Practice reference is made to Worker Healthcare (inclusive of physical and mental wellbeing). We look forward to working with National Highways to ensure that relevant measures are proposed to ensure the safety and wellbeing of their workforce. (RR section 2.3)

Applicant's Response

The Applicant appreciates the Interested Party's proactive approach and will continue to engage with them to identify ways to mitigate criminal activity in relation to the site compounds.

The Applicant values the support of the Interested Party and looks forward to working closely with them to ensure the safety and wellbeing of the workforce.

REP3-039-006

Sub-Question

To maintain public confidence and ensure the safety of road users during the construction phase, Essex Police wishes to reemphasise a desire to see average speed systems operating offline at the following locations: B1Q23 Main Road Boreham, Kelvedon Road, Inworth & Maldon Road, Hatfield Peverel. These schemes should remain post construction and provide a legacy to the works to ensure local communities are not adversely impacted. (RR section 2.4) Essex Police acknowledge the response from National Highways regarding speed enforcement during the construction phase. It is essential that Essex Police are made aware of the definitive plans around speed enforcement to ensure minimal impact to policing resources. (RR section 2.5) Essex Police will be seeking a management solution that does not require the monitoring and enforcing of Traffic Regulation Orders (TROs) and require acknowledgement that any TRO will be self-enforcing and not an additional burden on policing resources. (RR section 2.5).

Applicant's Response

Discussion is ongoing between the Applicant and the Interested Party with regards to average speed cameras in the locations described by the Interested Party. The Applicant's current position is that it does not foresee justification for average speed cameras on the local road network.

The Applicant has committed to average speed cameras on the A12 mainline during the construction phase within the order limits of the proposed scheme as detailed in paragraph 5.12.5 of the Outline Construction Traffic Management Plan (OCTMP) [Applicant's Reference TR010060/APP/7.7 Rev 3].

The Applicant would manage the enforcement of the traffic regulation measures introduced by the Order through the implementation of roadside technology such as HADECS with variable speed limit and 'red x' lane-control-signal enforcement between junctions 21 and 25 of the proposed scheme as detailed in paragraph 2.5.75 of Chapter 2: The Proposed Scheme [APP-069].

Section 2.7 of Chapter 2: The Proposed Scheme [APP-069] discusses the key components that are being considered during the design to ensure suitable performance of the above equipment when operational.

REP3-039-007

Sub-Question

Advance insight into the movement of Abnormal Indivisible Loads (AILs) for early mitigation is essential. Essex Police seek to agree a point of contact with National Highways and a clear process for the movement of such vehicles to allow for police approval and management. Additionally, there is a requirement to allocate identified holding areas for AILs to ensure minimal disruption and the safety of all road users. (RR section 2.6) Essex Police acknowledge the proposed mitigation measures provided to facilitate emergency access and maintain emergency response times and request additional detail once the Outline Construction Traffic Management Plan (OCTMP) has been developed. A dedicated point of contact and early insight into any

proposed measures is essential to ensure policing provision and emergency response times are maintained. (RR section 2.6) Emergency planning must be engaged with to ensure an appropriate multi-agency plan is in place to respond to incidents; This should include attendance response and management, key points of contact, the management of health and safety, the provision of a base or holding location for emergency services to reduce disruption, and the requirement for specialist equipment storage facilities. Essex Police acknowledge the response regarding the provision of holding bays and welcome further discussion. (RR section 2.7) Essex Police welcome engagement with the National Highways Community Liaison Manager to ensure a clear contact strategy is in place to ensure National Highways are the central contact for matters relating to this scheme and mitigate the impact in receiving misplaced calls to the force contact management command. (RR section 2.8) Essex Police acknowledge the requirement of traffic management forums as outlined in the OCTMP and welcome the opportunity for inclusion in these forums as a key stakeholder to ensure policing perspectives and requirements are considered in the design of traffic management schemes. (RR section 2.9) Essex Police remain committed to seeking, through National Highways, a funded temporary Traffic Manager Officer post. This post is critical to the management of communications, operational planning and liaison with residents effected by the project works, as well as working alongside planners at various geographic operational offices and will enable detailed meetings to take place relating to traffic management schemes. (RR section 2.9)

Applicant's Response

As detailed in Table 3.1 of the Outline Construction Traffic Management Plan (OCTMP) [REP2-003]. Essex Police would be invited to attend the Traffic Management Working and Incident Management Forum meetings. Advanced insight into Abnormal Indivisible Loads (AILs) movements for the proposed scheme and AIL movements that would need to pass through the order limits of the proposed scheme would be discussed in these forums and main points of contact would also be established.

As detailed in paragraph 4.1.4 of the OCTMP [REP2-003] access would be permitted to emergency service vehicles when the A12 mainline is closed, except during work activities such as the demolition of a bridge over the A12. Advanced notice would be given to Essex Police of any emergency service diversion.

During Traffic Management Working and Incident Management Forum meetings, the Applicant proposes that emergency access and response times will be discussed with Essex Police. The OCTMP [REP2-003] will be superseded by the Construction Traffic Management Plan (CTMP) prior to the start of construction and where appropriate the Applicant would liaise with Essex Police on any additional details required.

The Applicant would provide a suitable holding location for the Interested Party. The Applicant has two main compounds and three satellite compounds which are placed in strategic locations across the proposed scheme. The Applicant requests further discussion with the Interested Party to understand their requirements, so that they can be accommodated, where practicable to do so.

The Applicant welcomes the support from Essex Police with regard to engagement with the proposed scheme's Community Liaison Manager. The Traffic Management Working and Incident Management Forum would provide an initial point of contact to establish effective communication strategies.

The Applicant appreciates the positive approach from the Interested Party with regard to the traffic management forums and looks forward to working closely with the Interested Party.

The Applicant will continue to engage with the Interested Party with regard to the temporary Traffic Manager Officer post. The Applicant proposes this item would be discussed and finalised as part of the Statement of Common Ground.

REP3-039-008

Sub-Question

Completion Essex Police acknowledge the implementation of the HADECS speed enforcement system on the A12 post construction and reemphasise a desire to maintain the average speed systems operating offline at the following locations: B1Q23 Main Road Boreham, Kelvedon Road, Inworth & Maldon Road, and Hatfield Peverel to assist the Safer Essex Roads Partnership (SERP) with the aspiration of Vision Zero road deaths and serious injury by 2040. (RR section 3)

Applicant's Response

The Interested Party's observations are noted. Regarding individual locations:

- B1137 Main Road, Boreham: The existing speed profile is already closer to what one would expect of a 30mph limit rather than the current 40mph limit. The reduction in the posted speed limit is expected to reduce this further, and on this basis the Applicant does not believe that there is a case for requiring the introduction of Average Speed Enforcement cameras on this route. The Interested Party is also advised that additional information on this location was provided in the Applicant's Response to Relevant Representations [REP1-002] see numbered pages 586-587. This includes recording that "the existing average speed observed in Boreham in non-peak hours is 32mph".
- B1023 Kelvedon Road, Inworth: The compliance with the existing posted 30mph speed limit is broadly fair. Taking into account the increasing prevalence of intelligent speed assistance technology on new vehicles, the traffic model forecast indicates that the additional traffic would not have the effect of increasing vehicle speeds.

The Applicant's Response to Relevant Representations [REP1-002, see numbered pages 38-39] provides additional information regarding this location: "The forecast increase in traffic on the B1023 as a result of the proposed scheme is equivalent to approximately an additional five vehicles per minute in peak hours. The Applicant has proposed upgrades to the B1023 to address a number of concerns raised by both the community and identified in the proposed scheme's assessment. The proposed upgrades include widening of the carriageway in places to address historic pinch points by allowing two large vehicles to safely pass one another around bends and improve the capacity of the existing road to cater for the proposed scheme's forecast increased traffic volumes. Analysis, including microsimulation of the road, has confirmed that the proposed scheme would address both the historic capacity issues as well as those caused by the projected increase in traffic."

On this basis, the applicant does not believe that there is a case for requiring the introduction of Average Speed Enforcement cameras on this route.

- B1019 Maldon Road, Hatfield Peverel: The traffic model forecasts an increase of peak traffic flow on this route of 10% in the morning peak and 16% in the evening peak (see Transport Assessment – Appendix C: Traffic Flow

Diagrams – Communities and A12 Mainline [APP-7.2]). While no speed data is available for this location, the traffic model indicates that the effect of the proposed scheme would not be an increase in mean speeds, and the Applicant does not believe that there is a case for requiring the introduction of Average Speed Enforcement cameras on this route.

REP3-039-009

Sub-Question

Examining Authority's Written Questions (ExQ1) 16.0.3: to The Applicant Certain emergency services (including the Police and East of England Ambulance) have expressed concerns as to their operations during construction. How is it proposed that any impacts are minimised? Whilst this question was directed to the applicant, as a key emergency service provider Essex Police acknowledge the response provided and mitigation measures outlined and request additional detail and contact information once the Outline Construction Traffic Management Plan (OCTMP) has been developed. Conclusion Essex Police acknowledge the applicants' comments with regards to effective engagement and collaboration and the development of a (draft) Statement of Common Ground (dSoCG) and look forward to receiving this document for development throughout the examination. We look forward to receiving an acknowledgement in respect of these representations. Please send this and any future correspondence to: Strategic.Planning@essex.police.uk

Applicant's Response

The Applicant acknowledges the Interested Party's comments. A draft Statement of Common Ground (SoCG) has been shared with Essex Police, with a meeting held on 21 March 2023. The Applicant will continue to engage with the Interested Party on this document throughout the examination with the intention of having all issues agreed prior to the end of the examination period.

Feering Parish Council

REP3-040-001

Sub-Question

Cllr Katherine Evans of Feering Parish Council - written submission of oral representation at ISH Interested Party ref 20032790

1) Tuesday 28 February ISH1 am (session 2) Feering Parish Councillor Katherine Evans regarding the proposed (new) Junction 24 and traffic modelling Just to clarify, Feering Parish Council have no issues with the proposed location of junction 24. My understanding is that Kelvedon Parish Council are also content with the proposed location of Junction 24. Feering Parish Council do have concerns, as we have stated, about the traffic modelling and the traffic forecasts for Inworth road north and Hinds Bridge. We would like clarification as to whether the traffic modelling has included traffic coming from Coggeshall, which is north of Feering and Kelvedon, and from other villages to the north coming south to join the A12. Currently, traffic comes down to join junction 23 Kelvedon South or junction 24 Kelvedon North / Feering. We'd like to be clear whether this traffic has been included somewhere in the traffic modelling because there is quite a large amount of development going on in Coggeshall. Also, I listened with interest to the earlier comments about operational mitigation. If the traffic modelling proved to be incorrect, I would like to ask that we also have operational mitigation. If the traffic modelling and traffic forecasts for Hinds bridge, Inworth Road north, Gore Pit corner and the Coggeshall Road junctions in Feering and Kelvedon prove to be incorrect so there is NOT a reduction in traffic, but the opposite, then we should also have operational mitigation. We ask this because the traffic modelling, as we understand it, is not able to take into account the Feering Strategic Growth location of 1000 homes, plus business use. I think that the Crown Estates have also raised some concerns that the traffic model may be out of date before it even starts because it is not allowed to take into consideration this extra traffic. NOTE: In reply, Mr Daren Foley of National Highways stated that trips from Coggeshall (and the wider area) are included in the traffic modelling. NOTE re Hinds Bridge: Later Ms Carpenter of Jacobs/ National Highways stated that when the scheme opens in 2027 it is predicted that the traffic on Hinds Bridge will reduce by 2042 overall, although on the evening peak it would increase. But even then there would be an overall reduction in HGV traffic. So the scheme does not worsen the safety situation at Hinds Bridge and hence no measures are proposed. Reiteration by Councillor Evans of Feering Parish Council that I would like to see Hinds Bridge included in the operational monitoring, because there WILL be an increase in traffic because of the 1000 homes in Feering, plus the business development, which will have some HGVs. Crown Estates have said that the Feering business location will be particularly attractive because of the easy access to the A12.

2) Tuesday 28 February ISH1 pm (session 3) Feering Parish Councillor Katherine Evans regarding the de-trunking Feering Parish Council are broadly supportive of Essex County Council's proposal for the green infrastructure and walking/cycling/horse riding provision on the northern carriageway. We have some concerns exactly how bus lay-bys are going to be engineered to

make sure that there isn't any conflict with walking/cycling/horse riding users. 3) Tuesday 28 February ISH1 pm (session 3) Feering Parish Councillor Katherine Evans regarding Easthorpe Road Feering Parish Council have made representations that the north end of Easthorpe Road is in Feering Parish. We were not consulted at all about the proposal to have the road bridge across the new A12 gated so that vehicles cannot come up Easthorpe Road and turn onto- or off- the detrunked section of the A12. We consider this to be a retrograde step because it is actually reducing the local road network rather than maintaining it as it is - it is not making it as usable as it was about 10 years or so ago. We don't understand why National Highways are making these changes on the local road network when they are resisting other changes to the local road network. The proposed gating of Easthorpe Road has nothing to do with the strategic road network as it joins what will be the de-trunked section of the A12. Also concerned that no account was taken of potential rat running into Messing with people accessing the new junction 24 via Messing. NOTE: reply by Mr David Orr-Ewing of Jacobs / National Highways. Traffic figures were published for Easthorpe with and without the scheme as part of the summer 2021 statutory consultation. There was very strong feedback from the community of Easthorpe which was considered. The effects of gating were seen as negligible but with some benefits to the community of Easthorpe and so the gating was included in the supplementary consultation of November 2021 [APP-057]. Traffic modelling predictions for Messing have taken into account the closure of Easthorpe Road - references will be provided.

Applicant's Response

For ease of reading, the Applicant's response below has been split into three sections in line with the Interested Party's written submission.

1) Tuesday 28 February ISH1 am (session 2)

As noted in the Interested Party's response, the Applicant confirmed that trips from Coggeshall and the wider area are included in the traffic modelling. The Applicant also stated that the proposed scheme is not expected to worsen the safety situation at Hinds Bridge and that no measures are therefore proposed at Hinds Bridge as they are not required.

Regarding the potential additional traffic from the 1000 home development in Feering, the traffic model includes the first phase of development at the Feering strategic growth location allocated under Strategic Policy LPP21 in the Braintree District Council Local Plan, containing 162 dwellings. The second phase is not included because no planning application had been submitted for

this development when the traffic model was developed. This is in accordance with advice in the Department for Transport's Transport Analysis Guidance (TAG) unit M4. Further information is provided in the Applicant's response to comment RR-041-003 in Applicant's Response to Relevant Representations - Rev 2 [REP1-002].

Regarding post-opening traffic monitoring, the Applicant would refer to its earlier response given to comment 28 (to Essex County Council) in the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

2) Tuesday 28 February ISH1 pm (session 3)

The detailed design of these areas has not yet been undertaken. The Applicant recognises that at locations where active travel routes pass through the vicinity of bus stops can create conflict:

- Between motor vehicles (buses and other vehicles) and users of walking/cycling/horse-riding (WCH) routes
- Between WCH users and bus passengers who are in the vicinity – waiting for a bus, boarding or alighting.

The detailed design will be undertaken with the objective of minimising these aspects of conflict in the interests of safety and encouraging the use of active travel routes.

3) Tuesday 28 February ISH1 pm (session 3)

The Applicant confirms its position as outlined in the Interested Party's written submission, that the changes on Easthorpe Road were consulted on as part of the supplementary consultation in November 2021. Feering Parish Council provided a response to that consultation which outlined its view on Easthorpe Road and can be found on page 1295 of 5.2 Consultation Report - Annex N [APP-062]. Further details are also provided in the Applicant's response to comment reference 59 in its Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

Regarding the impact in Messing, the proposed scheme is predicted to increase traffic on Kelvedon Road and Harborough Hall Road in Messing by between 57 and 95 vehicles per hour during peak hours. These predictions are based on an assessment of the full proposed scheme, and include the impacts of closing Easthorpe Road. The closure of Easthorpe Road is not predicted to play a large part in this increase. This is because traffic which would otherwise have used Easthorpe Road near Heckfordbridge (to access the A12 southbound) is instead predicted to travel via School Road and London Road in Copford to join the A12 at junction 25, and not via Messing to junction 24.

Feering Parish Council

REP3-041-001

Sub-Question

Feering Parish Council (FPC) – Interested Party ref 20032790 Deadline 3 submission (9 March 2023) Feering Parish Council have no issue with the proposed new location of an all-movements Junction 24. Feering Parish Council have made submissions concerning taking into account development sites and the stated legal inability to take into account sites allocated in the adopted Braintree District Local Plan where planning permission has not yet been applied for. Pre-App discussions are apparently discounted. Feering Parish Council have made submissions regarding concerns with the forecast traffic volumes on local roads and at junctions, especially as there appears to be no mechanism for taking into account traffic – cars, vans and HGVs - generated by the new housing and business development set out in Feering Strategic Growth location (BDC Local Plan Policy LPP 21). Feering Parish Council therefore request that the below roads and junctions ARE included as post-opening operational monitoring sites and subsequent actions in the agreement that it is understood is being negotiated between National Highways and Essex County Council as the local Highways Authority – see 0.1.11 in the ECC Local Impact Report REP2-056 and as mentioned by ECC at the Issue Specific Hearings. Monitoring sites requested in Feering and Kelvedon Ward: 1. Inworth Road – specifically including Hinds Bridge, the narrow brick bridge with no footway over Domsey Brook 2. Gore Pit corner aka Blue Anchor junction: Junction of Inworth Road B1023 and London Road / Feering Hill B1024 and Rye Mill Lane. 3. Junction of London Road B1024 and Coggeshall Road, Feering 4. Junction of London Road B1024 and New Lane 5. Junction of Feering Hill / High Street B1024 and Station Road / Coggeshall Road, Kelvedon and Swan Street including the bridge over the River Blackwater which has narrow footways As noted in Feering Parish Council's deadline 2 submission, the current plans stop up both Feering public footpath 15 and Prested Hall drive (see the REP2-095+-096+-097+-098 -submissions by Pegasus (Prested) Investments Limited). A WCH bridge is requested over the proposed new A12 to mitigate this severance and maintain direct north-south connectivity including with the bus stops by New Lane and the proposed enhanced WCH provisions on the de-trunked A12

Applicant's Response

The Applicant welcomes Feering Parish Council's support for the proposed location of junction 24.

The Applicant also notes the earlier submissions made by Feering Parish Council during the examination process and has responded to those submissions at previous deadlines. For example, in response to comment reference 43 in the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012] and in response to comment REP2-059-002 in the Applicant's Comments on Written Representations [REP3-009].

Regarding post-opening traffic monitoring, the Applicant would refer to its response to comment reference 28 in its Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

Regarding the request for a WCH bridge over the A12 in the general area of Prested Hall Drive, the Applicant responded to this in comment reference REP2-059-005 of the Applicant's Comments on Written Representations [REP3-009].

Historic England

REP3-042-001

Sub-Question

Please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002033-D3%20Historic%20England%20-%20Comments%20on%20NH%20Response%20to%20ExQ1%2007%2003%202023.pdf>

Applicant's Response

The Applicant notes Historic England's comments on the Applicant's responses to the Examining Authority's first round of written questions [REP3-042]. Historic England refers in this submission to their previous Written Representation [REP2-060]. The Applicant has responded in detail to the Written Representation in its Deadline 3 Submission - Applicant's Comments on Written Representations [REP3-009, sub-questions 1 to 12]. The Applicant is continuing to engage with Historic England to resolve outstanding issues through the Statement of Common Ground [REP2-009].

Ian Mahoney**REP3-043-001****Sub-Question**

First meeting with Highways England and Ardent attached. From first meeting on 11th June 2021 on section 8 of notes I asked for fencing to be put in place before commencing work on temporary footbridge and footpath for my safety and security. Still no full agreement on this just draft paperwork. Needs to be fully agreed by Highways management team as per plan from Costain. Costain team very supportive. In compulsory purchase meeting it was verbally agreed by Highways they will honour the agreement in front of government inspection team. And recorded

Applicant's Response

The Applicant is aware of the plan that the Interested Party is referring to and confirms that fencing will be erected along both sides of the footpath to satisfy the safety and security requirements of the Interested Party.

The exact details of the fencing are to be discussed and agreed with the Interested Party and will be developed in line with the design of the temporary bridge and associated footpath. The fencing will be erected prior to the use of the temporary bridge by any intended user.

This will all be recorded in the position statement with the Interested Party.

REP3-043-002**Sub-Question**

2. Second documents attached are Ardent working with Countryside development utilities statement from 2017. On page 8 it was investigated by Ardent and told by National grid to privately purchase land for gas connection outside my property for the development designed by Ardent and Countryside properties in 2017. See attached document. I have continually been approached to purchase my land for use of a temporary foot bridge, both Ardent Costain and several property companies for future development. Highways state I may wish to claim blight. My land is not for sale, not for future access for future private

company, development for housing. Hence the offer of temporary use for the footbridge and path as per plan from Costain. This temporary use is what has been agreed. A detailed time scale for this temporary bridge removal needs to be stated by Highways in application. Required for exactly what period of time for Compensation to be worked out. Cannot work out Compensation without this definition. Just states in application until utilities are removed.

Applicant's Response

The Applicant can confirm that any land included within the DCO order limits is included for the sole purpose of works associated with the proposed A12 scheme.

The Applicant has sought compulsory powers to secure the Interested Party's gardens given the nature of the works proposed and to allow the Interested Party to opt for a statutory blight claim should they wish to do so. The Applicant is looking forward to continuing the engagement with the Interested Party with the objective of reaching an agreement to allow for temporary possession.

As detailed in the Outline Construction Traffic Management Plan [REP2-003] paragraph 5.9.34 states:

A temporary bridge crossing the A12 with associated temporary surfacing will be provided to create a temporary pedestrian and cycle route across the A12, linking Swan Close with Station Road. The temporary bridge would also be used to accommodate temporary utility diversions from Station Road Bridge. It is anticipated that the installation of the temporary bridge will be undertaken in Quarter 2 of 2025. Ahead of the temporary bridge installation, enabling works will be commence in Mr. Mahoney's land during Quarter 1 of 2025, which would include, but not be limited to, replacement of the highway boundary fencing, installation of security fencing to obscure viewing into the garden and the construction of the temporary footpath from Station Road to the northern abutment of the temporary bridge.

As mentioned above, the temporary bridge would also be used to accommodate temporary utility diversions. The temporary bridge is anticipated to be removed approximately 12-18 months after the installation upon the relocation of the utilities into their permanent locations. The temporary bridge would only be used by pedestrians and cyclists for the duration of the closure of Station Road. The remaining allocation of time would be used to complete the relocation of the utilities.

REP3-043-003

Sub-Question

3. A Braintree council executive was heard and recorded on camera in meeting on 1st March 2023 AM morning session in front of inspection team stating they are working with Highways about another permanent footbridge and bridleway over A12 for a future development. When questioned by Essex county council bridleway and footpath staff about this development and further footbridge to be positioned where over A12? Braintree council would not respond. Can a question be asked to Highways where this future permanent development bridge will be in their application? Obviously Highways are working with Braintree council on this development not showing on A12 application. But not informing Essex County Council. Boundary from Boreham to North of Witham is Braintree council but as new A12 diverts after Witham it will enter Maldon council Boundary. Where is this planned development and permanent footbridge bridleway by Braintree council spoken about by their representative on the A12 section under Braintree control? But not informing Essex County Council. Explanation required to what is being discussed in the background to why Councils are not talking or information being discussed at Executive levels to one another. Not on development plans either. Please advise.

Applicant's Response

The Proposed Scheme would provide six new permanent bridges for use by Walkers, Cyclists and Horse Riders (WCH). Dependent upon how they are designated will inform how they are to be used, i.e. footpath only, combined footpath and cycleway or bridleway. These bridges are all shown on many plans, including on the General Arrangement Plans as below:

- Paynes Lane Bridge – A bridleway near junction 19 at Boreham shown on Sheet 2 [AS-030]
- Gershwin Boulevard Bridge – A foot bridge to the south of Witham shown on Sheet 8 [AS-011]
- Little Braxted Bridge – A combined cycleway/footway bridge to the east of Witham shown on Sheet 10 [AS-011]
- Snivellers lane Bridge – a combined cycleway/footway near the Essex County Fire and Rescue Headquarters shown on sheet 12 [AS-012]
- Potts Green Bridge – a footbridge to the west of Marks Tey shown on sheet 18 [AS-013]

- Marks Tey Bridge – a combined cycleway/footway south of the train station at Marks Tey shown on Sheet 19 [AS-013]

No other WCH only bridges are proposed as part of the proposed scheme.

REP3-043-004

Sub-Question

4. Still no exact description, diagrams of temporary footbridge design over A12 to my land by Highways. What is in application is as a permanent structure. As those on other local routes. Inspection team should see detailed diagrams of a temporary bridge to be used with dimensions

Applicant's Response

The Applicant will provide a more detailed drawing for the temporary bridge once the detailed design has been finalised, keeping Mr. Mahoney up to date with any progress that is made.

The temporary bridge design is constrained by several factors which include the topography of the embankment in both verges, ensuring sufficient clearance from the existing carriageway, the detailed design of the proposed scheme and consideration of the proposed construction sequence. The Works Plans Temporary Works [AS-004] and the associated limit of deviation associated with Work No. T9, fix the location of the temporary bridge. These factors have been considered by the Applicant who has undertaken surveys and spoken to temporary bridge suppliers to understand the feasibility and limitations of the products available. This information led to the early concept of the temporary bridge sketch which can be found as the Hatfield Peverel Temporary Bridge in the Outline Construction Traffic Management Plan, Appendix D [APP-277].

The Applicant has acknowledged the comments from the Interested Party regarding bespoke construction and types of supports for the temporary bridge. These have been acknowledged in the Position Statement with Mr. Mahoney and will form part of future discussions with suppliers to optimise the design, installation and cost of the temporary bridge.

The Applicant looks forward to continuing engagement with Mr. Mahoney and will update the Position Statement, by agreement of Mr. Mahoney, as the detailed design becomes available.

**Holmes and Hills LLP on behalf
of J Bunting & Sons**

REP3-044-001

Sub-Question

J Bunting & Sons oral representations to the Compulsory Acquisition Hearings of the A12 Chelmsford to A120 widening DCO proposal 1 March 2023

Mr Michael Harman of Holmes and Hills LLP appeared on behalf of the Bunting Family trading as J Bunting & Sons (The Buntings') – a local farming partnership. He made the following points:- □ J Bunting & Sons own 36 parcels of land across ref numbers 12,13,14,20 and 21. □ It was disappointing that there has been inadequate engagement by National Highways with The Buntings, especially given the extent of the proposed land take; National Highways seek to acquire 220 acres of land which comprises approximately 31.5% of the landholding (and not 25% as indicated in one of the application documents). There have been some meetings, but despite these, there have been no offers/ heads of terms proposed; negotiations are apparently being stymied by the absence of detail. □ A detailed representation (document RR-007) has been lodged on behalf of The Buntings. The main issue is whether the need case has been adequately established for the purposes of s 122 of the Planning Act 2008 – particularly in relation to Borrow Pit J (which is proposed to be created on land owned by J Bunting & Sons) also whether reasonable alternatives have been considered. □ It is submitted that Borrow Pit J is not reasonably required for the reasons Mr. Garvey of Shoemsmiths touched upon in his earlier submission on behalf of Henry Robert Siggers and Parker Strategic Land. Borrow Pit J has apparently been included in the proposals as a failsafe or a backstop measure; there are clearly other quarries within the vicinity of the scheme which can provide the required materials. It seems that the proposal to put forward Borrow Pit J is heavily swayed by its central location in relation to the proposed scheme. On closer inspection, a comparison of Borrow Pit L and Borrow Pit J reveals that borrow Pit L performs better on certain impacts including groundwater, location relative to fill, air quality, heritage, cultural heritage, biodiversity noise and vibration, public rights of way etc and yet it is Borrow Pit J which is put forward. □ Insofar as attenuation ponds are concerned (parcels 13, 14h and 13-3-C), The Buntings consider that there are other reasonable alternatives or indeed potential modifications to these attenuation ponds as set out in written representation RR 007 in more detail. Not only will these ponds have an unacceptable impact on the farm holding, but they will remove a large parcel of land which sits right on the doorstep of the main, operational centre of the farm. It also has impacts on what is referred to in the full written representation as The Pigeon housing scheme. □ There are other more appropriate alternatives which could be used

for a borrow pit and our client has been waiting for and inviting dialogue on that. □ Clarification has been sought for the justification underpinning the Applicant's stated deficit of 600,000 cubic metres, but no definitive answer has been provided, which is unhelpful. □ The severance of The Buntings' landholding will make their farming operations less sustainable and will ultimately be detrimental to their business enterprise. □ Our client requires a detailed understanding of the mitigation measures being proposed, particularly as regards the proposed farm access arrangements. Many of these issues could be addressed through better engagement by/dialogue with National Highways

Applicant's Response

As recorded in the Applicant's written submissions for CAH1 [REP3-014], there has been significant engagement with the Bunting family, which is ongoing.

The Applicant's written submissions for CAH1 also responds in detail to the points that are recorded in the written submissions on behalf of JA Bunting and Sons, as these were set out in detail at the hearing by their representatives.

As explained in the Applicant's Written submission of oral case for Compulsory Acquisition Hearing, ref 28, the breakdown for the earthworks deficit figure of 600,000m³ is provided in the Borrow Pits Supplementary Technical Note [REP1-011] Section 3, which details how the volume was calculated from three-dimensional volume modelling and further supplementary calculations, giving calculated volumes for the construction elements that are combined to determine the deficit amount. There can be confidence in the figures produced because they are a product of a significant amount of calculation, undertaken by experts with significant experience in earthworks volume modelling with consideration given to appropriate assumptions to ensure they are as accurate as possible at this stage of design refinement.

REP3-044-002

Sub-Question

BUNTINGS representations to the Compulsory Acquisition Hearings of the A12 Chelmsford to A120 widening DCO proposal

Executive Summary Holmes and Hills LLP is instructed by the Bunting Family (trading as J A Buntings & Sons) a local farming partnership and owner of land within the Order Limits of the draft DCO proposal for the A12 Chelmsford to A120 widening ('The Road Scheme'). The inquiry is referred to representations made under reference nos RR-007 and REP2-113. The latter essentially refers to the earlier detailed representations and outlines, a common theme, the absence of meaningful engagement by the Promoter. This representation primarily concerns registered title number EX382223. The Buntings have objected to the Road Scheme on grounds which include: - Section 122 of the 2008 Act has not been met, namely because: o There has been a failure to consider reasonable alternatives in respect of attenuation ponds, borrow pits and ecological works o The proposed compulsory acquisition is disproportionate o There has been a failure to engage - There are more suitable alternatives for the proposed attenuation ponds on 13/14h and 14/3c. - Attenuation Ponds will unreasonably impact the Pigeon Scheme [housing development] and potentially render it unviable (or less viable at the least) – the ponds can be reduced in extent and without detriment to the Road Scheme - Borrow Pit J is not reasonably required and there are other, more appropriate, alternatives to be used. - In the alternative, Borrow Pit J should be restored and returned to the Landowner (i.e. a temporary use of land). - There will be a severance of landholding which will render farming less sustainable and ultimately detrimental to the economic enterprise. - Appropriate access for the farming enterprise needs to be secured and provided.

Applicant's Response

As recorded in the Applicant's written submissions for CAH1 [REP3-014], there has been significant engagement with the Bunting family, which is ongoing.

The Applicant's written submissions for CAH1, together with the responses provided in this document also respond in detail to the points that are recorded in the written submissions on behalf of JA Bunting and Sons, as these were set out in detail at the hearing by their representatives. The responses below again explain why the proposals for attenuation ponds and borrow pits are both appropriate and compelling. The land sought is required to facilitate the A12 scheme and the Applicant has clear and compelling reasons for the proposed acquisition.

The Applicant does not believe it is necessary or reasonable to take the land required for Borrow Pit J on a temporary basis and restore it to its previous condition as this would largely defeat the purpose of the borrow pit. Instead, the Applicant is proposing to retain the altered land once the borrow pit is worked. The Applicant would be content to secure possession of, and working of,

the land proposed for Borrow Pit J by way of a lease of the land if this can be agreed by the parties on reasonable terms.

The Applicant has sought to provide appropriate accommodation works for continued access to land. The other matters raised are matters relating to compensation and it will be for the interested parties to demonstrate loss in accordance with the compensation code.

The Applicant therefore believes the S122 tests are fully met and there is a compelling case in the public interest for the powers sought.

REP3-044-003

Sub-Question

There has been no meaningful engagement to date on the part of National Highways with the Buntings.

Applicant's Response

There has been significant engagement with the Bunting family and their agents including meetings at the farm and separately with their agents Stanfords.

An offer is being prepared in respect of acquisition by agreement and Heads of Terms relating to the borrow pit land are also to be issued. A draft side agreement has also been produced to deal with various practical matters on the ground such as farming accesses and regular meetings are being held to progress matters (meetings held on 31 January, 14 February and 14 March 2023).

It is envisaged that significant progress will be made ahead of the next Compulsory Acquisition Hearing.

REP3-044-004

Sub-Question

Objection to compulsory purchase 1. Attenuation Ponds The Buntings object on the basis that the attenuation ponds are excessive in the land take and that S3-OU7 and OU8A can be combined to negate the need for OU8. This will enable a larger block of land to be returned to the Buntings and back to the farming enterprise. The Buntings aver that OU14 can be closer to the road, narrower and more linear. Again, this will reduce land take to the long-term benefit of the farming enterprise. It will also mitigate the impact upon the Pigeon Housing scheme. The above strikes a fair balance in terms of the needs of the scheme and the public at large against the interference with the Buntings proprietary rights.

Applicant's Response

The Applicant has previously responded to the need for the attenuation ponds and associated land take for catchments S3-OU7 & 8A, S3-OU8 and S3-OU14 - see Relevant Representations responses RR-007-015 and RR-007-018 [REP1-002]. Within RR-007-015, the Applicant has clarified the need for separate attenuation ponds for catchments S3-OU8 and S3-OU7 & OU8A.

With regards to attenuation pond S3-OU14, further consideration will be given to refine the surface water drainage design proposals as part of the design development process to minimise the impact on farmland.

There has been regular engagement with the Interested Party and their representatives where further information and appropriate clarifications have been provided on this matter.

REP3-044-005

Sub-Question

2. Borrow Pits There is a dearth of analysis as to the impact of borrow Pit J on the farming enterprise. Indeed, its selection appears to be swayed heavily by it being "closer to the centroid of the proposed scheme". Indeed, such is borne out by a simple comparison against Borrow Pit L which performs better than J on: - Groundwater - Location relative to fill - Air quality -

Heritage/cultural heritage impact - Biodiversity - Noise and vibration - PROW impact. A fundamental issue is the expected excess of matter 300,000m³ for the main works which also exactly correlates with the expected material to be excavated from Borrow Pit J at a depth of 7m. Further, it transpires that it is only the programme requirement to backfill Coleman Quarry which is driving the selection or need for Borrow Pit J. The Buntings say that there are 5 or 6 alternative locations closer to the main fill areas at proposed junctions 21 and 22 which fall to be considered as reasonable alternatives (and haven't been). A closer location would be favourable in terms of reducing haulage, disruption and general environmental impact. There is also the issue of missing information/documentation pertaining to Borrow Pit J. namely: - Data that "sits behind" the borehole and trial pit logs – an FOI request has been denied. - Ground investigation data for other locations which have been labelled as "unsuitable" without transparency as to the reasons for the same. In short, there is no ability to consider or "sense check" the rationale or rationality of the promotor in discounting locations for borrow pits which may be more favourable. - Ground investigation data for other selected borrow pits – namely to, again, see whether they may be reasonably deepened, widened or lengthened to meet the scheme requirements and reduce the landtake for Borrow Pit J. - An understanding as to why material has been deemed "unsuitable" for engineered fill and whether there are treatment or design solutions which may overcome this stated issue. The nature of soil and waste within Borrow Pit J given that it is a former quarry and has historically received waste materials. - A proper understanding of dewatering and ground settlement issues if Borrow Pit J is to be excavated to 7m or indeed up to 14 metres. However, borrow Pit J is chosen and there is no real explanation as to why other, reasonable, alternatives are not (see sections 30-35 of RR-0207). One inference may be that it is the fact that it is the ~25% land-take from the holding that sways the decision, namely the Bunting farming family are being penalised by virtue of owning other land within the vicinity and land which is an integral part of their farming enterprise. In any event, there fall to be considered alternative options for Borrow Pit J itself. Such to include a shallower pit and a return to productive agricultural use thereafter. The above is notwithstanding the absence of an assessment as to proportionality of the impact of the proposed Order powers in terms of nature or extent.

Applicant's Response

Please see the Applicant's written submission of oral case for the compulsory acquisition hearing [REP3-014] ref: 28 and 29 the reasons why Borrow Pit J is required for the proposed scheme.

Written submission [REP3-014] ref 29 also states that Borrow Pit L is not a suitable alternative to Borrow Pit J, primarily because of the material available in Borrow Pit L being predominately cohesive general fill material as opposed to the granular engineering fill material required from Borrow Pit J.

The 300,000m³ of engineering fill material to be won from Borrow Pit J is not excess matter. As shown in the Borrow Pits Supplementary Technical Note [REP1-011] Table 3.1, note 3, the granular engineering fill (Class 6) is a higher quality of earthworks material (when compared to Class 1/2 general fill) required to construct specific elements of the proposed scheme, e.g. backfill to structures. This is a separate requirement over and above the general fill material requirement of 600,000m³.

The requirement for Borrow Pit J to backfill the Coleman's Quarry void is a contingency as described in relevant representation response RR-027. The Applicant maintains that winning the material from the borrow pit is the most economically and environmentally viable option as, described in Section 2.4 of the Borrow Pit Report [APP-278].

As previously specified in responses to relevant representations and stated in the Borrow Pits Report [APP-278], Section 6.4 Borrow Pit J is required to provide granular engineering fill material for the entire length of the proposed scheme, not just the general earthworks fill deficit locations of the proposed junction 21 and 22. As such its location would ideally be centrally located within the centroid of the proposed scheme. As shown in Table 5.4 of the Borrow Pits Supplementary Technical Note [REP1-011] Borrow Pit J performs the best in regard to the borrow pit options assessed for the proposed scheme.

The relevant representation response RR-007-034 assesses the six alternatives proposed by the Bunting family and gives reasons why they were not selected for assessment, or not suitable for use by the proposed scheme.

The Applicant has shared relevant geotechnical information to the Bunting family including the test results and monitoring data that are associated with land owned by the Bunting family on the 10 February 2023.

The Applicant has clarified why the Freedom of Information (FOI) requests were denied in the response to the relevant representation RR-007. The FOI responses suggested changes to be made to the request to improve the chances of being accepted next time.

It was not felt appropriate for the Applicant to share detailed ground information relating to other landowners' land with other parties. However, the ground investigation information for the wider proposed scheme is available to view via National Highways Geotechnical Data Management System, which is available to those competent in dealing with the data which requires specialist software. The appropriate National Highways dataset references will be provided to the landowner.

As discussed in both the Borrow Pits Report [APP-278] and the Borrow Pits Supplementary Technical Note [REP1-011], the selection of borrow pits for the proposed scheme has been determined through a rigorous process of assessment, which reduced 19 total potential locations down to four. Therefore, it is robust.

The assessment of suitability of materials won from the proposed scheme has been discussed in the response to relevant representation RR-007 in various sub-parts. The response details what the Specification for Highways Works describes as unsuitable material and also how the Applicant has applied the learning from the ground investigation works to quantify material considered unsuitable for use as general or engineering fill material. The response also discusses the consideration given to possible treatment options for maximising the reuse of site-won materials, as well as the constraints which may prevent this. In addition to this the Borrow Pits Report [APP-278] explains what materials are targeted as suitable from each borrow pit. This is found in Section 6.4 for Borrow Pit J.

Regarding the area of historical mineral extraction and potential contaminated land, the Applicant has responded to these queries in the response to the relevant representation RR-007. Specifically sub-parts 025 and 029. The Applicant is aware of potential land contamination in the Borrow Pit J area and has made appropriate commitments in the Register of Environmental Actions and Commitments (REAC) [APP-185] to safeguard sensitive receptors including surface water and groundwater from the mobilisation of contaminants.

The Borrow Pits Supplementary Technical Note [REP1-011] Section 5 explains what alternatives have been considered to Borrow Pit J for providing granular engineering fill material for the proposed scheme. This should be read in conjunction with the Red/Amber/Green scoring matrix in Appendix C of this report for detail behind why Borrow Pit J is the best performing borrow pit for its purpose.

Borrow Pit J has not been selected because of the affected percentage of land owned by the Bunting family. As described in Table 5.1 of the Borrow Pits Supplementary Technical Note [REP1-011], a lower percentage of land holding affected drives a preferable score for this criterion. Borrow Pit J scored worse for this criterion than the other borrow pits considered for the provision of granular engineering fill material, clarifying the above statement. However, it should be noted that this criterion is not a significant determining factor for the selection of Borrow Pit J for use in the proposed scheme because it performs better on balance of all of the criteria considered.

The Applicant is continuing to engage with the landowner regarding how the borrow pit could be worked to reduce the impact on the landowner where practicable.

REP3-044-006

Sub-Question

3. Lack of consultation A common theme across representations is that there has been a failure to consult. The Buntings preference and reasonable expectation is that there would be engagement and negotiation – this has been absent. Instead, National Highways have simply sought to provide limited responses to consultation/representations and not engaged with the substance of the issues faced by the Buntings. As above, and outlined in more detail in representations, there are a number of concerns as to the proposals in the current form but also options with alternatives that don't appear to have been considered appropriately or at all. Matters are exacerbated by the fact that the issues are ostensibly unchanged and raised previously in the summer and winter of 2021.

Applicant's Response

There has been significant engagement with the Bunting family and their agents including meetings at the farm and separately with their agents Stanfords. This is detailed in the Applicant's responses at Deadline 3 – See line 29 of written submissions for CAH1 [REP3-014].

See Relevant Representations response RR-007-015 and RR-007-018 [REP1-002] for a comprehensive response in relation to the need for attenuation ponds and their proposed locations.

Through engagement with the landowner and taking into account their feedback, the location of accesses to retained land has been included in the application and is shown by the Streets, Rights of Way and Access Plans Part 2 [AS-030]. Also see Relevant Representations response RR-007-047 [REP1-002] for a detailed response in relation to specific accesses to plots.

REP3-044-007

Sub-Question

4. Other issues The Buntings/their agents have raised a number of other issues, each worthy items and to be considered in more depth as part of a legitimate expectation that consultation from National Highways would be substantive and not a mere “box ticking” exercise. These issues include: - Reservations as to the proposed access arrangements in the vicinity of Junction 24 - Specification of access (i.e. sufficient for safe access/egress of farm machinery) - Ownership of access - The removal and creation of new public rights of way – many of which are neither required for the scheme nor a proportionate interference with the Buntings rights and farming enterprise – to issues of public safety in proposed routes being close to a “shoot” - Provision of services during the construction phase and thereafter. Essential not only for the farming enterprise but also for residential occupiers. - The functionality of the proposed flood mitigation area – given that it is on higher land than the proposed road and it is accepted that water runs downhill.

Applicant's Response

The Applicant continues to work with the Affected Party to seek agreement on a number of matters that would address the Affected Party's issues.

The Applicant's proposals for improving the public rights of way network comply with the NNNPS at paragraphs 3.16, 3.17 and 5.205 (as well as 4.77 and 5.272 of the emerging draft replacement National Networks National Policy Statement.

The Applicant has previously responded with regards to the functionality and location of the proposed flood mitigation area, see Relevant Representations response RR-007-054 [REP1-002]. The hydraulic modelling of the flood mitigation measures in and around Inworth Road is being undertaken as part of the proposed scheme detailed design, with potential refinement to the design proposal for area in question. The Applicant is also seeking to revise the scheme in relation to flood mitigation and is consulting on revised flood mitigation areas with a view to formally applying for a change to the scheme during the examination. The Applicant will discuss the proposed changes with the Affected Party during the consultation period. If the change is accepted then the flood mitigation works will be reduced in area.

John Chilcott Lindsay

REP3-045-001

Sub-Question

Good afternoon. I am John Lindsay of and these comments are also those of my wife Mary Lindsay. Thank you for this opportunity to highlight our reasons at this late stage for requesting the option of Discretionary Purchase. I shall be brief. to the proposed new Junction 24 and the tomorrow in your Accompanied Site Inspection itinerary. There, you will see first hand the issues that trouble us most, namely the Haul Roads, the Park Bridge Laydown Area, our Boundary Line with the B1023, the Noise, Dust and Visual Impact during construction and the Noise from the eventual new A12 Road Surface. has been my wife's family home since 1938 and she and I have lived there since 1994. Following the announcement of the first public consultations in 2017, for the next 6 years we have been living in the shadow, literally, of this proposed A12 Widening Scheme. During these 6 years as the scheme has evolved, we have attended countless consultations and studied reams of documentation, much of it written for civil engineering and planning professionals, trying to understand the full implications of what is being proposed. At one point, when the West Tey Garden Community proposal was still under consideration, a possible design for Junction 24 sited one of the dumbbell roundabouts directly on top Needless to say, all this reading and such revelations have been a cause

A number of on-site meetings with National Highways' representatives, Costain and Ardent around such mitigation measures as they are able to propose, have failed to dispel those concerns mentioned at the outset about living in during the construction phase and the noise from the A12 thereafter. It is not untrue to say that this scheme has totally dominated our lives for the last 6 years, without a day going by without some reference to the A12 and what it will mean for us. My wife and I are both now in our and this has been so intense that my By the time the new road opens in 2028, we will have endured 4 years of road construction and be This is not a pleasant prospect and, after much agonising, we see no alternative now but to try and move. However, realising the true value of will be virtually impossible. Two nearby properties failed to sell on the open market in the last year but we understand were successful in their applications for discretionary purchase. We do not know precisely what qualified them for discretionary purchase or the terms on which it was granted. Our concern is that were we to apply, for reasons of time or because of a technicality, we might not be eligible for discretionary purchase. The purpose of being here today is to ask you the Inspectors, if you are able to do so, to direct National Highways to grant us discretionary purchase at this late stage in the Examination process. Thank you again for your time.

Applicant's Response

The Applicant met with the Interested Party on 15/03/23 with the National Highways lands team in attendance to explain the discretionary purchase process and to exchange of contact details should the Interested Party have any questions or issues with the process in the future.

The Applicant notes the Interested Party's comments and has responded to issues raised in RR-103 of the Applicant's Response to Relevant Representations - Rev 2 [REP1-003] and the Applicant's Deadline 2 Submission - 9.19 Applicant's comments on information received at Deadline 1 [REP2-030].

The First Iteration Environmental Management Plan Appendix C: Construction Compound Management Plan [APP-187] has been updated and submitted at Deadline 4 which includes a standard layout of a laydown area as they would typically be planned on the proposed scheme.

Further details of the Applicant's response to the Interested Party can be found in the answer to question 2.5.7 in Applicant's Responses to ExQ2 [Applicant's Reference TR010060/EXAM/9.41].

Keith Lomax**REP3-046-001****Sub-Question**

The Gershwin Boulevard Footbridge

An objection and proposed alternative solution

Keith Lomax, local resident January 2023

Historical and Geographical Context

Maldon Road forms part of the B1018 that links Witham to Maldon. After leaving the built up area of the town, this is a National Speed Limit road, with no pavements and, in the area under discussion, four tight ninety degree bends. Approximately 300 metres West of Maldon Road, and joining it at the last of the aforementioned bends is Howbridge Hall Road (purple line added to the small map below left). Half way between these is a footpath shown as a dotted green line on the Ordnance Survey map. When the A12 Witham By-Pass was constructed in approximately 1975, Howbridge Hall Road was severed and the dotted section ceased to exist. Part of it is under 28 Olivers Drive and part under the A12. At the same time, the footpath was also effectively severed. It technically still exists, with access via Howbridge Hall Road, Kinloch Chase, and then crossing the A12 at road level.

Historical and Geographical Context (Housing Developments)

Subsequent to the construction of the A12 Witham By-Pass, there have been two residential developments immediately to the North of the A12 in the affected area. Firstly, approximately 600 houses were built in around 1980-1982 between Howbridge Hall Road and Maldon Road – consisting of Ashby Road, Pondholton Drive, Olivers Drive and eight small cul-de-sacs. A feature of this development is a buffer between the houses and the A12 consisting of open greensward and a line of established trees along the Southern Boundary. Between these trees and the A12 is a wide, deep ditch with a fence line along the bottom. At the point the with a fence line along the bottom. At the point the footpath in question rises to the A12 by means of a gap in the fence

and a flight of concrete steps.

Secondly, a much larger development (the "Maltings Lane Estate") has been constructed progressively through most of this century (and not finished yet) occupying most of the space in an area bounded by the A12, Howbridge Hall Road, Maltings Lane and Hatfield Road. The Southern boundary of this development is a spine road called Gershwin Boulevard.

The initial plans for this development included a footpath linking Gershwin Boulevard to Olivers Drive, South of what was then Home Farm (now Long Mead). This was removed from the plans following local opposition.

The Proposed Nature Reserve

As part of the A12 development, in line with the statutory obligation to not reduce the overall amount of open space, it has been proposed that a new nature reserve is established South of the A12, between the Southern part of Howbridge Hall Road and the line of the historic footpath.

It should be noted that the Southern end of the footpath exits onto Maldon Road on one of the sharp bends, adjacent to Olivers Farm which is now a collection of light industrial units. The road has no pavements and limited visibility due to established trees and high fences.

The field currently between the footpath and the rear gardens of houses on Maldon Road will be used as part of the construction site, and is then proposed to be returned to farmland.

Applicant's Response

The Applicant notes the Interested Party's comments, however would like to clarify that the area between Howbridge Hall Road and the existing footpath is proposed to be an ecological mitigation area, not a nature reserve, and the area between the existing footpath and the rear gardens of the houses along Maldon Road is designated replacement land for open space, and would not be returned to farmland.

REP3-046-002

Sub-Question**The “Gershwin Boulevard Bridge”**

To provide access to the proposed nature reserve, and to re-link historic footpaths, a new bridge is proposed over the widened A12. It is planned for this bridge to be a “shared use bridge” capable of being used by pedestrians, cyclists and horse riders (information taken from the Highways Agency “fly-through” video). The likelihood of any such bridge being used by horse riders is virtually zero as there is nowhere on the Witham side of the A12 appropriate for horses. The bridge is named on the plans as the Gershwin Boulevard Bridge. However, this is a misnomer as the proposed location is the middle of the greensward opposite Olivers Drive. It would end in the North East corner of the nature reserve.

The plans also include building the footpath that had previously been removed from the plans for the Maltings Lane development. This is not necessary as there is an existing footpath from Gershwin Boulevard, crossing Howbridge Hall Road and linking to Olivers Drive via Kinloch Chase. This would reduce the privacy and security of the eight houses (even numbers 14 to 28) facing the greensward. At a meeting held in Witham Library with representative of Costain, the engineer responsible stated that the only reason for the selected location was to reinstate the historically severed footpath. As the nearby houses were constructed after the footpath was severed, the historical location is no longer relevant.

Alternative Proposal

Whilst, I support the benefits that such a bridge would bring, both the proposed location and the specification of the bridge are inappropriate. Relocating the bridge approximately 300 metres to the West of the currently proposed location, such that it reaches ground level on the Southern part of Howbridge Hall Road (and thus the North West corner of the nature reserve) would give a number of advantages:

- The distance from there to the closest residences at the Northern end would be at least double that of the current proposal. Also, at 400 metres away, it would be barely noticeable from the residences on Maldon Road that are around 100 metres from the proposed location.
- The bridge would still provide access to the nature reserve.

- Whilst the current end of the footpath emerges onto Maldon Road on a bend surrounded by houses and mature trees, the Southern end of Howbridge Hall Road is more open, providing better visibility for both pedestrians and drivers.
- If a pavement could be provided on one side of Maldon Road for approximately 250 metres, it would provide safer walking access to James Cooke Wood. This is a local amenity owned by Witham Town Council which currently can only be accessed by road. From there, it would be possible to rejoin the established footpath that follows the Eastern boundary of the woof.
- There is a small parking area adjacent to the Anglian Water pumping station on the South East corner of Gershwin Boulevard.
- • There would be no requirement for an additional footpath into the end of Olivers Drive. The bridge should be designed for use by pedestrians and cyclists but not horse riders, which would reduce the visual impact for nearby residents, and presumably cost significantly less.

Applicant's Response

The applicant has provided a technical note which explains the narrative of this proposed footbridge, and consideration of an alternative location as suggested by Interested Parties. This document is available in the examination library as REP3-011.

A further response on the Gershwin Boulevard bridge has been prepared in the Applicant's response to ExQ2 2.13.2 [Applicant's Reference TR010060/EXAM/9.41].

The term WCH, short for Walkers, Cyclists and Horse Riders is a generic term that refers typically to non-motorised users. The description of a route, or structure, being 'WCH' does not necessarily mean that it will be designated for use by all of those user groups. In this case it would be designated for use by pedestrians.

The applicant is proposing to extinguish the right of way for pedestrians between footpath 121_95 either side of the A12. Currently, by its virtue of being highway maintainable at public expense with no specific traffic regulation orders banning pedestrians, and not being a special road, it is not unlawful to cross the A12 at this location.

To facilitate the widening of the A12 in this location, the existing steps and central reserve barrier gap are proposed to be removed and a length of PROW 121_95 would need to be extinguished. To facilitate the proposed scheme's operational concept pedestrians, along with other classes of road user as described in DMRB GD300, are proposed to be banned from the A12 between J21 and J25.

The Applicant has considered the requirements of the National Networks National Policy Statement with regards to public rights of way and has proposed the position of Gershwin Boulevard bridge as the most reasonable alternative provision for this extant right of way. It is appreciated that the existing A12 acts as a physical if not currently legal barrier for walking routes in this area, and the proposed alternative route as shown seeks to rectify this historic severance.

Regarding the user groups accommodated, the future-proofing of a bridge for equestrian use would not affect the overall structural form and therefore the impact for nearby residents would be unaffected.

Keith Lomax**REP3-047-001****Sub-Question**

Submission ID: 14657 I was asked to confirm my submission to the Issue Specific Hearing. I have also uploaded a short presentation that I prepared for Priti Patel MP which has images that may help to support these points. I live B, which is actually the proposed location for Gershwin Boulevard Bridge. It is my understanding that the only reason for the proposed location is a historical footpath that was severed when the current A12 Witham Bypass was constructed over 50 years ago. This bridge would massively detract from the outlook from around thirty properties in Olivers Drive, Halfacres and Ashby Road. In the proposed location, the Southern end point of the reinstated footpath will be onto a tight bend on a National Speed Limit Road with limited visibility. If the bridge was built at a location around 300 metres West of that proposed, it would link Gershwin Boulevard with the Southern part of (also severed in 1960s) Howbridge Hall Road, which would give a safer egress onto the B1018 Maldon Road. The itinerary for tomorrow's Accompanied Site Visit includes a stop at the Southern end of Howbridge Hall Road, from which it is not possible to view the impact on residential properties to the North of the A12. An additional short stop on Gershwin Boulevard (there is parking adjacent to the Anglian Water pumping station opposite the drainage lake) would allow the inspectors to view the proposed location and my alternative suggestion. This location is actually directly opposite the part of Howbridge Hall Road used for the scheduled stop.

Applicant's Response

The applicant has provided a technical note which explains the narrative of this proposed footbridge, and consideration of an alternative location as suggested by Interested Parties. This document is available in the examination library as REP3-011.

A further response on the Gershwin Boulevard bridge has been prepared in the Applicant's response to ExQ2 2.13.2 [Applicant's Reference TR010060/EXAM/9.41].

Lynfield Properties Ltd

REP3-049-001

Sub-Question

Submission ID: 14838 Lynfield Properties Ltd, Landlord to: Co-Op PFS, Balgores Bodyshop, Regatta Garden Furniture and Robinsons Recycling at the gateway to Witham, CM8 1ED. Further to our previous submissions 14202 and 13578 and the applicants response to Rep1-036.

We still have serious concerns about the scheme; whilst reasonable modifications could be made to the site to mitigate the adverse effects, we are of the opinion that the scheme will detrimentally affect our business and may in fact make some components of it inoperable. Please could you advise the timescale we have available to appear before the inquiry. We are currently engaging with the VO and Ardent and hope to remedy the matters that concern us, we have a meeting arranged for 16th March 2023 to this end. That said we reserve the right to make a fuller representation should our negotiations with National Highways not prove fruitful.

Applicant's Response

Submission 13578, identified as REP1-036, was responded to in the Applicant in Applicant's Comments on information received at Deadline 1[REP1-030]. Submission 14202, a Written Representation identified as REP2-066, was submitted at Deadline 2 and was responded to in the Applicant's Comments on Written Representations [REP3-009].

Further to these responses, the Applicant would like to add that new provision is provided for HGV customers to exit the site. Sheet 7 of The Streets and Rights of Way Plans [AS-008] shows a Private Means of Access (PMA) (7/A) included from the existing HGV exit from the site that would enable HGVs to drive to the existing Hatfield Road. The bulbous shape at the southern end of this PMA is to cater for the swept path of the HGV's as they turn to leave the site.

With the proposed scheme, HGV and other vehicular access and egress to and from the site would be enabled from the A12 via the new all movements junction 21, for both northbound and southbound traveling vehicles.

Traffic passing southbound would be able to access the site from J21, whereas currently it would either need to leave at J22 and travel through Witham or turn around at Hatfield Peverell.

During the meeting of 16th March, the Applicant confirmed the examination timetable to both owners of Lynfield Properties and their agent.

Maldon District Council**REP3-050-001****Sub-Question**

Dear Sirs, RE: 20033123 - PROCEDURAL DEADLINE 3 SUBMISSIONS I write on behalf of Maldon District Council with regards to Deadline 3 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 - Written Submissions on Oral Representations made at Issue Specific Hearings 1 & 2 • Appendix B - Comments on Local Impact Reports • Appendix C - Comments on draft Statements of Common Ground & Statement of Commonality • Appendix D - Comments on responses to EXQ1 • Appendix E - Comments on any further information received by Deadline 2. The Council trusts this information is to your satisfaction. Yours sincerely,

Paul Dodson Director of Strategy, Performance & Governance

Applicant's Response

The Applicant notes the Interested Party's comments.

The Applicant has responded to the Appendices referenced by the Interested Party in the following sections of this document:

- Appendix A - Written Submissions on Oral Representations made at Issue Specific Hearings 1 & 2 (REP3-051-001 to REP3-051-005)
- Appendix B - Comments on Local Impact Reports (REP3-052-001 to REP3-052-004)
- Appendix C - Comments on draft Statements of Common Ground & Statement of Commonality (REP3-053-001 to REP3-053-006)
- Appendix D - Comments on responses to EXQ1 (REP3-054-001 to REP3-054-012)
- Appendix E - Comments on any further information received by Deadline 2 (REP3-055-001 to REP3-055-002)

Maldon District Council
REP3-051-001
Sub-Question

1.1 MDC noted that the Applicant's Project specific objectives in the Environment Statement [ES6.1 Chapter 2, Table 2.2 – APP-069] include: "Proposed scheme supports the growth identified in Local Plans by reducing congestion related delay, improving journey time reliability and increasing the overall transport capacity of the A12". Maldon District is part of Essex and has had planned growth since the Local Development Plan (LDP) was approved in 2017. MDC strongly supports this aim and the principle of widening the A12.

1.2 The A12 is a crucial element of the strategic road network (SRN) for residents and business in Maldon District travelling to Chelmsford, London and the motorway network to the south and Colchester and Ipswich to the north. The two main access routes to the A12 are (i) along the B1019 Maldon Road via the Duke of Wellington mini roundabout to junctions 20a and 20b at Hatfield Peverel, or (ii) along the A414 to junction 18. The main settlements of Maldon and Heybridge in the Maldon District at approximately 4 miles detailed in the MDC LIR [REP2-068].

Applicant's Response

The Applicant welcomes the Interested Party's comments.

REP3-051-002
Sub-Question

1.3 It is common ground that the Duke of Wellington mini roundabout does not operate well; provides a poor level of service; is frequently congested; and is not suited to the amount and type of traffic going to and from the A12. A Statement of Common Ground between MDC, Braintree District Council and Essex County Council dated 2015 in support of strategic growth in the Maldon District in the then Draft Local Development Plan (the North Heybridge Garden Suburb) [APP-094] Paragraph 3.1, page 9, 6.3 Environmental Statement, recognised some 7 years ago the capacity issues on the B1019 to Hatfield Peverel and at the

Duke of Wellington Mini Roundabout and its operation at Level of Service D and 85% capacity at off peak and over 85% capacity on peak.

1.4 The Project has established traffic flows in [APP-256] 7.2 Transport Assessment - Appendix C: Traffic Flow Diagrams and these were screened at the Hearing by the Applicant. MDC requested confirmation of the traffic flow data south of Church Road, Hatfield Peverel (Position 9), is emanating from the Maldon District and how the traffic flows on the Duke of Wellington Bridge (Position 7), currently operating one way, will alter when the Duke of Wellington Bridge is upgraded to 2-way traffic connecting to the new northern arm from Junction 21 (replacing existing 20b off slip).

1.5 At the Hearing, MDC's Counsel, Mr Robin Green, asked if all planned economic and housing growth in the Maldon District can still be accommodated with the Project's complete closure of Junction 20a? Mr Robin Green also asked if complete closure of Junction 20a will affect future strategic housing and economic growth scenarios as already planned and largely approved in the north of the Maldon District and constrain Maldon District's growth potential? It would seem the Applicant is concerned about the latter already as it commented on the Council's Reg 18 LDP Review Issues and Options consultation in March 2022 in respects of its views on seven possible new Options for Growth. It stated in its representation that Option 6 – which was exploring focusing growth in the north of the Maldon District: "...could lead to detrimental impact upon the operation of the A12, even though there is a programmed scheme to widen the A12 between J19 and J25. This would need investigating and mitigating if this option were to be pursued."

1.6 MDC understands the traffic flow data baseline was established in 2019. MDC has reviewed [APP-264] 7.3 Combined Modelling and Appraisal Report – Appendix C: Transport Forecasting Package Report and notes the 'Uncertainty Log' relating to Maldon District's planned economic and housing growth within the adopted LDP, 2017 under-represents the District's strategic housing growth numbers and delivery targets in 2027 and does not consider the District's economic growth in its allocated employment sites, including the largest in Heybridge.

1.7 Whilst MDC note the operation of the road network could facilitate growth, it could also hinder it with the above. At the outset of the consultation process, MDC has sought the provision of an alternative link from the B1019 Maldon Road to the A12 that avoids the Duke of Wellington mini roundabout and much of the village of Hatfield Peverel, but this has been ruled out by the Applicant. Instead, the mini roundabout and the Duke of Wellington Bridge, which at the moment takes one-way traffic, but in the Project proposes to widen and make two-way, will connect to the new junction 21.

1.8 The Project remains dependent on the Duke of Wellington mini roundabout to take all modes of transport (HGVs, LGVs, vans, cars and motorbikes) by turning right only to the new Junction 21 via the upgraded Duke of Wellington Bridge. The Applicant suggested at the Hearing that 'appropriate signage' opposite the Maldon Road junction outside the Duke of Wellington Public House, will inform the motorist to turn right only; but MDC is not convinced this will be effective. MDC feel it is worth mentioning that the Applicant team referred to this junction at the Hearing as a 'roundabout'. For the avoidance of doubt as the Examination Authority will have seen from the Accompanied Site Visits on 2 March 2023, it is mini-roundabout painted onto the surface of the road. MDC have consistently raised this since 2019 that the Level of Service D operation at the mini-roundabout is expected to handle all modes of transport including HGVs, LGVs, vans, cars and motorbikes coming from and going to the Maldon District.

1.9 Turning right only at the Maldon Road junction to access northbound and southbound routes via Junction 21 could mean longer waiting times at the Duke of Wellington mini roundabout / Maldon Road Junction (if all of Maldon District's continued growth and regeneration had been modelled as set out above) and safely navigating the Duke of Wellington mini roundabout from the Duke of Wellington Bridge to access Maldon Road.

1.10 The Project has established traffic flows in [APP-256] 7.2 Transport Assessment - Appendix C: Traffic Flow Diagrams and these were screened at the Hearing by the Applicant. MDC requested confirmation of the traffic flow data south of Church Road, Hatfield Peverel (Position 9), is emanating from the Maldon District and how the traffic flows on the Duke of Wellington Bridge (Position 7), currently operating one way, will alter when the Duke of Wellington Bridge is upgraded to 2-way traffic connecting to the new northern arm from Junction 21 (replacing existing 20b off slip).

1.11 Following the Hearings, the Accompanied Site Inspection at the Duke of Wellington Mini Roundabout 2 March 2023 at approximately 15:30pm illustrates the points above. 1.12 In MDC's view therefore, the Applicant is being short-sighted and inconsistent with the scheme specific objectives of the Project to reject the provision of a new link to the A12 that avoids the Duke of Wellington mini roundabout. With cooperation between National Highways and Essex County Council, we consider that an appropriate solution could readily have been found, and the failure to pursue this is going to result in an avoidable drag on growth in the District now and in the future.

1.13 Although MDC understands that the parameters of the Project are largely settled by the terms of the Application, it would be possible to impose a negative requirement ensuring the timely provision of an appropriate new Maldon Link Road. 1.14 To summarise, MDC feels two questions remain outstanding; that is 1) to what extent has National Highways modelling had regard to planned growth in Maldon District; and 2) does National Highways agree that the Duke of Wellington mini roundabout has insufficient capacity at present to support the current and predicted levels of traffic using it and it is only a situation that is going to get worse in the next three or four years.

Applicant's Response

The Applicant acknowledges this written summary of the oral representations made at Issue Specific Hearing 1.

The Applicant has already addressed the Interested Party's points. These responses are presented in its Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

For added clarity, a summary is provided below about where the Applicant's response to each of the Interested Party's points can be found.

Paragraph 1.3: this response is noted.

Paragraph 1.4: see response 14 in the Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

Paragraph 1.5: response 13 in the Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012] provides information on how planned traffic growth is taken into account in the Applicant's traffic model. The Applicant assess the impact that the proposed scheme would have on traffic conditions against a baseline where committed growth in Maldon District has already taken place.

Assessing the impact that additional housing growth (i.e. developments without existing planning applications) would have on individual junctions is outside the scope of the assessment of the proposed scheme. Regarding the comment that National Highways provided on the Maldon District Council Issues and Options consultation, this comment was made in National Highways' capacity as the highway authority, traffic authority and street authority of the Strategic Road Network. Even if the Applicant's proposed scheme is delivered, the impact that future housing growth (over and above what is currently committed) would have on the Strategic Road Network such as the A12 would need to be investigated - and mitigated if required.

Paragraph 1.6: response 13 in the Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012] provides information on how planned traffic growth is taken into account in the Applicant's traffic model. This is done in line with guidance set out in Unit M3 of the Department for Transport's Transport Analysis Guidance.

Paragraphs 1.7 to 1.9: see response 12 in the Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

Paragraph 1.10: see response 14 in the Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

Paragraphs 1.11 to 1.12: see response 12 in the Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

Paragraph 1.13: for both questions (1) and (2), see response 13 in the Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

REP3-051-003

Sub-Question**2 Air Quality [MDC Local Impact Report, section 6.2 – REP2- 068]**

2.1 As indicated earlier, there are two main routes connecting Maldon District to the A12: the B1019 and the A414. Car ownership in the Maldon District is the highest in Essex (89%) and higher than the regional or national average. Transport makes a significant contribution to poor air quality. There are no alternative transport connections for all modes of transport (HGVs, LGVs, vans and cars) out of Maldon and Heybridge as the main settlements in the Maldon District to the SRN other than the B1019 to Junctions 20a and 20b at Hatfield Peverel and the A414 to the SRN via Danbury in Chelmsford City Council area to Junction 18 at Sandon. Similarly, commuter traffic from the Maldon District connects to the Strategic Rail Network at Hatfield Peverel Station (as the nearest rail connection to Maldon and Heybridge). As set out previously, Maldon and Heybridge have significant allocated strategic housing and employment growth planned in the adopted LDP, 2017.

2.2 Leading on from the Traffic and Transport points above and based on MDC's response to Examiners First Questions, MDC's Counsel, Mr Robin Green, asked if the air quality assessment undertaken supports the traffic modelling conclusions of a Level of Service D waiting times with a junction operating at 85% capacity off peak and over 85% capacity at peak times at the Duke of Wellington Mini Roundabout junction with Maldon Road. MDC understands the baseline data for the air quality assessments is from 2017 and 2018 and the baseline data for the traffic flow modelling is 2019.

2.3 MDC understands from the Environmental Statement Chapter 6 [APP-073] 6.8.24 that receptors were located near the ARN (Affected Road Network) 'with potential to cause air quality issues at nearby sensitive receptors, should they exist, based on threshold traffic flows.' Construction work affecting junction 20(a), upgrading the Duke of Wellington bridge and the new junction 21 are likely to lead to increased traffic on the A414, which passes through two statutorily designated Air Quality Management Areas (AQMA), including Market Hill in Maldon.

2.4 During construction phase, MDC is concerned that Maldon District residents, businesses and visitors may have to find their own alternative routes to and from the SRN. The A414 to Junction 18 Sandon via Danbury is the only suitable route connection to the SRN to and from the main settlements of Maldon and Heybridge for all transport modes. There are two Air Quality Management Areas (AQMAs) on the A414 at Market Hill, Maldon and Oak Corner, Danbury. This likely increase in traffic will have an adverse effect on the Market Hill AQMA, and it is not clear that this has been modelled accurately. MDC's Counsel, Mr Robin Green, asked why the Applicant disregards any impacts on the AQMAs in Maldon and Danbury on the A414, through increased traffic flows as diversionary or alternative routes as a result of the Project's construction?

2.5 Finally, it was queried whether drivers from Maldon & Heybridge queuing at the Duke of Wellington mini roundabout have also been considered as they will also be affected by poor air quality.

Applicant's Response

Point 2.1: The Applicant acknowledges the point made in 2.1.

Point 2.2: The Environmental Statement air quality assessment Chapter 6 [APP-073] was undertaken using modelled traffic data representing the base year 2019. Modelled air quality results for the base year were then compared with air quality monitoring results undertaken in 2017/2018 but adjusted to 2019. Therefore, the air quality assessment reflects the traffic modelling outcomes for 2019.

Point 2.3: The Applicant notes the Interested Party's statement and does not agree with the interpretation of 6.8.24. This paragraph explains that sensitive receptor locations were chosen at locations near the Affected Road Network (ARN) where traffic modelling indicated that emissions were likely to increase or where the highest concentrations were expected to occur, and at locations where air quality is likely to improve as a result of the proposed scheme. The sensitive receptors also include the potential future baseline by including locations subject to consented mixed use planning applications. The quote provided by the Interested Party does not appear in the ES Chapter 6.

Point 2.4: The Applicant has previously acknowledged MDC's concern and responded in Section 6.2.5 and 6.2.11 and 6.2.12 of 9.34 Applicant's comments on Maldon District Council's Local Impact Report (volume 9) [REP3-018].

Point 2.5: Drivers are not assessed as part of an air quality assessment because their location is transient and therefore the pollution exposure is intermittent and cannot be compared against the long term (annual mean) or short-term (1-hour mean) averaging periods relevant to road traffic pollutants (i.e. NO₂, PM) at a specific location. This is in line with DMRB LA 105. Delays at this junction have been assessed, the result of which are shown in 9.37 Applicant's Comments on the Essex County Council Local Impact Report Appendix B Essex LIR-Traffic Datapack Plate 167/8 (May 2022).

REP3-051-004

Sub-Question

3 Cultural heritage [MDC Local Impact Report, section 6.7 – REP2- 068]

3.1 The proposed Cadent gas main diversion includes provision of a maintenance access track from Little Braxted Lane. Little Braxted Lane connects to the A12 at Junction 22, but it is also highly constrained, is a single-track lane, with 2m width restrictions and passing places, which passes over a number of bridges, one of which has a 3-Tonne weight limit and one of which is a listed structure (Little Braxted Mill House Bridge) in its own right. There are a number of other heritage assets Little Braxted Lane covering all Grades, and the entrance to the proposed access track would be opposite the Grade I Listed Church of St Nicholas (Listing Entry 1111066), the Grade II Listed Church of St Nicholas Monument (Listing 1146792) and the Grade II Listed Little Braxted Hall and railings enclosing garden (Listing 1111063) as set out on MDC's mapping extract below, which also illustrates the presence of land in the Order Limits within the red line. 3.2 MDC is concerned to know if the applicant has fully considered the likely impact of the use of Little Braxted Lane for maintenance vehicles on the heritage assets along it. The Council is concerned after a recent incident involving the Applicant's contractors which is set out in more detail in MDC's LIR, which affected residents and businesses which use the lane for access.

3.3 At the Hearing, the Applicant displayed a map showing the location of listed buildings immediately adjacent to and on the LRN. The Examiners confirmed that they had visited Little Braxted Lane on the Unaccompanied Site Inspections and are aware of the locations of the listed buildings and structures on the LRN in relation to the Gas Main maintenance track access.

3.4 MDC's Counsel, Mr Robin Green, asked what proposals are going to be included in the order to ensure that vehicles intending to use the access track are not too wide, too heavy or too long to be used on Little Braxted Lane, particularly if they are related to the construction of the A12 or the gas main, or its ongoing maintenance.

Applicant's Response

The Applicant notes Maldon District Council's comments on the response to the Examining Authority's first round of written questions. The Council refers to their Local Impact Report for detailed comments on the issues raised. The Applicant has responded to these comments in the Deadline 3 Submission - Applicant's Comments on Maldon District Council's Local Impact Report [REP3-018, sub-questions 6.6 to 6.6.8]. The Applicant is continuing to engage with Maldon District Council to resolve outstanding issues through the Statement of Common Ground.

REP3-051-005

Sub-Question

4 Biodiversity [MDC Local Impact Report, section 6.3 – REP2- 069]

4.1 Just before MDC made representations on this topic at the Hearing, the Applicant's ecologist updated the Examining Authority on the latest survey work; the results of which had not yet been published and fully digested by MDC. Among other things, one Black Poplar at Blue Mills Nature Reserve had been found to be a veteran tree, and the other holt referred to in MDC's LIR as existing had been confirmed. The Applicant also confirmed the alternative route advocated by MDC in the LIR and supported by the landowners was also being assessed.

4.2 Six weeks into the Examination, MDC did not know the final alignment of the gas pipeline diversion, nor does it have full details of the construction methodology, nor the proposed mitigations so MDC is in some difficulty in responding to proposals that have not yet been finalised. It was noted that the Examining Authority asked a similar question about when the proposals for the gas pipeline would be finalised.

4.3 At the hearings, MDC noted that the preferred gas main corridor, No. 4 (work number U69 on the works plans), will pass through Blue Mills Nature Reserve; as set out in the LIR, a reserve which has no public access and is a rich wildlife haven for many species of plants and animals. However, the final alignment of the gas main has not been determined and it is difficult to assess the likely biodiversity impacts before the recent survey work has been completed. MDC has suggested an alternative alignment in the LIR but without having sight of the survey results, and without knowing the details of the proposed alignment, method of construction and proposed mitigation, it is not possible to say more about this at the moment.

4.4 The gas main diversion is a significant and albeit discrete element, amounting to an NSIP in its own right [see the Gas Main Diversion Screening Assessment APP-097]. The gas main diversion will cause localised biodiversity impacts and MDC considers that any mitigation should be as close to the area of impact as possible. Tree planting or woodland enhancement along elsewhere in the A12 corridor would not be appropriate mitigation for specific impacts on the nature reserve; should be as close to the Blue Mills Nature Reserve as possible.

Applicant's Response

As stated in 9.27 Applicant's Response to ISH 1 [REP3-012], the alternative route proposed by Maldon District Council within their Local Impact Report [REP2-068] is the subject of ongoing discussions with Cadent Gas.

As the Applicant explained at ISH1, it is not the case that no information on the proposed gas main diversion has been presented by the Applicant. Order Limits have been drawn for the diversion at a width greater than 30m to enable Cadent to determine siting within the corridor that is most appropriate for the route of the gas main, taking into consideration factors including sensitive environmental receptors and ground conditions, as is the usual procedure when consenting such infrastructure. By having a wider Order Limits there is greater flexibility in the design for this purpose.

A full assessment of the potential effects of the gas main diversion has been undertaken. This has been done assuming a 30 metre corridor within order limits, so that the worst case has been assessed, but there would be scope to replant parts of the 30m corridor to reduce the width of the gap in the long term as per commitment LV14 of the REAC [APP-185]. The proposed methodology also assumes open-trench cutting, subject to discussions with Cadent. Measures to mitigate have been identified in the REAC [APP-185] at LV14, LV15, with respect to Replanting along the easement corridor and minimising the working width for the installation of the gas main diversion as far as reasonably practicable through woodland and where the gas main diversion crosses through hedgerow field boundaries. The assessment assumes a trenchless crossing of the River Blackwater as per commitment LV15 [APP-185].

Discussions with Cadent are ongoing regarding micro-siting of the pipeline with a view to minimising the effects, however the Applicant has presented a realistic worst-case scenario in order that the Examining Authority and Interested Parties are able to take a view of the proposals.

Although construction of the pipeline would lead to a loss of trees, it is effectively creating a ride through the woodland which will increase the diversity of habitats, providing open areas which may benefit some plant and insect species (see Applicant's Response to 7.0.3 on page 121 of 9.14 Applicant's Response to the Examining Authority's First Round of Written Questions [REP2-025]). It is therefore not considered that there would be an impact on the integrity of the proposed Local Wildlife Site and therefore concluded that no bespoke mitigation would be required. In addition, the proposed scheme is delivering an overall net gain of 25% for habitats, 36% for hedgerows and 157% (Table 9.32 of Chapter 9 Biodiversity [APP-076]).

Maldon District Council
REP3-052-001
Sub-Question

The Examining Authority (ExA) issued Deadline 2 on the 13th February 2023 which required the submission of a Local Impact Report (LIR) from affected parties. The LIR for the Maldon district [REP2-068] highlighted the impact of the Project (the widening of the A12 including the Cadent Gas Main diversion) on the residents and businesses of, and visitors to, Maldon. The analysis below points to areas of common interest and views between Maldon District Council (MDC) and its neighbouring authorities, as well as Essex County Council (ECC), being the main authority for Essex.

Applicant's Response

The Applicant notes the Interested Party's comments.

REP3-052-002
Sub-Question

1. Air Quality 1.1 MDC has raised concerns regarding: i) the impact of the construction phase of the Project on air quality at two air quality management area (AQMA) sites at Market Hill, Maldon and Danbury, Chelmsford on the A414; ii) the impacts of traffic originating from the Maldon district on the air quality of Hatfield Peverel as a result of the closure of Junction 20a and the proposed Junction 21.

1.2 As to (i), the construction phase at Hatfield Peverel may cause delays on the B1019 Maldon Road and motorists may seek an alternative route to connect to the strategic road network (SRN) at Junction 18, Sandon. This has been the assumption of National Highways: that when Junctions 20a and 20b close, traffic will find alternative routes to the SRN. The main routes to the SRN for Maldon district residents and businesses (HGVs, LGVs, vans, cars and motorbikes) are via the A414 or via the B1019. The A414 from Maldon and Heybridge runs through the Danbury AQMA and joins the A12 at Junction 18, whilst the A414 at

Maldon commences at the Market Hill AQMA and continues onwards to Heybridge and onto the B1019 which runs through Hatfield Peverel to the Maldon Road junction and the Duke of Wellington (DoW) mini roundabout. If the Project causes delays, through construction on the B1019 Maldon district traffic will use the next suitable route via the A414 through both the Maldon AQMA and Danbury AQMA (Outline Construction Management Plan [APP-272]). 1.3 It is noted that the impacts of the Project on the air quality along the AQMA in Danbury, Chelmsford have not been raised as a concern by the neighbouring local authority or by ECC who defers to the respective Local Authorities. 1.4 As to (ii), MDC has raised concerns regarding the air quality in Hatfield Peverel, within the neighbouring Braintree district, during operation of the new Junction 21 as a result of traffic from the Maldon district queuing at the Duke of Wellington mini roundabout. These concerns do not appear to be shared by Braintree District Council (BDC), which states in its LIR [REP2-041] that the Council's air quality specialists have assessed the information provided in the Development Consent Order (DCO) and concluded the information submitted is adequate and follows the methodology set out in the relative guidance. ECC however, has requested through its LIR [REP2-055] that additional air monitoring should be carried out in several locations, one of which is the B1019/The Street in Hatfield Peverel. It is therefore considered that whilst ECC defer air quality issues to the relevant Local Authorities (LAs), it shares the concerns of MDC in relation to the effect of the Project on air quality at Hatfield Peverel (ECC LIR, paragraph 8.2.16) and wishes mitigation measures to be included to evaluate this possibility. MDC welcomes this support but feels that the Applicant and National Highways should reach an agreement within the DCO as to what would be the consequence of air quality levels exceeding modelled thresholds during construction and following the opening of the Project. 1.5 MDC notes there is an inconsistency in the approach to air quality monitoring within the LIR and Statement of Common Ground (SoCG) submitted by BDC. The consultant commissioned by BDC to assess the approach by the Applicant has taken towards the assessment of air quality during construction and operation states they consider the assessment provided by National Highways to be thorough, following the correct guidance and any exceedances in air pollution were considered not to be significant for the BDC area. With MDC's specific reference to the Maldon Road junction with the Duke of Wellington mini roundabout, BDC assume within their SoCG that more reliable air quality monitoring data will become available 'as the project progresses to reduce the uncertainties of the model input data', calling for a 'comprehensive construction management plan' to 'be agreed and implemented to prevent and control air pollution'.

1.6 MDC notes ECC's deferral of air quality issues to LAs but note as detailed in Appendix A of ECC's LIR and referred to in paragraph 4 above, ECC has requested air quality monitoring relating to traffic monitoring at the B1019 The Street/Maldon Road (Duke of Wellington) junction, Hatfield Peverel (ECC LIR Appendix A [REP2-055]).

Applicant's Response

Point 1.1 and point 1.2: The Applicant has previously acknowledged this concern and responded in Section 6.2.5, 6.2.11 and 6.2.12 of 9.34 Applicant's comments on Maldon District Council's Local Impact Report.

Point 1.3: The Applicant notes the Interested Party's comment.

Point 1.4: Braintree District Council (BDC) currently undertakes NO₂ diffusion tube monitoring in the vicinity of the Duke of Wellington mini roundabout and at the junction with Bury Lane in Hatfield Peverel. This was commenced in June 2021 (post assessment but prior to the submission of the ES Air Quality Chapter 6 [APP-073]). The Applicant will continue to discuss aspects of monitoring where an exceedance of the Air Quality Objective was predicted in opening year 2027 i.e. Colchester (receptor R189 and R193) and Chelmsford (receptor R225). The Applicant has responded to this matter in greater detail in its responses to ExQ2 2.2.1 and 2.2.5 [Applicant's Reference TR010060/EXAM/9.41]. This would provide an annual mean measured concentration for comparison against the air quality standard and to establish if an exceedance is likely with the predicted road contribution. Under LAQM TG22 Guidance if an exceedance was measured at a relevant location BDC would need to consider declaring an Air Quality Management Area and the introduction of air quality mitigation measures if appropriate.

Point 1.5: This is covered by Point 1.4 and the National Highways position outlined within Section 3.5 Issues under discussion, Table 3.4, Ref 2.2 of the BDC SoCG [REP2-020]. With regards to the Construction Management Plan, standard mitigation is already included in the Register of Environmental Actions and Commitments (REAC) [APP-185], within First Iteration Environmental Management Plan (EMP) - Appendix E: Dust Management Plan [APP-189] which is included as part of the DCO application. Further information is provided in the Environmental Assessment Methodology Chapter 5 [APP-072].

Point 1.6: This has been responded to by Point 1.4 above.

REP3-052-003

Sub-Question

2 Landscape and Visual 2.1 The impact of the Project on the landscape of the parish of Wickham Bishops and the Blue Mills Nature Reserve as a result of tree and habitat loss are of significant concern to MDC, as detailed in section 6.9 of its LIR, and would be contrary to policies N1 and N2 within the Maldon District Local Development Plan 2017. The preferred Cadent Gas Main diversion corridor would run through a section of the Blue Mills Nature Reserve, where there are rare species of Black Poplar trees, one of which has been designated as a veteran tree in the Applicant's Arboricultural Report. The Retained and Removed Vegetation Plans [APP-035] show a large section of trees, hedges and vegetation to be removed (based on a worst-case scenario) within the parish of Wickham Bishops and the neighbouring parish of Witham in Braintree district.

2.2 ECC states (LIR paras 9.2.6 and 9.6.12) that it is important for veteran trees to be identified, and (LIR para 9.2.7) that candidate veteran trees, which are considered the veteran trees of the future, provide important habitats for mammals and invertebrates. ECC considers 'the impact of the loss of these trees particularly the category A and potential veteran trees in the local landscape is significant, both visually and environmentally. When considering that the England Trees Action Plan (2021-2024) aims to enhance tree stock, not knowing the actual impact of loss of irreplaceable habitat prior to consent has the potential to lead to the loss of more significant trees, impacting on the local environment' (LIR para 9.2.8). This view supports the concerns raised by MDC in relation to the loss of trees and the negative impacts on habitats and visual amenity, particularly within Blue Mills Nature Reserve and the north-western parishes within the Maldon district. The Project will result in a permanent scar through the Blue Mills Nature Reserve within the Maldon district and as noted by ECC will result in a significant impact on the landscape within the Order Limits due to the loss of 10 category A trees, 50 category B, 34 category C and two category U trees in addition to the proposed loss of 380 other trees (ECC LIR para 9.2.9). 2.3 Comments submitted by BDC within their LIR [REP2-041] also highlight the significant number of trees proposed for removal and state this will have a significant effect on the landscape characters of the land adjacent to the Project. It is considered the impact of the Project would be such that some of these areas will still experience significant landscape changes 15 years after the completion of the Project. This emphasises the issues raised by MDC in its LIR at sections 6.3 and 6.9 in terms of trees loss, disturbance (and possible loss of) habitat for wildlife, and the legacy impact of the Cadent Gas Main diversion on a recommended Local Wildlife Site at Blue Mills Nature Reserve and the surrounding landscape of Wickham Bishops.

Applicant's Response

The Applicant has previously responded to these issues in the following Deadline 3 submissions:

- Sections 6.3 – 6.3.23 and 6.9 – 6.9.8 of 9.34 of Applicant's Comments on Maldon District Council's Local Impact Report [REP3-018]
- Section 9.2.1 – 9.2.16 of 9.37 Applicant's Comments on Essex County Council's Local Impact Report [REP3-021]
- Section 6 Landscape and Visual of 9.36 Applicant's Comments on Braintree District Council's Local Impact Report [REP3-020]

REP3-052-004

Sub-Question

3 Traffic and Transport 3.1 Maldon district has a high level of car ownership at 89% which is higher than the regional or national average due to the lack of sustainable transport options. The impact of this heavy reliance on cars is significant, commuting from Maldon and Heybridge to the nearest SRN connections and National Rail Network connections plus traffic associated with the District's main employment site in Heybridge (HGVs, LGVs, vans and lorries) cause congestion in the Braintree district, most notably Hatfield Peverel, as a result of queueing traffic at the Duke of Wellington mini roundabout/Maldon Road junction on the Local Road Network (LRN).

3.2 MDC fears its existing and future housing and employment (economic) growth has not been adequately taken into consideration in the traffic modelling of the Project, which may result in a deterioration in the short-term of the current Level of Service D experienced at the Duke of Wellington mini roundabout. Future growth in the north of the District could be constrained because of the congestion at the Duke of Wellington mini roundabout/ Maldon Road junction. ECC notes (LIR para 8.3.23) that the modelling carried out by the Applicant 'indicates that the A12 widening scheme would result in a modest improvement to the overall operation of the Duke of Wellington junction in both the 2027 and 2042 future-year scenarios. This improvement is not

observed on all arms of the junction, however; the Maldon Road arm in particular would experience higher delay and queues with the A12 scheme in place'. ECC therefore supports the concerns of MDC and the need for monitoring of the current Level of Service D at the Duke of Wellington oW mini roundabout with the Maldon Road junction in the shorter term to ensure Maldon District residents, businesses and visitors are not disadvantaged by the Project. MDC remains particularly concerned that the closure of Junction 20a will encourage all modes of transport to turn right at the Duke of Wellington mini roundabout / Maldon Road junction. MDC considers waiting times will increase at the Maldon Road junction where all queueing traffic at Maldon Road will turn right (and not left with Junction 20a operating). In light of this, ECC has suggested the design of Junction 21 should be amended to allow for a future Maldon Link Road to join the southern arm of Junction 21, allowing for traffic emanating from the Maldon district to avoid the Duke of Wellington mini roundabout and the Maldon Road junction to turn right. This would improve journey times for Maldon District residents, visitors and businesses and improve the quality of life for the residents of Hatfield Peverel.

Applicant's Response

The Applicant has responded to the Local Impact Reports produced by Maldon District Council and Essex County Council in the following documents:

- Applicant's Comments on Maldon District Council's Local Impact Report [REP3-018]
- Applicant's Comments on Essex County Council's Local Impact Report [REP3-021]
- Regarding the specific areas of common interest highlighted in the Interested Party's response:
- The Applicant has responded to the Interested Party's concerns that its future growth has not been adequately taken into account in the Applicant's traffic modelling. This response is provided in response 13 in the Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].
- The Applicant responded to Essex County Council's comments about the monitoring of traffic impacts in response 8.2.30 - 8.2.37 of the Applicant's Comments on Essex County Council's Local Impact Report [REP3-021].
- The Applicant responded to Essex County Council's comments about a potential Maldon Link Road in response 8.3.22 - 8.3.27 of the Applicant's Comments on Essex County Council's Local Impact Report [REP3-021].

Maldon District Council
REP3-053-001
Sub-Question

Appendix C - Comments on draft Statements of Common Ground & Statement of Commonality

On the 9th February 2023 Maldon District Council (MDC) signed the first draft Statement of Common Ground (SoCG) and sent the document to National Highways ahead of the deadline of the 13th February 2023. The draft SoCG showed the majority of the concerns raised by MDC have not been addressed, including the topic areas of air quality, traffic and transport and biodiversity.

Applicant's Response

The Applicant notes the Interested Party's comments. A new round of engagement and the respective update to the draft SoCG will be submitted at deadline 4.

REP3-053-002
Sub-Question

1. Air Quality 1.1 MDC has raised concerns throughout the preparation and discussion of its SoCG regarding the impact on air quality on the A414, particularly the AQMAs of Market Hill (Maldon district) and Danbury (Chelmsford city), due to the Project's closure of Junctions 20a and 20b during construction, and on the residents of Hatfield Peverel post construction.

1.2 The impact during the construction phase of increased traffic flows on alternative routes to connect to the Strategic Road Network (SRN), including on the A414, could lead to NO2 exceedances in declared Air Quality Management Areas (AQMAs) at Market Hill (in Maldon district) and Danbury (in Chelmsford City Council area).

1.3 Post construction, there could be increased traffic originating from Maldon and Heybridge queuing at the Duke of Wellington mini roundabout / Maldon Road junction. Whilst it is noted that Hatfield Peverel is outside Maldon district, the B1019 provides direct access to the SRN as the nearest junction for Maldon district residents, visitors and businesses. As a result, the traffic

generated and congestion arising from the Maldon district would have a direct impact on the air quality within a neighbouring parish of Hatfield Peverel in Braintree district.

1.4 MDC has noted concerns raised by Braintree District Council (BDC) and Essex County Council (ECC) regarding the assessment of air quality with traffic flow data and its effects on human health. An update on air quality during construction was expected by BDC, however the response from the Applicant in the SoCG with BDC, paragraph 2.2 [REP2- 020], stated this would not be the case. Comments made by ECC state 'The preliminary assessment has concluded that, overall, effects on human health from air quality and noise are uncertain at this stage. Further assessment is needed, the results of which will be reported in the Environmental Statement. It is not considered possible for ECC to comment on these important measures at this stage given that human health impacts from air quality noise are at present uncertain' (ECC SoCG paragraph 2.35 [REP2-018]). It has therefore noted that the effects on human health from air quality and noise are uncertain. The concern regarding air quality is therefore an unresolved issue for MDC, BDC and ECC.

Applicant's Response

Point 1.1. The Applicant notes the Interested Party's comments.

Point 1.2: The Applicant has previously responded in Point 6.2.5, 6.2.11 and 6.2.12 in the Applicant's comments on Maldon District Council's Local Impact Report [REP3-018].

Point 1.3: The Applicant acknowledges the Interested Party's concerns regarding increased traffic originating from Maldon and Heybridge impacting on Hatfield Peverel. The Interested Party is referred to Point 6.2.2 and 6.2.3 of the Applicant's comments on Maldon District Council's Local Impact Report [REP3-018], which concludes there would be no significant effects as a result of the construction and operation of the proposed scheme (see results reported in Environmental Statement Appendix 6.5: Air quality modelling results [APP-104]). Point 6.2.4 also states the strategic traffic model accounted for committed development, which was applied in the air quality assessment.

Point 1.4: The Applicant acknowledges the statement raised in Point 1.4. The Applicant has responded to this statement in Section 3, Reference 2.2 (Environment Air Quality) within the Statement of Common Ground (SoCG) with Braintree District Council (BDC) [REP2-020].

The Interested Party refers to the statement from the Essex County Council SoCG (Section 4.2 Reference 2.35 [REP2-018]) that the 'assessment has concluded that, overall, effects on human health from air quality and noise are uncertain at this stage'. This comment was related to the population and human health assessment in the Preliminary Environmental Information Report, reflecting the data limitations for the PEIR assessment. Environmental Statement Chapter 13: Population and human health [APP-080] concluded, based on updated traffic and air quality modelling that was undertaken for the Environmental Statement, that the effect on human health from air quality would be neutral. The Applicant is continuing to engage with Essex County Council to resolve issues in the SoCG.

REP3-053-003

Sub-Question

2 Biodiversity 2.1 MDC's concerns regarding biodiversity refer to the impact of the Cadent Gas Main diversion on the Blue Mills Nature Reserve and the loss of trees and vegetation as a result of the Project. The preferred corridor of the proposed gas main would cut through a recommended Local Wildlife Site which is host to two rare female Black Poplar trees (one of which has been designated a veteran tree by the Applicant, an otter holt and a Red Kite nesting area. MDC remains concerned about the potential loss of these trees and significant amounts of other trees and vegetation within the parish of Wickham Bishops, as shown on the Retained and Removed Vegetation Plans [APP-035]. Similarly, ECC has raised concerns regarding the loss of trees, including category A and veteran trees and has suggest more work should be done to enable those trees to be retained.

Applicant's Response

The Applicant has responded in detail to issues raised on the Cadent gas main diversion, including in the Applicant's Comments on Maldon District Council's Local Impact Report [REP3-018], specifically pages 12, 29 and 30 in relation to biodiversity.

Loss of trees and vegetation would be mitigated through implementation of the Environmental Masterplan [APP-086 to APP-088]. The net loss/gain of vegetation including woodland and hedgerows is presented in Table 9.23 of Chapter 9: Biodiversity of the Environmental Statement [APP-076] as well as in Appendix 8.4 Arboricultural Impact Assessment [APP-122] and the Supplementary Arboricultural Survey Report [REP3-008].

As per Commitment LV4 of the Register of Environmental Actions and Commitments (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 (superseded by [AS-017])].

- 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

Vegetation to be removed is shown on the same plan.

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.

It should also be noted that the Applicant has not 'designated' the black poplar as a veteran tree (as this could only be done by the Woodland Trust who maintain the register of veteran trees). However the Applicant is treating the tree as a 'potential veteran' (i.e., trees not formally designated, but assessed as part of A12 field surveys to qualify as veteran trees).

REP3-053-004

Sub-Question

3 Traffic and Transport 3.1 MDC has raised concerns regarding the level of traffic that would be emanating from Maldon district and using the Duke of Wellington mini roundabout / Maldon Road junction to access the A12 via the new Junction 21. Maldon district is constrained in its connections to the A12 from Maldon and Heybridge – the main settlements and planned locations for significant economic and housing growth – with the only direct accesses being via the B1019 (which runs from Heybridge through to Hatfield Peverel and the DoW mini roundabout) or the A414 (from Maldon through Danbury, each of which has an Air Quality Management Area (AQMA)). The majority of the traffic using the B1019 to Hatfield Peverel Junctions 20a and 20b and the A414 to Sandon Junction 18 would originate from Maldon district. 3.2 The Project proposes the use of the Duke of Wellington mini roundabout / Maldon Road junction for traffic turning right to access the A12 Strategic Road Network (SRN) via the construction of a new two-way Duke of Wellington bridge linking to a new Junction 21. The impact of this development on the residents, visitors and businesses of Maldon district (and inadvertently the residents of Hatfield Peverel) are areas of commonality between MDC and ECC. MDC highlights the poor Level of Service (LoS) D at the Duke of Wellington mini roundabout for all modes of transport, both currently and in the future, and therefore questions the data that has been fed into the modelling. The Applicant has maintained the position that the modelling has taken into account all of the future growth approved in the Maldon District Local Development Plan 2017 and therefore predicted traffic levels are accurate. However, ECC has raised similar concerns in regard to the modelling of the traffic at the Duke of Wellington mini roundabout and Junction 21 and therefore requested further modelling of cycle facilities, redistribution of traffic on local junctions and reasonableness of strategic journey times at key locations ‘over and above the ‘SATURN results for Junction 21’.

3.3 MDC notes that ECC shares its support for a “Maldon Link Road”. ECC has raised concerns that the modelled data for future ‘with’ and ‘without’ scenarios of the Project on the Duke of Wellington mini roundabout / Maldon Road junction may underestimate the impact of the Project on the local road network (LRN). ECC has therefore requested a contribution from the Applicant for the scoping the work to create a bypass of the Duke of Wellington mini roundabout / Maldon Road junction that would link directly into the new Junction 21. However, whilst the Applicant has conducted research into the need for a link road, due to the current and future traffic issues being on the LRN (albeit within the Order Limits of the Project), the Applicant consider that a link road is outside the scope of the Project and ultimately is not its responsibility. ECC has asked for continued monitoring

of the Duke of Wellington mini roundabout / Maldon Road junction and the operation of Junction 21 to be secured by amendments to the DCO in order to assess the impacts of the Project on the village of Hatfield Peverel. National Highways has, however, rejected this approach.

Applicant's Response

Regarding the level of future traffic growth that is taken into account within the traffic model, the Applicant provided detailed information in response 13 in its Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

The Interested Party has mentioned the requests made by Essex County Council for additional traffic modelling evidence around the Duke of Wellington mini roundabout and junction 21. The Applicant has responded to these requests for information in response 8.3.22-8.3.27 of the Applicant's Comments on Essex County Council's Local Impact Report [REP3-021], and Appendix C of the same document.

The Applicant responded to Essex County Council's comments about a potential Maldon Link Road in response 8.3.22 - 8.3.27 of the Applicant's Comments on Essex County Council's Local Impact Report [REP3-021].

The Applicant responded to Essex County Council's comments about the monitoring of traffic impacts in response 8.2.30 - 8.2.37 of the Applicant's Comments on Essex County Council's Local Impact Report [REP3-021].

REP3-053-005

Sub-Question

4 Little Braxted Lane 4.1 In Little Braxted, a field access track currently gated by a five-bar gate opposite St Nicholas Church has been included in the Order Limits. It is understood from the Applicant that Cadent requested this track be included in the Order Limits to support maintenance of the pipeline. MDC has raised concerns regarding the use of Little Braxted Lane for access to the Cadent Gas Main diversion for maintenance purposes. Little Braxted Lane is a narrow lane with passing places, with listed

buildings lining the road and listed structures forming part of the LRN. The lane itself is limited to vehicles no wider than 2 metres and it contains a Grade II listed mill race bridge with attached mill house and a bridge over the River Blackwater with a 3T weight limit.

4.2 MDC has continually raised concerns regarding the proposed use of Little Braxted Lane as it is an important connection to the SRN for the residents of Little Braxted village and the businesses at Braxted Hall Business Park. The Project proposes realignment of Little Braxted Lane at its access from Junction 22 with the current width restriction and weight limit remaining in place to deter HGVs. It is noted within ECC's SoCG that the Applicant made the following comment – '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. This might include a series of design elements including highway geometry and cross section, signage and road markings, street furniture, including advance signage'. MDC would welcome interventions to deter unsuitable vehicles from accessing Little Braxted Lane beyond the Colemans quarry entrance, however the 3T weight limit on the weak bridge has already been breached by an 18T excavator commissioned by the Applicant to carry out pre-works at the maintenance site. The excavator used Little Braxted Lane to access the site of the gas main diversion despite being provided with a set route that avoided Junction 22, the weak bridges and the width restrictions over the bridges on Little Braxted Lane.

Applicant's Response

The Applicant notes the Interested Party's comments and has previously responded to them in RR-040-014 and RR-040-015 of the Applicant's Response to Relevant Representations - Rev 2 [REP1-002]. As well as in section 6.7-6.7.7 of the Applicant's Comments on Maldon District Council's Local Impact Report [REP3-018].

REP3-053-006

Sub-Question

5 Statement of Commonality 5.1 The Statement of Commonality (SoC) issued by the Applicant aims to capture all of the topics raised by the host authorities, consultees and interested parties with which the Applicant has a SoCG. A table has been produced highlighting the topics of concern for each authority/organisation. It is noted that air quality has not been shown to be of

concern to MDC, however whilst there is no separate air quality section within MDC's SoCG, concerns regarding air quality feature throughout MDC's SoCG in relation to the traffic and transport Principal Issue.

5.2 Whilst the SoC is brief, simply listing the topics of interest for each party, it shows areas of joint concern between MDC, ECC and BDC being traffic, Junction 21 and air quality. Whilst air quality does not feature specifically on the list for MDC it is mentioned within the SoCG and within MDC's Local Impact Report [REP2-068] and was an issue raised by MDC at the Issue Specific Hearing 1 on the 1 March 2023.

Applicant's Response

The Applicant notes the Interested Party's comments regarding the Statement of Commonality. The Applicant has updated the Statement of Commonality to show Air Quality as an area under discussion within the Statement of Common Ground with Maldon District Council which has been submitted at Deadline 4 [Applicant Reference TR010060/EXAM/8.1 rev 2].

REP3-054-001

Maldon District Council

Sub-Question

MDC has consistently raised an issue that the Duke of Wellington Mini Roundabout at the junction with Maldon Road as part of the ARN (Affected Road Network) operates at level of Service D and is at capacity at off peak times and over capacity at peak times (this traffic emanates from the Maldon District). Traffic flows are congested on Maldon Road with queuing traffic (all transport modes) and forecast to worsen by the time the Project is operating (2027).

The Applicant refers to ES Chapter 6 [APP-073] 6.8.24 that receptors located near the ARN 'with potential to cause air quality issues at nearby sensitive receptors, should they exist, based on threshold traffic flows.' MDC considers Maldon Road at the junction with the Duke of Wellington Mini Roundabout a 'sensitive human receptor' because Maldon Road is a residential street with public footpaths and zebra crossings (2) either side of the carriageway.

MDC agrees the location of the receptors at the Maldon Road junction with the Duke of Wellington Mini Roundabout.

MDC remains concerned at the correlation of the air quality assessments on the ARN with the current poor Level of Service D traffic flows at the Maldon Road junction with the Duke of Wellington Mini Roundabout set out in C.1 of the Transport Assessment - Appendix C: Traffic Flow Diagrams – Communities and A12 Mainline [APP-256] which states: 'A significant increase in traffic over Wellington bridge as it is upgraded to become a two-way road linking Hatfield Peverel with the proposed new junction 21' and 'An increase in traffic on B1019 Maldon Road of 8% per day'.

Future traffic flow modelling within Chapter G.1 of Transport Assessment - Appendix G: Junction Modelling Technical Notes – Local Road Junctions [APP-260] concludes: 'the average queue on B1019 Maldon Road is predicted to increase from 84m without the proposed scheme to 101m with the proposed scheme'.

Applicant's Response

The human health receptor locations included within the air quality dispersion model were selected in accordance with the DMRB LA 105 guidance (Section 2.18 - 2.20) for consideration against the appropriate UK Standard. Receptor locations are presented in Table 1.4 of the Environmental Statement Appendix 6.5: Air Quality Modelling Results [APP-104] and shown in Figure 6.9 [APP-213].

Roadside locations such as the pavement and zebra crossing on Maldon Road do not represent locations where members of the public may be exposed to vehicle exhaust pollution for more than the short-term UK Standard exposure period (i.e. 1-hour mean air quality Objective). Roadside receptor locations on Maldon Road are therefore not considered as sensitive receptors.

The concern relating to existing and future traffic flows on Maldon Road and the junction with the Duke of Wellington mini roundabout, and its correlation with impacts to air quality is acknowledged. It should be noted that the air quality dispersion model used the modelled annual average daily traffic data comprising of Light Duty Vehicle and Heavy Duty Vehicles. These flows included the predicted increases in traffic and delays on B1019 Maldon Road and increased traffic over Wellington bridge. The predicted annual mean NO₂ concentrations for the opening year (2027) at sensitive receptors in the vicinity of the area of concern are provided in the table below. Whilst increases in NO₂ concentrations are predicted at each receptor owing to the proposed scheme, there is no predicted exceedance of the annual mean NO₂ Objective (40 µg/m³).

A map showing the location of these receptors is provided in sheet 3 of Figure 6.9 of the Environmental Statement [APP-213].

Receptor ID	X	Y	Property use	Annual mean NO ₂ concentration (µg/m ³)				
				Base 2019	DM 2027	DS 2027	DS-DM 2027	Magnitude of change
R45	579452	211974	Residential	27.4	24.3	27.9	3.6	Medium
R44	579427	211956	Residential	27.6	24.3	27.5	3.2	Medium
R43	579432	211922	Residential	26.1	22.9	24.6	1.7	Small
R42	579404	211913	Residential	27.8	24.5	24.6	0.1	Imperceptible
P10	579382	211905	Planning Application	27.4	24.1	23.3	-0.8	Small
R46	579505	211978	Residential	24	21.1	21.7	0.6	Small
R37	579501	211807	Residential	22.8	19.8	20.7	0.9	Small
R50	579418	212154	Residential	18.3	15.7	17.4	1.7	Small
R39	579434	211872	Residential	23	20	21	1	Small

REP3-054-002

Sub-Question

MDC would agree with the Applicant's stance that it should not attempt restoration or creation of new habitat within the Whetmead LNR/LWS if the disturbance of the former landfill site through planting and works risks contaminants entering the River Blackwater. This would pose a risk to water quality in the immediate environment and downstream in the Maldon District and should be avoided in accordance with Policy D2 and N2 of the Maldon District Local Development Plan 2014-2029.

Applicant's Response

The Applicant welcomes agreement from Maldon District Council with respect to the approach for compensatory habitat planting outside of Whetmead LNR/LWS, for the reasons detailed in the Applicant's response to ExQ1 3.0.5 [REP2-025].

REP3-054-003

Sub-Question

APP-280 submitted by the Applicant in Aug 2022 set out no Design Principles for the gas pipeline, which, in MDC's view was not acceptable for an application that was submitted to be examined.

REP2-005 submitted by the Applicant in Feb 2023 however now sets out a track-changed version of APP-280 which includes design principles for the gas pipeline. The inclusion of document references is very helpful and welcomed by MDC.

MDC is reassured that the Applicant has been able to confirm that its technical design standards will comply with guidance from the Institute of Gas Engineers and Managers; as well as relevant legislation and specifications. It is understood by MDC that by following these collectively however, the final route of the diversion and the landscape restoration potential once constructed may be affected. The new tables that cover Technical Design and Environmental Considerations are also welcomed by MDC.

Due to the sensitive location of the pipeline's proposed diversion through Blue Mills Nature Reserve in the Maldon District, MDC particularly welcomes:

- GPEC.01 (Retain Vegetation) – which will work to reduce the working width of the pipeline corridor through woodland and field boundaries.
- GPEC.03 (Compensation Planting) – to ensure locally indigenous native and non-native plants will be used to reflect local distinctive character.
- GPEC.04 (Protection of Main Rivers) – to ensure all main river crossings would be trenchless, using tunnels under the main rivers.
- GPEC.05 Aesthetic value – to ensure the scar on the landscape is softened as much as possible.
- GPEC.07 and 08 – which will see an Environmental Management Plan prepared which will include a separate Site Waste Management Plan. This will mean this element is compliant with Maldon District Local Development Plan Policy D2(4).

Applicant's Response

The Applicant welcomes the Interested Party's comments regarding the gas pipeline design principles presented in Design Principles [REP2-006].

REP3-054-004

Sub-Question

For GPEC.04, MDC would note however the tunnelling techniques should be scrutinised further 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, noise and ground disturbances.

For GPEC.05 (Aesthetic value – detailed design), MDC consider that where woodland, trees, tree lines and tree belts would be lost and could not be replaced due to the easement restrictions of the new pipeline – that replacements should still be planted as close to the easement impact areas as possible to make the scheme compliant with Maldon District Local Development Plan Policy N2. 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.

MDC consider that a further principle should also be included 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.

Applicant's Response

The Applicant has previously responded with respect to the potential for disturbance caused by construction of the gas main under the River Blackwater in sub-question REP-069-006 on page 243 and 244 of the Applicant's Comments on Written Representations [REP3-009].

The Applicant notes the Interested Party's comments on GPEC.05. In accordance with LV14 of the Register of Environmental Actions and Commitments [APP-185], replanting along the easement of the gas main diversion would be carried out in accordance with the utility company's guidance and best practice standards. This guidance is 'Cadent Gas guidance on tree planting restrictions near gas pipes', which illustrates planting immediately adjacent and therefore as close as possible to the 'no planting zone' easement.

The Applicant notes the Interested Party's comment with respect to the inclusion of a principle equivalent to PRO.04 within the Design Principles [REP2-006] but specific to the gas main. However, the design principles within Section 1.4 of the Design Principles [REP2-006] relate to the entire scheme, including the gas main, except where this conflicts with the technical design standards listed in paragraphs 1.3.19-1.3.21 [REP2-006], in which case the technical design standards take precedent. However, there are no technical design standards which would override PRO.04 which is therefore applicable to the gas main.

GPEC.03 includes measures comparable to LSC.13 around the use of locally indigenous native and non-native plants as appropriate to reflect the distinctive local character.

REP3-054-005
Sub-Question
MDC noted
Applicant's Response
The Applicant notes that MDC did not comment on this response.
REP3-054-006
Sub-Question
MDC welcomes the completion of surveys undertaken by the Applicant for Blue Mills Nature Reserve. This will enable impact to be better understood, a route of least harm to be chosen for the pipeline and appropriate mitigation to be quantified and planned for.
Applicant's Response
The Applicant welcomes the Interested Party's comments.
REP3-054-007

Sub-Question
MDC is pleased the applicant has identified potential mitigation of potential impacts to otter populations in the River Blackwater and note that the final solutions will be dependent on the alignment of the gas main diversion.
Applicant's Response
The Applicant welcomes the Interested Party's comments.
REP3-054-008
Sub-Question
MDC note that this is consistent with surveys it commissioned Essex Ecology Services (of Essex Wildlife Trust) to undertake at Blue Mills Nature Reserve in 2021 which led to the Tree Preservation Order and recommendation for Local Wildlife Site designation.
Applicant's Response
The Applicant notes the Interested Party's comments.
REP3-054-009
Sub-Question
MDC strongly support the avoidance of impacts to the wet woodland component. MDC note the potential to replant parts of the maximum 30m corridor to reduce the width of the landscape scar in the longer term.

MDC note that the botanical survey is consistent with surveys undertaken by Essex Ecology Services (of Essex Wildlife Trust) it undertook at Blue Mills in 2021 which led to the Tree Preservation Order and recommendation for Local Wildlife Site designation. MDC appreciates the communication of the location of the black poplar to Cadent, as well as the presence of the mature oaks and notes they will be accurately mapped in the arboriculture survey. The rarity of the two poplars as likely to be the only surviving specimens in Essex must not be devalued by the Project.

Applicant's Response

The Applicant notes the Interested Party's comments.

As noted in the Applicant's response to Maldon's Local Impact Report [REP3-018], the value of the black poplar is recognised, as is demonstrated by its consideration as a Nationally important receptor in accordance with DMRB LA 108 and any potential impacts would be appropriately assessed following these same guidelines.

REP3-054-010

Sub-Question

MDC welcomes pre-construction surveys for bats, barn owl, badger, otter, water voles and reptiles to update baseline surveys and inform licences as required.

MDC welcomes the mitigation of an Ecological Clerk of Works (ECoW) to ensure compliance. MDC welcomes the mitigation of appropriate supervision for clearance within the construction area.

MDC welcomes the mitigation of timing works to avoid sensitive periods.

MDC welcomes the mitigation of buffer zones around sensitive features as directed by the EcOW.

MDC welcomes the mitigation of exclusion zones around protected habitat to avoid accidental damage and retain vegetation.

MDC fully supports reducing the working width of the gas pipeline diversion as much as possible through the affected woodland and through hedgerow field boundaries.

MDC supports in principle the use of tunnelling under the River Blackwater, as a mitigation measure, but would like to ensure that riparian species are protected from disturbance caused by vibration, noise and ground disturbances that could be caused by horizontal drilling.

Applicant's Response

The Applicant welcomes the Interested Party's comments.

The Applicant has previously responded with respect to the potential for disturbance caused by construction of the gas main under the River Blackwater in sub-question REP2-069-006 on page 243 and 244 of the Applicant's Comments on Written Representations [REP3-009].

REP3-054-011

Sub-Question

MDC welcome additional mitigation through EPSM licences from Natural England to agree the mitigation approach if new resting places for otters are identified.

MDC supports replanting along the easement of the gas pipeline to soften the landscape scar and provide new habitat where the trench has cut through existing vegetation.

Applicant's Response

The Applicant welcomes the Interested Party's comments.

REP3-054-012**Sub-Question**

MDC do not support net gain across the whole proposed A12 NSIP scheme, which should otherwise be secured for the gas pipeline NSIP on its own. This approach is not compliant with the Maldon District Local Development Plan Policy N2 which seeks for replacement habitat to be as delivered as close as possible to the development site in order to avoid incremental and accumulative impact on local ecology. This approach makes no effort to determine if local habitat creation or improvements could be possible.

Applicant's Response

The Applicant has previously responded to this issue in the Applicant's Comments on Responses to ExQ1, specifically the response to point 3.0.1 on page 22 [REP3-016].

Maldon District Council

REP3-055-001

Sub-Question

1. Air Quality Chelmsford City Council LIR [REP2-106] and ExQ1 Responses [REP2-107] 1.1 MDC has raised concerns in its LIR [REP2-068] and ExQ1 [REP2-067] response that traffic emanating from the Maldon District has the potential to impact on the Danbury Air Quality Management Area (AQMA) in the Chelmsford City area. The A414 is a direct route out of the Maldon District to connect to the SRN at Junction 18 Sandon. There are two AQMAs on the A414 at Market Hill, Maldon and Oak Corner, Danbury on the A414. The Project construction at the Duke of Wellington bridge and Junction 21 will cause delays on the only other direct route out of the Maldon District on the B1019 to the Duke of Wellington Mini Roundabout to access Junction 20a (to close) and Junction 20b (the subject of the Duke of Wellington Bridge upgrade and access to new Junction 21).

1.2 MDC is of the view that increased traffic flows on the A414 to avoid the B1019 to the Duke of Wellington Mini Roundabout junction with Maldon Road whilst the Project is in its construction phase, could affect air quality on the A414 within the AQMA in Danbury, Chelmsford.

1.3 MDC note Chelmsford City Council's LIR and ExQ1 response consider air quality in the Chelmsford City area as a whole and are focussed to the Project corridor and Order Limits.

Applicant's Response

The Applicant has previously acknowledged this concern and responded in Section 6.2.5, 6.2.11, and 6.2.12 of the Applicant's Comments on Maldon District Council's Local Impact Report [REP3-018].

REP3-055-002

Sub-Question

2 Biodiversity 9.16 - Supplementary Botanical Report – January 2023 Legislation & Policy 2.1 MDC is of the view that the section on Legislation and Policy should have also review relevant local policies. These are referenced generically by the section which covers the National Planning Policy Framework at 3.7 which establishes that local planning authorities should set criteria-based policies against which proposals for any development on or affecting protected wildlife sites or geodiversity sites or landscape areas will be judged. It is amiss, in MDC's view, for the Applicant to then not review them.

2.2 For the Maldon District, this would be: i) Maldon District Local Development Plan 2014-2029 approved in July 2017 • Policy N1 – Green Infrastructure Network • Policy N2 - Natural Environment, Biodiversity & Geodiversity ii) Wickham Bishops Neighbourhood Plan 2016-2029 • WNE02 – Biodiversity and Natural Habitats

Applicant's Response

The Applicant notes the points raised by Maldon District Council (MDC).

As is appropriate for an Environmental Statement, the Applicant's approach has focussed on the National Networks National Policy Statement (NNNPS) policies against which the proposed scheme will be assessed by the Examining Authority and Secretary of State. However, local policies relevant to biodiversity are detailed in Table 9.5 of Environmental Statement Chapter 9: Biodiversity [APP-076] and include MDC Policies D1, N1 and N2. Relevant Development Plan policies are considered in Case for the Scheme - Appendix F: Local Planning Policy Accordance Tables [APP-252].

While Neighbourhood Plans are not directly referenced within the Case for the Scheme - Appendix F: Local Planning Policy Accordance Tables [APP-252], the accordance tables still demonstrate compliance through relevant Local Plan policies which are complimented by Wickham Bishops Neighbourhood Plan (WBNP). Specifically, the details included within MDC's Local Development Plan policy N2 capture the details included within WBNP policy WBen 02. For example, both policies seek to

protect, retain and enhance existing habitats, such as ancient woodland, and note that if in exceptional circumstances there is loss of habitat, then appropriate mitigation should be provided. The Applicant has committed to the retention of existing vegetation as far as is practicable, with particular attention given to the retention of mature vegetation including ancient woodland and veteran trees (LV4 in the Register of Environmental Actions and Commitments [APP-185] within the first iteration Environmental Management Plan [APP-184]). Therefore, the Applicant considers that the contents of WBE n 02, although not explicitly referred to within the Environmental Statement, has been considered for the proposed scheme.

Finally, in the context of the Supplementary Botanical Survey Report [REP2-027], a technical report of this nature would not typically include details of specific local policies. As the report is an appendix to Chapter 9 [APP-076], the Applicant would refer the Interested Party to the chapter for information relating to the legislative and policy framework, as well as the Case for the Scheme - Appendix F: Local Planning Policy Accordance Tables [APP-252], as referenced above.

Margaret Freeman

REP3-056-001

Sub-Question

Please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002034-D3%20Margaret%20Freeman%20-%20Post%20Hearing%20Submission.pdf>

Applicant's Response

The Applicant notes the concerns raised by the Mrs Freeman regarding heritage assets along The Street/B1137. The assets referred to have been identified (albeit not always by the same description as used by Mrs Freeman) by the Applicant and are listed in page 222 of the Applicant's Appendix 7.9 - Heritage Impact Asset Summary Tables, forming part of the Applicant's Environmental Statement [APP-117]. The majority of assets are assessed to not be impacted by the proposed scheme. The only assets identified as being impacted are recorded as experiencing only minor impacts. No mitigation is proposed for any of the assets.

The Applicant's strategic traffic model has forecasted a significant reduction of traffic on the B1137 compared to the Do Minimum scenario if the proposed scheme were not to be built, details of this are available In Transport Assessment Appendix C: Traffic Flow Diagrams – Communities and A12 Mainline [APP-256].

The Applicant has considered representations made by numerous Interested Parties for a replacement of the southbound junction 20a merge slip road between the B1137 and the A12, within this consideration it concluded that traffic would be likely to increase on this stretch of The Street/B1137 and that impact to the setting of Crix House and Milepost 34 would be likely should junction 20a be replaced to tie-in with the widened A12 in this location.

Impacts on heritage assets, including some of those listed by Mrs Freeman, form part of the reasoning for the Applicant not proposing to re-provide Junction 20A. Further details of this assessment are available in A12 Junction 20A Southbound Merge Assessment of Alternatives Report [REP1-002].

**Messing and Inworth Action Group Limited and
Messing-cum-Inworth Parish Council**

REP3-058-001

Sub-Question

Please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-001949-Messing%20and%20Inworth%20Action%20Group%20Limited%20-%20Comments%20on%20LIR.pdf>

Applicant's Response

The Applicant notes the Interested Party's comments regarding Essex County Council's, Deadline 2 submission – Local Impact Report. [REP2-055]. The Applicant has provided a response to this document in 9.37 Applicant's Comments on Essex County Council's Local Impact Report [REP3-021].

The Applicant notes the Interested Party's comments regarding Essex Highways Inworth, Messing & Tiptree Mitigation Options Technical Note [REP3-033] and 9.27 Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012] and 9.28 Written Submission of Oral Case for Issue Specific Hearing 2 [REP3-013]. The Applicant has responded to the Essex Highways Technical Note [REP3-033] as part of its Deadline 4 submission.

The Applicant has previously responded to the Interested Party's comments on the Statement of Common Ground in 9.31 Applicant's Comments on Information received at Deadline 2 [REP3-015]. The Applicant continues to believe that a meeting would be the most productive way forward and to that end reaffirmed its offer of a meeting in an email to legal representatives acting on behalf of the action group on 24 March 2023.

The Applicant notes the contents of Appendix 2 and can confirm that the meeting referenced took place on Monday 13 March 2023.

With regard to Appendix 3, the Applicant notes the contents and it is correct to state that this is being subject to detailed examination by the ExA. The Applicant would like to continue to highlight the fact that extensive work was undertaken to assess the Interested Parties "Main Alternative" and this work can be found in [APP-095] Junction 24, Inworth Road and Community Bypass Technical Report.

Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council

REP3-059-001

Sub-Question

Please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002011-Messing%20and%20Inworth%20Action%20Group%20Limited%20-%20Written%20submissions%20of%20oral%20representations%20made%20at%20Hearings%201.pdf>

Applicant's Response

The Design Manual for Roads and Bridges (DMRB) LA 108 defines the zone of influence of a project as 'the area(s) over which biodiversity resources can be affected by biophysical changes as a result of the proposed project and associated activities', which is also the definition used in the Guidelines for Ecological Impacts Assessment (Chartered Institute of Ecology and Environmental Management (CIEEM), 2018).

In accordance with DMRB LA 108 and CIEEM guidance, the ecological survey buffers were set out in the scoping report and Preliminary Environmental Information Report (PEIR) and have been agreed with key stakeholders. The purpose of survey buffers are to effectively agree the zone of influence for each receptor (the extent of likely impacts). Any individual animals beyond the zone of influence and survey buffer would be considered to be unaffected by the proposed scheme. Details are provided within Appendix I of the Scoping Report (available on the planning inspectorate's webpage

<https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/TR010060/TR010060-000006-A12%20-%20Environmental%20Scoping%20Report.pdf>),

which is a table setting out the different survey buffers for each species. Survey buffers were determined based on best practice and shared with key stakeholders such as Natural England, the local authorities and the local wildlife trust who were given the opportunity to comment. This was repeated in the PEIR.

The Statement of Common Ground with Natural England [REP2-007] reflects Natural England's agreement with the survey scope and methodology which includes survey buffers. Whilst the matter of 'survey methodology and results' with respect to bats is still under discussion, this simply reflects that Natural England are still reviewing the amended bat licence and the Applicant is anticipating this would be moved to 'agreed' before the end of the Examination.

The maximum survey buffer agreed with stakeholders is 1.5km for stage 1 and 2 barn owl surveys. However, the survey buffer for all other species is less than 1km from the Order Limits, with breeding and wintering bird surveys agreed for a 250m and 500m buffer area respectively, and most bat surveys being undertaken within 100m buffer of the Order Limits, although activity transects were undertaken for up to a 1km survey area around the Order Limits. The Applicant acknowledges the Interested Party's records of bats and birds within a five mile radius of Messing, and in particular the bat roost within All Saints Church, Messing. Messing is 1.6 km from the nearest part of the Order Limits. Messing therefore falls outside the zone of influence for all species, including bats and birds, assessed as part of the proposed scheme. However, birds, bats, badgers, dormice, water vole, otters and great crested newts (in addition to other species) have been surveyed and assessed within the appropriate zone of influence, as described above.

Chapter 9: Biodiversity of the Environmental Statement [APP-076] provides a thorough assessment of the construction and operational effects of the proposed scheme on wildlife. Table 9.7 sets out the field surveys which were undertaken by the Applicant to inform the assessment. The full survey reports detailing the results can be found within the examination library [APP-125 to APP-137, AS-032, AS-036 and REP2-026 to REP2-029], and a summary of the baseline (i.e., the survey results) can be found within Section 9.8 of Chapter 9 [APP-076]. A list of baseline desktop sources is provided within paragraph 9.8.1 of Chapter 9 [APP-076] and includes local recording groups and Essex Wildlife Trust Biodiversity Record Centre. Section 9.3 of Chapter 9 [APP-076] details the stakeholder engagement which was undertaken as part of the assessment. Consultees included Natural England, Essex Wildlife Trust, the Environment Agency, and the local authorities. The RSPB were not specifically consulted as the proposed scheme does not have the potential to affect any RSPB reserves.

Potential effects on fauna and flora are outlined in Section 9.9 of Chapter 9 of the ES [APP-076], and a detailed assessment of the effects, taking into account the mitigation outlined in Section 9.10 of Chapter 9 [APP-076] is provided in Section 9.11 of Chapter 9 [APP-076] under the headings of 'construction effects' and 'operational effects'.

As detailed in Section 9.10 of Chapter 9 [APP-076], proposed mitigation comprises a mixture of embedded (design measures) such as modification of the design to avoid sensitive features, the landscaping design, provision of attenuation ponds and design of culverts, standard mitigation such as preconstruction surveys and presence of an ecological clerk of works during site clearance, and additional mitigation which are measures specific to particular receptors. Mitigation measures are secured through the Register of Environmental Actions and Commitments [APP-185] within the first iteration Environmental Management Plan [APP-184].

Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council

REP3-063-001

Sub-Question

Traffic; Issue Specific - Junction 24; The ExA attention was drawn to the repeated failings of NH to consult, and the confirmation bias of the statistics and traffic flows used by NH. These criticisms are seen in all expert reports and analysis from IP's and the only resistance to the truth of these failings continues to be NH. That is criticism and dispute from; ECC, EH, CCC LIR, MIAG, Systra, TPA and individual IP's and representative groups. MIAG and Mcl PC believe this DCO to be premature in application for grant. There is clear evidence that NH have failed the Gunning principles of proper consultation, are exhibiting a determined false narrative and have succumbed to 'poor input poor outcome' (qv Mr Humphries KC, ECC). MIAG and Mcl PC are deeply concerned that NH are using deadline dates as 'targets' and are not responding by any given deadline date set by the ExA but are instead choosing to respond 'at' that date. This means increasingly little time is being made available to reach any possible agreement on matters. This is the case with the SOCG and the MIAG report from Transport Planning Associates. MIAG and Mcl PC responded very rapidly to NH, in fact, well before any deadlines. NH have not responded except to say 'they will'. With regard to the SOCG, there has been no communication except to offer to 'meet' between lawyers. Based on WMD offer of playing 'ping pong', MIAG and Mcl PC see NH, and its representatives, as simply soaking away time and expense without real effort to consult, negotiate or achieve even an outline agreement as requested by the ExA.

Applicant's Response

The Applicant notes the Interested Party's comments regarding consultation, and has responded to issues raised in the hearing in the Written Submission of Oral Case for ISH1 [REP3-012].

The Applicant has responded to the Interested Party's comments regarding the Statement of Common Ground (SOCG) in 9.31 Applicant's Comments on Information received at Deadline 2 [REP3-015]. On 24 March the Applicant reaffirmed its offer to meet to discuss the draft SOCG.

REP3-063-002

Sub-Question

It is clear that The Main Alternative represents a solution to the multiple failings and continued myopia exhibited by NH. At this point MIAG and Mcl PC referred to a new roundabout design, presented to them at 22.47 the previous evening (27.02.2023), and upon which NH were now intending to base their false plan. It was apparent that although NH had released the plan to ECC some 48 hours earlier, the ExA and indeed the NH own legal team were completely unaware of this. ECC, by their own admission, are 'stretched' and 'officer time' is simply not available. It should be recorded that MIAG and Mcl PC expressed gratitude to ECC for getting this new plan to them, despite the late hour. 1. The plan incorporates many of the suggestions made by experts employed by MIAG and Mcl PC; 2. NH had made no comment that they had changed this plan nor extended any note of appreciation for the help of MIAG and Mcl PC experts;

3. Up to this sudden volte face NH continued to deny any errors in their plan; 4. Despite not having more than 6 hours to review this plan, MIAG and Mcl PC already note the incorrectly designed SLTL has been removed. 5. It is noted that the northern arm of the roundabout connecting to Inworth Road has an SSD that falls below 33m as a result of the existing wall surrounding Park Farm, which extends into the verge and would prevent visibility of the 'low object' of 0.26m height. 6. The roundabout does not conform to EDG in terms of both design and posted speeds in that no speed restraint measures have been proposed to be provided. 7. MIAG and Mcl PC attach hereto a full review of this 'new plan' as Appendix 1; 8. ECC comment extensively on the 'likelihood' of speeding (exceedances) and MIAG Mcl PC note this with considerable concern. Once again NH offer no answers nor solutions and acknowledge simply that in many instances there are no mitigations possible; 9. An expert from NH opined that

a modest increase in speed limit restriction (a reduction) would aid the solution. In fact, this modest distance is barely 30m. This suggestio falsi of distance and problem resolution is, in our view, yet another attempt to hide the failings of design by NH. NH make the assumption that the posted speed limit will be the 'design speed'. In fact, the design speed for a rural highway should be determined from its Alignment and Layout constraints. At this point MIAG and Mcl PC noted for the ExA that everyone in the ISH had been paid for by tax payers. The campaign groups had effectively paid twice, as their experts and professional representatives were now being paid for again by those same tax payers. On the basis that our recommendations in regard to this roundabout design were repeatedly ignored or marginalised by NH, only for them to accept some of our revisions, we respectfully ask the ExA to consider the equanimity of such a situation. MIAG and Mcl PC also noted that both ECC and NH were refusing to take responsibility for the inevitable consequences of the Hinds Bridge crossing. It is perfectly clear that this narrow bridge will become a major hazard to road safety and traffic flow. Both NH and ECC are pointing at each other and neither will respond to questions and concerns. In the EH report, much is made of the negative assessment of all four 'DS' options. Vitally, if the traffic were to be assessed using more appropriate tools (EAST), then The Main Alternative would be much better positioned to satisfy these criteria for adoption. This is turn would solve multiple issues that confront NH, seemingly without their ability to resolve them.

Applicant's Response

The design submitted by the Applicant in the draft DCO submission is a preliminary design. To proceed to the construction phase, the design is progressed and optimised in the detailed design stage. The programme for the construction of the scheme means the detailed design stage is being undertaken in parallel with the examination phase. The roundabout at Inworth Road is an example of this ongoing design development. The Applicant presented these design changes to the highway authority, Essex County Council, as is customary for such schemes. This is further explained in comment reference 46 in the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

With regard to Hinds Bridge, the Applicant's position remains as stated in comment reference 43 and 51 of the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

With regard to the use of the Early Appraisal Sifting Tool (EAST), the Applicant has provided a response to this in comment reference 16 of the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

REP3-063-003

Sub-Question

Appendix 1; MIAG – Comments on re-designed Inworth Road Roundabout 01-03-2023 MIAG received this design update at 22:47 on 27th February 2023 from Essex County Council and as of 28th February 2023 this re-design had not been issued to the Planning Inspectorate.

This re-design removes the largely redundant Segregated Left Turn Lane, which did not comply with Design Manual for Roads and Bridges standards in any case. There is also a variation in the geometry of the Inworth Road north approach arm. The centreline horizontal radius of 67.5 m has been increased to 75.0 m compared to the design submitted in the DCO application. Visibility National Highways (NH) have stated that Inworth Road Roundabout arms (with the exception of the new link to Junction 24) have been designed to Manual for Street standards, with regard to horizontal radii and stopping sight distance (SSD). The reason given for this is in order to give road users the impression that they are entering a village environment and will therefore drive more cautiously. MIAG are of the view that Manual for Streets (MfS) standards are not appropriate for roundabout approach roads in this rural location where there are open fields, with no built frontage that would give road users the impression of being in a village. Essex Highways are also of the view that the Design Manual for Roads and Bridges (DMRB) is the appropriate standard to be used for the roundabout approach road designs in this case. It is expected that Essex Highways will adopt this roundabout (with the exception of the link road to Junction 24) and therefore the correct design standards to be used should be those of The Essex Design Guide. The Essex Design Guide makes reference to other design standards, including MfS and DMRB. There are however some supplemental requirements in The Essex Design Guide which modify the requirements of the other documents referenced. One of these requirements relates to the use of the Table 7.1 “Derived SSDs for Streets” from MfS. Due to the very short lengths of SSD given by Table 7.1, The Essex Design Guide states that for any layout promoting these values they should be accompanied by appropriate speed restraint measures. No such speed restraint measures appear to have been proposed in the NH design for Inworth Road Roundabout. MIAG are concerned about the low values of SSD on the approach to and exit from the roundabout. The arm connecting to Inworth Road north of the roundabout is of particular concern and MIAG do not feel confident that even the value of 43m SSD has been achieved for this arm. In fact, the proposed back of verge and earthworks appear to encroach into the Park Farm boundary. SSD checks carried out by NH only continue to as far as the tie in of the new works with the existing Inworth Road. This does not show the full effect of the new works on SSD. If SSD checks are continued further along Inworth Road a 43m SSD line would be obscured by the existing brick wall on the boundary of Park Farm (Figure 1.). Over this length visibility values, at 5m intervals were measured, the results were as follows: 40.5m,

37.2m, 34.2m, 32.3m, 33.2m (Figure 2.). This would indicate a length of about 30m of the alignment where the claimed 43m SSD is not achieved. What makes this more worrying is that there is an entrance to Park Farm immediately following this reduction in available visibility. This would make access and egress extremely hazardous for residents of Park Farm when vehicles approaching after leaving the roundabout will have very little forward visibility. Exit visibility for Kelvedon Road, the eastern arm of the roundabout, does not seem to have been considered. In this case values of SSD would fall to as low as 26 m, with the 43 m long visibility line crossing the DCO boundary into the adjacent property (Figure 3.). Oddly for approach roads that are supposedly designed to MfS standards with regard to visibility, NH have shown what at first sight appear to be DMRB standard forward visibility lines on the approach to the give way lines (Figure 4.). Forward visibility lines of approximately 70 m length (suitable for a 50 kph design speed) have been shown for the Inworth Road arms to the north and south of the roundabout and for the Kelvedon Road approach. This degree of visibility would not be compliant with DMRB standards however since this length of forward visibility would not be available from 1.5 x SSD distance in advance of the give way lines for these arms, as required by CD 109 paragraph 2.13

(6) (DMRB). The reason for showing this information is therefore unclear since it does not appear to relate to any particular standard. Below are copies of tables of Stopping Sight Distances from Manual for Streets 1 and The Essex Design Guide which demonstrate the additional requirement (paragraph 6.125) of The Essex Design Guide.

Extract from Manual for Streets 1:

Extract from The Essex Design Guide:

Figure 1; demonstrates that a 43m long Stopping Sight Distance (SSD) cannot be accommodated within the DCO boundary.

Figure 2; SSD achieved without crossing the DCO boundary at Park Farm. (Note also the position of the property access).

Figure 3; Exit visibility from roundabout into Kelvedon Road arm

Figure 4; Showing "Visibility at Entry" of approximately 70 m for Inworth Road north and south approaches and Kelvedon Road approach. These do not conform to DMRB standards.

Super-elevation The application of super-elevation does not appear to have been considered for any of the arms of Inworth Road Roundabout. For the arms that use low values of horizontal radius the values of super-elevation would need to be the maximum advised value of 7% for a rural road (or 5% for an urban street). Radii of 75 m for Inworth Road north arm, 90 m for Inworth Road south arm have been used. DMRB standards would require the maximum value of 7% super-elevation to be applied to radii of 75 m and 90 m for a rural road. Application or changes in super-elevation would normally be provided over the length of transition curves connecting straight or circular curved elements of a horizontal alignment. In this design no transition curves have been provided, therefore the advice of DMRB is to apply between half and two thirds of the super-elevation on the approach straight and the remainder on the circular arc. No approach straight has been provided for Inworth Road north arm at the tie in to the existing road. The minimum length of application of super-elevation was calculated to be 30.4 m, this being the shortest length of application and assumes a linear change in gradient of the outer channel and the road centre line of a constant 1% (a reverse curve profile could be used but would double the length of application to 60.8 m). Ideally an approach straight of about 20m length would need to be added to the alignment so that two thirds of the super-elevation can be applied before the beginning of the circular arc. Figure 5, below, shows the extents of the 7% super-elevation that can be applied on the approach to the roundabout. At the roundabout end of the alignment +7% super-elevation would need to be reduced to -2% before the roundabout give way line. As the carriageway is wider at this end of the alignment the length of application of super-elevation will increase. The length to apply a change from +7% super-elevation to -2% cross fall at the give way line was calculated to be 47 m. This change in superelevation would occur mostly where the centreline horizontal radius is 75m and would leave less than 20 m length of this curve with the required 7% super-elevation. This is always a problem when approach arms to a roundabout are not designed with straight or near straight horizontal alignments. Kelvedon Road would also present problems with application of super-elevation, since its horizontal alignment comprises of back-to-back curves of opposite hand with no transition curves between them. In this case reduced values of super-elevation could most likely be justified, as vehicle speeds would be slower than along Inworth Road and with lower traffic volumes. Inworth Road south would have sufficient length of straight either side of the 90 m radius to apply and remove the appropriate 7% super-elevation.

Figure 5. Extent of 7% super-elevation that could be applied on the approach to Inworth Road Roundabout from Inworth Road north. (But requires an extension of 20m to the alignment).

Widening for swept paths Widening for the swept path of heavy goods vehicles has not been provided for the Kelvedon Road arm of the roundabout. By providing widening the geometry of the entry kerb radius for Kelvedon Road and the exit kerb radius

for Inworth Road south would need to be amended (Figure 6.). Currently the channel line from Kelvedon Road to Inworth Road is not tangential with the roundabout Inscribed Circle Diameter (ICD). Retaining the same values for entry and exit kerb radii would push the channel line even further away from the roundabout ICD if Kelvedon Road was widened to cater for HGV swept paths. Either smaller values of entry and exit kerb radii would have to be used, although this would not be ideal since the entry kerb radius is currently at the minimum required value, or Inworth Road south arm would need to be realigned.

Figure 6; The yellow circled area would need to be reviewed if widening for heavy goods vehicles swept paths was applied to Kelvedon Road. Reducing the Kelvedon Road entry kerb radius and the Inworth Road south exit kerb radius would not be a satisfactory solution. It is more probable that Inworth Road south would need to be re-aligned.

Applicant's Response

The Applicant notes the Interested Party's comments. The Applicant has informed the ExA of the proposed changes to the scheme design at the Inworth Road Roundabout.

The roundabout has been designed in accordance with Manual for Streets design guidance as this is appropriate to reinforce the nature of the significance of roads in the area which should take place on the exit of the roundabout rather than along the B1023. This has previously been explained in response to REP2-083-007 in the Applicant's Comments on Information Received at Deadline 2, and in correspondence between National Highways and the Messing Inworth Action Group on 4th August 2022. Although reference to DMRB visibility splays was made for the benefit of Essex County Council, the Applicant maintains that appraisal of the link road design against the Design Manual for Roads and Bridges, both in terms of stopping sight distance and superelevation, is not relevant considering the Applicant's continued rationale that the roundabout acts as a traffic calming feature and has been designed in accordance with Manual for Streets design guidance.

Regarding comments made about northbound visibility along the B1023, the Interested Party's calculations do not appear to account for the correct position of the Park Farm wall, which has been validated by the Applicant.

Regarding comments made about the visibility on the road to Messing, Kelvedon Road, this proposal maintains visibility of a similar nature of the remainder of Kelvedon Road.

Regarding comments made about swept path provision of the road to Messing, Kelvedon Road, given the onward nature of the remainder of Kelvedon Road, the Applicant is not proposing specific widening for heavy goods vehicles, this will discourage heavy goods vehicles from using the exit of this roundabout for anything other than access. The updated design presented is an emerging design and will continue to be developed through the detailed design stage in consultation with the highway authority, Essex County Council.

Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council

REP3-064-001

Sub-Question

MIAG and Mcl PC written submissions from oral presentation; Issue Specific Hearings; 1 st March, 2023 (am); Cultural Heritage Representations made by Andrew Harding; 1. Despite repeated assurances from NH, it is clear that the 1.6km border for investigation of potential damage and threat to wildlife means that Messing has been ignored. This is an egregious abrogation of the collateral damage caused by NH plan. They consistently fail to take responsibility for this; 2. From the junction of Kelvedon Road with Inworth Road the measurements are: 1.63 km to the edge of the cemetery at the entrance to the village (opposite School Road); 1.83 km to the centre of the cemetery in front of All Saints Church; 1.78 km to the War Memorial; 1.91 km to the front of The Old Crown. This justification for not investigating the destruction of the village of Messing and the SOAEL levels reaching severe on 71 houses, is therefore based on the difference of just 3m to the village cemetery boundary, and 31m to the heart of the Conservation area. It should also be noted that houses on Kelvedon road, within 250m of the proposed NH roundabout spur are within the curtilage of Messing, pay its taxes and are 'part of the village'. 3. There is an 11th Century church, originally built in the village which was founded in the 800's. The church is surrounded by a wall which is actually on the road, not 'near the road' as stated by NH (Mr State). EH have used a photograph of our church on their report to further highlight the nature of this ancient building; 4. The core of the village is a conservation area with several listed properties. No-one from NH has considered it important to visit the site and wilfully disregarded commentary about vibration damage. MIAG and Mcl PC do not believe that NH even knew there was a conservation area; 5. The interjection from ECC Built Heritage (Mr D Sorapure),

endorsed and supported the concerns expressed about the Messing village loss and destruction of its 'cultural fibre'; 6. Commentary was made about major cracks caused by vibration and the proximity to the road. In several instances about one brick (ancient footings) width from the highway itself; 7. Concerns were expressed about the Church wall and village war memorial in terms of proximity to the road but also, and most significantly, as Swept Path analysis shows this short stretch of The Street to be one of the most exposed roads to on coming facing traffic difficulties, exacerbated by constant 'on road' parking; 8. The meeting was reminded that Mr Sate had confirmed that 71 properties in Messing would be severely and adversely affected by noise (SOAEL), as a result of the NH proposal. This is half of the village and all houses on all roads except a small portion of School Road; 9. NH were without their expert in these matters. No answers of any meaningful value were proffered by NH. Such comments as were made had no merit; 1. Overview of properties within 1.6km and within Messing curtilage; 2. Detailed view

Applicant's Response

Designated cultural heritage assets for assessment in the Environmental Statement were selected using a 1km study area extending in all directions from the Order Limits. The study area was selected using professional judgement, guided by the advice contained in DMRB LA 106 (National Highways 2020). Designated cultural heritage assets beyond 1km and within the zone of theoretical visibility (ZTV) were also considered, although the combination of distance and intervening screening features meant that only a small number of such features were included, and no effects are anticipated beyond these boundaries. The methodology used was agreed with Historic England and the local authority heritage advisors, and is set out in more detail in Section 7.7 of Chapter 7: Cultural Heritage [APP-074], and Paragraph 8.5.11 of Chapter 8: Landscape and Visual [APP-075] of the Environmental Statement.

The Applicant was fully aware of Messing conservation area, and the listed buildings within it including grade II* listed Church of All Saints, which is located approximately 1.5km from the closest point on the proposed scheme and was not included for assessment. Being outside the study area for designated heritage assets, no effects on heritage assets or their settings were anticipated.

Impact from vibration in Messing

Traffic travelling through Messing is predicted to increase with the proposed scheme and this will include some increase in Heavy Goods Vehicle (HGV) movements. The increase in HGV movements through Messing is likely to be from those in the weight range 7.5 to 18t. Such vehicles will already be seen in the village, in part to provide deliveries to homes and businesses within Messing. The Applicant notes that the existing roads through Messing, including The Street, do not offer an attractive route for HGV movements larger than 18t as supported by swept path analysis undertaken by the Interested Party in Appendix E of the Messing and Inworth Action Group Draft Statement of Common Ground [REP2-083]. The roads in the village are not being altered, meaning vehicles would not be likely to be traveling at any greater speed through the village than vehicles currently travel.

It is unlikely that building damage would be caused by the passage of vehicles in this weight range in Messing as vehicles will be moving at relatively low speed. It is not anticipated that the additional movements have the potential to lead to significant adverse vibration effects.

Noise

The predicted 71 significant adverse effects within Messing are from calculations undertaken within the entire village. This means that there are some dwellings within Messing where a significant adverse effect is not predicted. This is because the dwellings are not predicted to experience an increase in noise above 3 dB(A). Of the identified 71 significant adverse effects within Messing, none of these receptors are predicted to experience an absolute noise level above the SOAEL, for either day or night-time periods. These effects are described within paragraph 12.11.47 of Chapter 12: Noise and vibration [APP-079].

The Applicant would note that the assessment within Chapter 12: Noise and vibration [APP-079] does not use the word 'severe' when describing the impact from the increase in noise. In the terminology used within DMRB LA111, the magnitude of these increases in noise are either Moderate (between 3 and 5 dB(A) at 16 of the dwellings) or Major (above 5 dB(A) at 55 of the dwellings).

Lastly, the Applicant can confirm that representatives of the project have visited the village on several occasions not least when in person events were held on 25 November 2021 and on 21 October 2022 as part of the consultations on the proposed scheme.

Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council

REP3-066-001

Sub-Question

Messing and Inworth Action Group (MIAG) and Messing-cum-Inworth Parish Council (Mcl PC) responses to The Planning Inspectorate Examining Authority (ExA) Various 'Issue Specific Hearings', 28th February and 1st March, 2023 in direct response to statements made by National Highways (NH) experts. The overarching objective for both Mcl PC and MIAG continues to be that the ExA, Planning Inspectorate and Secretary of State, recommend the adoption of The Main Alternative for Junction 24 of the A12/A120 Widening Scheme. These notes as a consequence of statements made by several NH experts, are intended to illustrate that NH have failed to consult, continue to exhibit confirmation bias, and have generated a false narrative. *** During the course of several Issue Specific Hearings (ISH) over the period of 2 days, (28th February and 1st March) experts from NH repeatedly stated there was a '1.6km' buffer zone from their planned roundabout at Inworth for enquiry and investigation into possible harms and damage. This 'buffer zone' was cited during the ISH for Cultural Heritage, Biodiversity, Noise, Traffic 'General', and Traffic Junction 24. These limits have been notionally, and in the self-fulfilling interest of NH, used to prevent and exclude analysis of potential exposures to increase Noise (to severe SOAEL extent in 71 properties in Messing), potential damage through vibration to properties abutting the road ways (not 'near them' as falsely and misleadingly stated by one expert), and to the Cultural Heritage risks associated primarily with ancient memorials, ancient buildings and the conservation zone. Further, it is our shared belief that this notional 'buffer zone' was created for the convenience of NH without due reference to any precedent set for such zones, nor the consultation process that should have taken place. The assertions from various experts, and indeed the legal representatives of NH, Wombles Bond Dickinson, (WBD), gave rise to the impression that this limit is somehow established at law, is fixed or is an indisputable 'fact'. If this is 'buffer zone' actually exists, why did NH spend time and effort in so called 'consultation' with the villagers of Messing? In any case the Parish Boundary, and at least 6 properties paying the Mcl Precept, are well within NH's arbitrary and false 'buffer zone' and they have effectively been prejudiced by being arbitrarily excluded. That NH noise expert quoted 71 (62%) of Messing properties being severely affected demonstrates that some subsets of NH investigation were not all working to the same arbitrary and false 'buffer zone'. Why did NH feel it necessary to speak with all residents if the buffer zone excluded the entire village? On further investigation of these misleading statements, and the false narrative invented by experts to justify the failings of proper process, it transpires the 'buffer zone' should be identified on a case by case basis. It should include all areas that may be materially affected by development. As such it is not the case that a blanket line at 1.6km (or any other distance), should be drawn from the limit of any planned works. Instead

designers should draw ribbons down corridors of properties and other sensitive areas to fully test potential impact and mitigation requirements. (Source - John Hopkins, qv Transport Planning Associates). Why has NH not done this and failed to operate on a 'best practice' fashion? At what point, and after what consultation, were these fictitious lines established? With who and on what authority were these lines agreed within NH? Who gave authority for this misleading, false and incorrect position to be cited as 'fact' and presented to the ExA as such? This was presented to the ExA in such a way that no reasonable person would have been able to draw the inference that these lines were selected by NH for its own convenient reasons and were not a matter of their choice, made for their convenience. It is the established belief of MIAG and Mcl PC that as a result of the misleading statements made to the ExA endorsing the false narrative, this matter now needs to become the sole basis for an Issue Specific Hearing. We respectfully request a date to be established to review this critical and previously unknown information situation. The ISH should consider the implications of this NH behaviour on the entire planning process. Appendix 1. Further notes from Transport Planning Associates John Hopkins, Partner and Director of Transport Planning Associates; Transport Assessment 2.3.1 The study area for the traffic model, which uses the industry-standard SATURN software, covers the area directly affected by the proposed scheme on both the SRN and on the LRN. Plate 2.1 shows the simulation area (where the greatest impacts will occur), and surrounding buffer area (rest of the fully modelled area (ROFMA)), which links trips to other regions of the UK into the Fully Modelled Area. Further details regarding the study area can be found in the Combined Modelling and Appraisal Report [TR010060/APP/7.3]. It is clear from the review undertaken by TPA that neither the simulation area nor the extent of detailed traffic surveys was sufficiently detailed in terms of the roads included where potential impact and margin of error are at their greatest in and around Messing. Noise and Vibration 12.7.1 Instructions on how to set the study area for an assessment of noise and vibration are provided within DMRB LA 111 (Highways England, 2020b). The distances used for the study areas have been informed by professional judgement and correspond to the distance where it is considered that receptors could potentially be affected by noise or vibration. It is always concerning to read that something has "been informed by professional judgement" without any context being given to the exact nature, extent and level of judgement used. I question whether the operational assessment adequately complies with DMRB LA11, which addresses the area within 600m of new road links or road links physically changed or bypassed by the project or the area within 50m of other road links with potential to experience a short term change of more than 1.0dB(A) as a result of the project. The above criteria bring in the roads through Messing for a more detailed assessment. John Hopkins | Director Transport Planning Associates

Applicant's Response

At no point has the Applicant stated that a universal 1.6km buffer has been applied for the environmental assessment. It was stated during Issue Specific Hearing 1 that Messing is approximately 1.6km from the proposed scheme Order Limits, and therefore falls outside the study area used for some environmental topics. Each environmental topic in the Environmental Statement has defined a study area, based on the Design Manual for Roads and Bridges standards, topic specific guidance, and the application of professional judgement. This is the approach adopted by all promoters of infrastructures of this sort and is precedent in the numerous DCOs that have been granted by the Secretary of State to date. Indeed, as the Applicant explained at the Issue Specific Hearing, were it not to follow this approach, it would be rightly criticised by the Examining Authority and Stakeholders.

Information on study areas, including the reasoning why the study area buffers have been set, can be found in the 'Study area' section of each environmental topic chapter (Chapters 6 to 15 of the Environmental Statement [APP-073 to APP-082]). Study areas are also shown visually on the figures that support each Environmental Statement chapter.

Proposed study areas were included in the Environmental Scoping Report and Preliminary Environmental Information Report and were therefore subject to consultation through the Scoping Opinion and Statutory Consultation processes. Comments from stakeholders on the study areas, as well as the Applicant's responses, can be found in Environmental Statement Appendix 5.1: Scoping Opinion Response Table [APP-096] and Consultation Report - Annex N: Tables evidencing regard had to consultation responses [APP-062]. It should be noted, for example, that the Statement of Common Ground with Natural England [REP2-007] reflects Natural England's agreement with the survey scope and methodology which includes survey buffers.

The study areas applied are therefore in line with relevant guidance, with which the Applicant (and indeed all promoters for infrastructure of this sort) is required to comply, and as such are not 'fictitious' or determined by the Applicant for its own self-serving reasons, as suggested by the Interested Party.

The Interested Party has queried why the Applicant felt it necessary to "speak with all residents if the buffer zone excluded the entire village". There is a difference between the study areas/buffer zones applied as the basis for environmental assessment and those zones that are applied as the basis for consultation, which are necessarily wider in nature. The consultation zone

adopted is explained in Chapters 4 and 5 of the Consultation Report [APP-045] and was agreed with all local planning authorities at the time the consultation was being prepared.

For the reasons given above, the Applicant is of the view that this is not an issue that should be the subject of an Issue Specific Hearing as suggested by the Interested Party.

The following text responds to the two points in the Interested Parties' Appendix 1.

Noise and vibration

As per paragraphs 12.7.3 and 12.7.4 of Environmental Statement Chapter 12: Noise and vibration [APP-079], 'The study area for operational road traffic noise has been chosen as the area within 600m of new road links or road links physically changed or bypassed by the proposed scheme. In addition, any roads outside of this area where there is a change in the short term of more than 1.0dB(A) as a result of the proposed scheme have been considered, and on these links the receptors within 50m of the road have been included within the assessment. In three areas the study area has been extended to include areas where there is a risk of likely significant effects'. As set out in paragraph 12.9.39 in Chapter 12 [APP-079], one of these three areas is the route from Inworth Road to the B1022 (via Kelvedon Road, through Messing and then Harborough Road). The roads through Messing have therefore been included in the assessment, and the effects are described in paragraph 12.11.47 of Chapter 12 [APP-079].

In strict accordance with DMRB LA 111, the impacts within Messing would have been assessed using the study area defined as 'the area within 50m of other road links with potential to experience a short-term change of more than 1.0dB(A) as a result of the project'. In accordance with DMRB LA 111, the noise levels from the proposed scheme would have been predicted from calculations using the Basic Noise Level (BNL) methodology from within the Calculation of Road Traffic Noise (CRTN). The impact assessment would then have been based upon a nominal noise level at a distance of 10m from the road.

However, DMRB LA 111 allows professional judgement to be applied, and in the situation of Messing where increases in traffic flow are predicted and there are receptors closer to the road than 10m, the Applicant considered that the village should be included within the 600m study area where detailed calculations were being undertaken i.e., the application of the full calculation methodology within CRTN rather than simplified BNL methodology within CRTN. In addition, the Applicant considered there would have been public expectation for the village to be subject to detailed noise calculations. This change to the study area is described within paragraph 12.9.39 of Chapter 12: Noise and vibration [APP-079]. The extent of the operational noise study area

is shown on Environmental Statement Figure 12.1 [APP-228], where an area of 600m is clearly shown around the village of Messing. The calculated noise levels shown in Figure 12.7 [APP-234] show on sheet 8 that all of Messing is included within the study area where detailed noise calculations were undertaken.

The study area chosen by the Applicant for the assessment of impacts from noise and vibration has therefore applied professional judgment, in line with the requirements within DMRB LA 111 and has included Messing within the area where detailed calculations are undertaken. The Applicant considers that the judgement used in defining this study area is robust and justified and considerate of the position of residents in Messing.

The Applicant would like to point out that the significant adverse noise effects predicted in Messing are not above the significant observed adverse effect level (SOAEL), as incorrectly stated in the Interested Party's comments.

Transport Assessment

The simulation area is the most detailed area of the strategic traffic model, where junctions are explicitly modelled in addition to the roads themselves. In the A12 traffic model, the simulation area includes the A12, Chelmsford, Colchester, Maldon, Witham and Braintree. Messing and the surrounding area is also included within this simulation area. The size of this area was chosen based on guidance set out in section 2.2 of the Department for Transport's Transport Analysis Guidance Unit M-3 and has been discussed with the Department for Transport and Essex County Council. The Applicant considers the extent of the simulation area to be appropriate to assess the potential impact of the proposed scheme on traffic.

In terms of the extent of traffic surveys, the Applicant provided information in response REP2-085-008 (part of the response to the Transport and Highway Infrastructure Review undertaken by Transport Planning Associates) in the deadline 3 submission Applicant's Comments on Written Representations [REP3-009]. This states that traffic survey information is available for Kelvedon Road in Messing, and that the traffic model represents the traffic flow with sufficient accuracy to meet the Department for Transport's modelling criteria. Observed journey time information for Kelvedon Road was also taken into account when developing the traffic model in that area.

Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council

REP3-067-001

Sub-Question

Summary of oral submissions made by the Messing and Inworth Action Group Limited – ISH2 DCO Hearing The following representations were made by Stephen Humphreys (Legal Director at Ashfords LLP) (SH) on behalf of the Messing and Inworth Action Group Limited (MIAG). These comments were made in respect of the draft DCO submitted by National Highways (NH) in support of the application for the A12 DCO. Following the ExA's question to NH in respect of the issue raised by MIAG as part of its Written Representation (REP2-084) re: that MIAG does not consider NH has properly applied for consent for the whole scheme, NH responded that it did not agree with MIAG. NH acknowledged that more than one NSIP can be included in a DCO application. NH pointed to the fact that the application includes two NSIPs; one for the highway scheme and one for the gas pipeline. NH acknowledged that whilst part of the scheme involves the construction of a new highway that, on balance, the whole scheme equates to the "alteration" of a highway (under the terms of s.22(1)(b) of the Planning Act 2008). In any event the whole scheme is – in NH's view – covered by the Planning Act 2008 and the NPS NN so why does it matter. SH noted that MIAG's comments on the dDCO are without prejudice to its case in respect of Junction 24, particularly its support for the Main Alternative which does not form part of the DCO proposal. On the dDCO, SH responded with the following:

- Section 31 of the Planning Act notes that you need a DCO to the extent that a proposal is a NSIP.
- Section 14 details what a NSIP (singular) is, and this includes highway-related development (Section 14(1)(h)).
- Section 14 is subject to Section 22.
- Section 22 provides that highway related development is a NSIP only if it is the construction of a highway (Section 22(1)(a)), the alteration of a highway (Section 22(1)(b)) or the improvement of a highway (Section 22(1)(c)). S.22(a) and (b) are subject to qualifying criteria under s.22(2) & (4) and s.22(3) & (4) respectively. s.22(b) is also subject to alteration specific requirements under s.22(7) & (8).
- For both S.22(a) and (b) the area to be developed has to over 12.5 hectares. The area for development has a different meaning under both (a) and (b). For the construction of a highway it means "land on which the highway is to be constructed ..."
- and for the alteration of a highway it means the "land on which the part of the highway to be altered is situated ..." (our emphasis). As such, construction encompasses the development of land which is not existing highway but is to become highway. Whereas the alteration of a highway is the alteration to an existing highway.
- National Highways provides in the application form and in the Explanatory Memorandum that the sub-categories of Section 22(1) are expressly stated to be alternatives and notwithstanding the various elements of the proposal, they are obliged to place the whole scheme into a single category (here "alteration"). Whilst 22(1)(a), (b) and (c) are alternatives, MIAG considers that this belies the fact that each sub-

paragraph is capable of being a separate NSIP (a point that NH said it disputes in ISH2). • For guidance on this MIAG considers that one can look at other sections of the Planning Act 2008. For example, sections 15 (Generating Stations) and 19 (Gas Reception Facilities) each have subsections of different forms of development that equate to their overarching development type. If, for example, one were proposing an onshore generating station (15(2)) and an offshore generating station (15(3)) together in the same application, MIAG does not consider that you would shoehorn them both into 15(2) or 15(3) and call them a single NSIP because they each have distinct criteria (in the same way that construction and alteration of a highway does). • The fact is that the distance of new highway between Feering and Marks Tey (approximately five to six kilometres of new highway) is capable of qualifying as the construction of a new highway and as a separate NSIP. There is nothing new in National Highways' approach to this. As an example, the A585 - Windy Harbour was for the "construction" of a five to six kilometre stretch of new highway. It involves extensive detrunking of the existing A585 route, in the same way that the A12 does. This is clear from the General Arrangement Plans submitted in support of that scheme which are currently on the A585 PINS project website. It is worth noting that NH at ISH2 disputed that this scheme constituted the construction of a new highway. • MIAG considers that there is a reason why the subsections in Section 22 are separate. This is because the construction of a highway compared to the alteration of a highway is very different – in terms of its environmental impacts and also its perception from the public's and stakeholders' point of view. Engagement from stakeholders and the public can, of course, be very different where for an alteration scheme compared to the construction of an entirely new stretch of highway. The alteration of a highway suggests that its existing alignment is retained and deviation from this route is minimal. The construction of a new highway engages the impression of a wholly new scheme distinct from any existing infrastructure. • Given that a five to six kilometre stretch of new road that is being developed between Feering and Marks Tey and there is to be an extensive length of de-trunking to the existing A12 alignment (which MIAG considers supports the proposition that this aspect of the scheme is by no means an alteration), MIAG considers that this length of the proposal satisfies section 22(1)(a) and is the construction of a new highway. As such, MIAG submits that this aspect of the proposal is a separate NSIP that requires consent for which National Highways has not applied. • Furthermore, and as noted above in respect of public interaction, all of the consultation that National Highways has done to date has been premised on a wrong presentation of the proposal. This is true also from a compulsory acquisition perspective; individuals whose land will be affected by the proposal should be entitled to know the purpose for which their land is being interfered with. • It is of note that National Highways did not provide during ISH2 (and have not to date) any examples of comparable consented schemes which include such a significant amount of newly constructed highway (and extent of detrunking) where the scheme has been advanced as an "alteration". • It is of course up to the Panel and the SoS to satisfy itself that the powers sought by NH in the DCO allow it to develop what NH has applied for. Clearly, there could be significant legal consequences for the scheme if NH does not robustly justify its position in this respect or err on the side of caution and seek to

amend the scheme at this stage.

Applicant's Response

The Applicant notes the Interested Party's comments and has responded to issues raised in the hearing in the Written Submission of Oral Case for ISH2 [REP3-013], specifically reference 5 and 6.

There is no doubt that the application for works to the A12 contained in the application for development consent are works for which the Planning Act 2008 applies. It would not have been possible for the application to be made under the Town and Country Planning Act 1990 and/or carried out by way of permitted development rights. The provisions of sections 14 and 22 provide thresholds to indicate which regime should apply. It is clear that whether application is made for construction, alteration or construction and alteration the relevant thresholds are passed by the proposed scheme.

The proposed scheme will operate as a single highway forming part of the A12 between London and Lowestoft. To split the proposed works out into sections of altered highway (which are the majority) and newly constructed highway would have no benefit to any party and lead, if anything, to confusion as to why more than one nationally significant infrastructure project is being sought for an individual highway to which major works are being carried out to provide a modernisation of a long existing route.

It is unimaginable that any party involved in extensive pre-application consultation under sections 42 and 47 of the 2008 Act have in any way been given the impression that this is anything but a comprehensive scheme to provide an extensive improvement to the section of the A12 between junctions 19 and 25. Pre-application consultation documentation included many plans illustrating exactly what was proposed is also entirely clear to anyone subject to compulsory acquisition, the purposes for which their land is being taken or otherwise interfered with.

There can be no doubt that this is a scheme for which development consent has been sought by way of statutory instrument in the form of a development consent order, which has been expressly drafted to not specify which elements of the works form part

of the nationally significant infrastructure project for which development consent has been sought or associated development because of the difficulties in separating out what must clearly be regarded as a single composite scheme. To further complicate the application documentation and the order by detailed analysis of separate nationally significant infrastructure projects for a single length of dual carriageway that will operate as a continuous highway is unnecessary.

It is further to be noted that the authorised development is described in Schedule 1 of the draft development consent order as being defined in sections 14, 20 and 22 of the 2008 Act and i that section 22 is not further broken down. On this basis, it is clear that the statutory instrument itself contemplates that construction or alteration would be permitted by the statutory instrument.

In summary, it is unarguable and inconceivable that anyone has been prejudiced, inconvenienced or confused by the form of application.

REP3-067-002

Sub-Question

National Highways noted that a new roundabout plan for the Inworth Roundabout has been prepared by National Highways and shared with both the County Council and MIAG.

- During ISH1, NH provided that a new Inworth Roundabout plan – setting out a new alignment for the roundabout (in response to issues raised by MIAG) – will not be submitted into the Examination. NH noted that this plan will be submitted as part of the detailed design sign-off under the Requirements.
- MIAG disputes that this is the right approach. If NH knows that it is going to change the scheme alignment and it has shared this approach with ECC and MIAG, the plan should be shared with the Examination so that the ExA and the SoS can take the proposal (and its effects) into account when determining the application.
- The public and third parties should be given an opportunity to consider the extent of the amendments and their impacts during the Examination process; clarity should be provided by NH on how the changes affect the extent to which the assessments (including environmental assessments) have been or could be altered; and there also needs to be certainty on the issue.
- Given the fact that NH keeps referring to the 'Contractor' being engaged by NH on this project, it is likely (in MIAG's view) that the

Contractor has already approved the proposed drawings in respect of the Inworth roundabout, especially if they have been shared with ECC. Again, this amendment to the proposal should be detailed now by NH and not kicked down the road so that consultation and/or engagement comes at a much later stage outside of the statutory examination process.

Applicant's Response

The Applicant notes the Interested Party's comments. The Applicant has informed the ExA of the proposed changes to the scheme design at the Inworth Road Roundabout. A period of consultation will be undertaken from 13th April to 14th May 2023. During this period, information will be available on how the proposed changes impact the scheme presented in the DCO submission.

REP3-067-003

Sub-Question

dDCO

MIAG is concerned that National Highways has not provided an updated dDCO to date. NH noted in the hearing that it meant to provide an updated DCO at D2 but that this would instead be submitted at D3. However, given comments during the hearing, NH suggested that one would be provided at D4 instead of D3. MIAG is struggling to understand how and when it is supposed to engage with the updated DCO whilst its submission is being postponed in this way.

SH went through comments made in MIAG's written representation. Given the limited time in ISH2 and the comments from others, MIAG had to highlight these points from its WR: • MIAG has concern with the definition of Maintain in article 2 and how broad this wording is. • SH noted concern with Article 5(2) and the wording 'adjacent to'. National Highways provided that they will respond to this point in writing. • SH noted that ECC will likely want to support its proposed wording for Article 15(6). • Article 16 is also unclear ('open to traffic' is not defined). National Highways did not explain why this is required. National Highways noted that a response will be provided in writing. • MIAG has concern with the extent of works that can be undertaken under the term "commence" in Schedule 2, particularly outside the control of the DCO and the extent to which the powers sought adhere to what has been assessed by NH in the ES. • Requirement 10 – MIAG supports ECC's position in this respect and the need for a link to the design principles submitted by NH. MIAG has proposed changes to Requirement 10 in its WR and encourages NH to

adopt this wording for the A12 (especially as the SoS approved it as part of the A428 DCO). • MIAH supports ECC's position that a fund or other ability to call on remediation from NH should be secured through the DCO to ensure that – in the event impacts are worse than NH predicts – these can be properly mitigated during the construction and operational phases of the development. • MIAG provided that it has concern with the extent of 'associated development' listed in Schedule 1 of the dDCO. A number of representations have been made by National Highways to MIAG on the extent of the works proposed to Inworth Road, including the width of passing places and footways. SH sought clarity on the extent to which associated development would be used along the Inworth Road. However, NH refused to clarify this, simply stating that the power is in the DCO to give National Highways flexibility. MIAG nevertheless still requests that NH gives it comfort on this point.

Applicant's Response

The Applicant provided a revised dDCO at Deadline 3. A further updated dDCO is provided at Deadline 4.

The Applicant responded at Deadline 3 to each of MIAG's comments on the dDCO - see REP3-009 Appendix C

Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council

REP3-068-001

Sub-Question

MIAG and Mcl PC written submissions from oral presentation; Issue Specific Hearings; 1 st March, 2023 (am); Geology and Soils Representations made by Andrew Harding; The 'soil' expert from NH opined that 'Environment Best Practice' was to safeguard the highest quality farming land wherever possible. NH were challenged about why the 'new' construction of A12 from north of Feering, for approximately 5km-6km, was needed when a simple alteration would save the land. NH lawyer shut conversation down by stating this was not the appropriate time to raise this. This bad tempered interjection failed to answer the actual question raised at entirely the correct point. There was no correction from the ExA to the timing nor placement of the question. Thus it remains unanswered. MIAG/Mcl PC do not accept that the NH position is correct either on the routing which a) destroys so much land, nor b), the use of Environment Best Practice, and c), that NH can determine when they deign or choose to answer questions without direction or instruction from ExA. We do not accept any of the NH responses. Why is the new construction necessary, when an alteration to the existing route would suffice, be substantially less costly and would be 'best

practice'

Applicant's Response

The Applicant understands that MIAG is asking the question as to why an 'online' widening option was not taken forward in preference to the 'offline' option for the section north of Feering (that is the section largely between junctions 24 and 25). The Applicant suggested that this matter was not within the remit of the ISH as it related to matters of design alternatives and not geology and soils, which was the topic of the ISH. An overview of the process that led to the decision being queried was provided at Issue Specific Hearing 1, as set out in the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1, submitted as part of Deadline 3 [REP3-012].

Furthermore, the history of scheme development and the options assessment is described in Chapter 3: Assessment of alternatives, of the Environmental Statement [APP-070]. National Highways major projects are developed following their Project Control Framework (PCF). The key stages are:

- PCF Stage 0 – Strategy, shaping and prioritisation
- PCF Stage 1 – Options identification
- PCF Stage 2 – Options selection
- PCF Stage 3 – Preliminary design, including the preparation of the environmental impact assessment and preparation of the Development Consent Order (DCO).
- PCF Stage 4 – DCO Examination
- PCF Stage 5 – Construction preparation including detailed design.
- PCF Stage 6 – Construction
- PCF Stage 7 – Close out.

The proposed options for the A12 scheme were developed and assessed in PCF Stages 0 to 2 between 2015 and 2019. This involved the identification of a long list of options, more detailed assessments of a short list of options, followed by the preferred route announcement for the section between junction 19 and junction 23 in October 2019. The preferred route announcement of the section between junction 23 and junction 25, including the offline section north of Feering, was made in August 2020.

The preferred option taken forward was 'Option 2'. This option was seen to be the most resilient and would generate the greatest capacity across the strategic road network and local road network. Option 2 would be safer for road workers during both construction (due to the length of offline sections that could be constructed away from live traffic) and operation (as there would be an alternative route along certain sections of the A12 on which to divert traffic during road maintenance). Option 2 had the best overall provision for walkers, cyclists and horse riders (WCH), as existing severance issues on the A12 would be rectified, and reduced flow on the detrunked sections of the A12 would improve the ambience of existing shared facilities alongside the de-trunked sections of A12. It would also have benefits in relation to air quality and noise effects for receptors along the existing A12, notably through the community of Rivenhall End. It was seen to be the most resilient of the four options, as it assumes that the existing dual carriageway would remain. Option 2 was also the most popular option from the non-statutory public consultation, with 49% of respondents supporting the option (see paragraph 3.2.10 in Chapter 3: Assessment of alternatives [APP-070]).

An option was looked at that delivered the offline bypass between junction 22 and junction 23, but not between junction 24 and junction 25 (Option 3). While Option 3 would have provided the bypass at Rivenhall End, there were concerns it would not address the problems with private access onto the A12 between junctions 24 and 25. In addition, there were concerns that this option would not handle traffic and congestion as well as Option 2, or be as safe to construct. This option was only supported by 11% of respondents, as opposed to the 49% that supported Option 2 (see paragraph 3.2.13 in Chapter 3: Assessment of alternatives [APP-070]).

**Messing and Inworth Action Group Limited and
Messing-cum-Inworth Parish Council**

REP3-069-001

Sub-Question

MIAG and Mcl PC written submissions from oral presentation; Issue Specific Hearings; 28th February, 2023 (am); Traffic General; Representations made by Andrew Harding; Traffic General; The ExA attention was immediately drawn by various IP's to the widely accepted and professionally endorsed view that all traffic flow models and all traffic statistics used by NH are called into question. Attention was drawn to the failings of these calculations on the basis of 'poor input, poor output', (Mr Humphries, KC representing Essex County Council). MIAG and Mcl PC endorse this view and stressed again the confirmation bias of NH and their statisticians. Attention was drawn to the stretch of proposed new road between Feering and south Marks Tey, only originally designed as part of the West Tey Garden Community – which design failed. This stretch of road is clearly proposed to be built as 'new' road – a position MIAG/Mcl PC hold to mean the dDCO is incorrect in its assertion in the EM, and a new NSIP is actually the situation. The ExA deferred reference to this to the DCO ISH - which unfortunately simply resulted in NH denying this and offering to play 'ping pong' with precedent to MIAG/Mcl PC. A clearly ill-considered and inappropriate exchange from WDB, (lawyers for NH). On the generality of traffic for the entire stretch of the A12 widening project, MIAG and Mcl PC feel that no proper consideration has been made of current working practices which have increasingly seen both working from home (WFH), and only commuting between Tuesday and Thursday. This has not been examined properly - if at all. MIAG and Mcl PC also expressed deep concern about the general justification cited by NH for the plan. This specifically made note of 'future' housing and developments. In any case, MIAG/Mcl PC do not accept NH has actually taken note of various granted, accepted and 'green lit' Neighbourhood Plans. Throughout the short time given to reviewing the plans of NH, MIAG and Mcl PC have been repeatedly told that no consideration can or will be given to 'future plans'. MIAG and Mcl PC challenge NH for a definitive statement in this regard. Clearly, NH are attempting to further their false narrative and promulgate the notion that they have given full and proper consideration to these matters. They self-evidently have not. MIAG and Mcl note the repeated commentary of all interested parties which called into question the traffic flow calculations, statistics and usage of NH

Applicant's Response

For ease of reading, the Applicant's response has been split into several parts.

Traffic modelling issues

The Applicant disputes the Interested Party's reference to a "widely accepted and professionally endorsed view that all traffic flow models and all traffic statistics used by NH are called into question".

Essex County Council's Local Impact Report [REP2-055] confirms in paragraph 8.2.29 that they "accept that the strategic models and associated local junction models have

been constructed and validated to appropriate standards, as described within the TA and ComMA. [We] consider that these models give a good indication of where mitigation on the local highway network is most likely to be required, and also that the models additionally identify specific locations and corridors where the current assessment shows that impacts are expected to be close to accepted mitigation thresholds". Essex County Council requested additional information from the traffic model in response to queries raised about specific areas of the model, where they were concerned that the model may underrepresent existing congestion. The Applicant's Comments on Essex County Council's Local Impact Report [REP3-021] provides responses to address these concerns (see the response to Chapter 8 of the Local Impact Report).

Comments on the draft DCO

In reference to the Interested Party's comments about the dDCO, the Applicant has responded to this in comment reference 5 in its Written Submission of Oral Case for Issue Specific Hearing 2 [REP3-013].

How the traffic model takes account of future working patterns

Regarding the Interested Party's comment about whether current working practices such as increased working from home are taken into consideration, the Applicant refers the Interested Party to its response reference J24/117 in its Consultation Report - Annex N: Tables evidencing regard had to consultation responses [APP-062]. This states that:

“Predictions of future traffic changes are based on national traffic growth predictions produced by the Department for Transport. These national traffic growth predictions take into account travel changes due to expected changes in economic growth and in fuel prices. However, the latest set of these national traffic growth predictions were produced before the pandemic, and therefore do not take into account post-pandemic changes in travel behaviour. However, monitoring of traffic conditions during 2021 and 2022 shows that overall traffic levels on the A12 are already close to or beyond the levels they were at before the pandemic. It is therefore expected that A12 will still be congested in future if the proposed scheme is not built.”

Treatment of future housing and developments

Regarding the treatment of future housing developments, the Applicant has responded in comment reference 40 in its Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012]. This confirms that developments with planning applications and which are over a certain size threshold are included within the traffic model. This is in accordance with the Department for Transport’s “Transport Analysis Guidance Unit M4: Forecasting and Uncertainty”. Regarding Neighbourhood Plans, the relevant site allocations and policies are also contained within the various Local Plans which are considered in the Case for the Scheme – Appendix F: Local Planning Policy Accordance Tables [APP-252].

Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council

REP3-070-001

Sub-Question

MIAG and Mcl PC written submissions from oral presentation; Issue Specific Hearings; 1 st March, 2023 (am); Air Quality Representations made by Andrew Harding; The ISH was advised of the deep concerns of Mcl PC in relation to the traffic volumes near, and adjacent to, Messing Primary School. The problem is both air pollution and road safety. In terms of air pollution, LGV’s and HGV’s coming uphill from Kelvedon/Feering end to Kelvedon Road to ‘rat run’ through to B1022 (along New Road), will have to accelerate/create far more toxic emissions in order to crest the hill to the side of the school. NH has made no attempt to investigate this, nor has ECC, and the risk to safety and health of the 84 children who attend that school has been ignored. NH offered no response.

Applicant's Response

The Applicant refers the Interested Party to the response submitted in the Applicant's Comments on Written Representations [REP3-009], sub-question REP2-085-010.

The traffic model predicts very little change in traffic flows on both New Road between Tiptree and Messing and on School Road through Messing with and without the proposed scheme in the year of opening. For example, on School Road, the traffic model predicts an increase in traffic in the morning peak of 1 vehicle - from 54 to 55 vehicles - and an increase of 3 vehicles in the afternoon peak - from 54 to 57 vehicles. The peak traffic flows of less than one vehicle per minute are very low. The annual average daily traffic (AADT) flows of between 500 and 700 with and without the scheme are also very low (see Figure C.5 of the Transport Assessment - Appendix C: Traffic Flow Diagrams – Communities and A12 Mainline [APP-256]).

Notwithstanding the above, the study area for the air quality assessment was determined using the threshold criteria set out in DMRB LA 105 (see Chapter 6 Air quality in the Environmental Statement [APP-073] paragraph 6.5.5). Whilst it is acknowledged there is a predicted increase in Annual Average Daily Traffic (AADT) flow, the change in AADT owing to the proposed scheme is below the threshold criteria of a change in AADT of 1000 vehicles for assessment, as set out in DMRB LA 105. On this basis there would not be a requirement to undertake a detailed air quality assessment. Therefore, air quality assessment was considered and ruled out. Given the low traffic volumes, receptors located within Messing would not experience significant air quality effects.

The applicant notes the Interested Party's concern about the potential for increased emissions due to the gradient in the road next to the school. However, the traffic model indicates that there will be no significant change in the number of vehicles in the morning and afternoon peaks and the AADT flows with or without the scheme, so there would be no significant change in the air quality and associated health risks. Therefore there would be no significant effect on air quality and associated health risk for school children.

National Farmers Union

REP3-071-001

Sub-Question

1.0 Introduction 1.1 Submissions on behalf of the National Farmers Union (“NFU”) in respect of the application for a Development Consent Order (DCO) by National Highways (NH) for the A12 Chelmsford to A120 Widening Scheme. The NFU is making a case on behalf of its members who are affected by the proposed DCO.

2.0 Compulsory Acquisition Hearing 1 – 1st March 2023: 2.1 Article 40: Temporary use of land for carrying out the authorised development

The NFU would like to see that National Highways serve a 28 day notice as a minimum on landowners before taking land under temporary possession.

Under Article 40, it states that only 14 days’ notice has to be given to a landowner before entry can be taken by the undertaker. The NFU believes that National Highways should be able to give at least 28 days’ notice for temporary possession. This would provide a greater period of time to make any adjustments necessary to mitigate the impact on the business as a result of the possession, for example where the land in question is in an environmental scheme and a derogation is required from the Rural Payments Agency. From the NFU’s experience on NSIP projects, 14 days is just not long enough, and 28 days is now being seen on other similar projects.

National Highways, on the A30 Chiverton to Carland Cross, has agreed to increase the notice period to 28 days. Further, 28 days notice for temporary possession has also been applied to the National Highways project, A428 Black Cat to Caxton Gibbet Road Improvement scheme. The NFU is therefore expecting National Highways to acknowledge and accept that on a scheme of this size, where blocks of land are being taken from individual landowners for temporary use that a 28 day notice is necessary and that the DCO is amended accordingly.

Applicant's Response

The requested 28 day period is agreed.

The Applicant amended article 40 at Deadline 3 to refer to a 28 day prior notice period.

REP3-071-002

Sub-Question

2.2 Land to be taken The NFU has raised a concern regarding the amount of land that is to be taken on a permanent basis. Some landowners have made requests for land to be taken temporarily such as land being used for borrow pits and environmental mitigation. National Highways have advised the NFU that where it is possible to take land on a temporary basis that this can be negotiated under voluntary agreements. Whilst the NFU understands that there has been some discussion regarding voluntary agreements and land that may be taken temporarily, it is understood that this is progressing very slowly. The NFU is therefore concerned that if voluntary agreements are not progressed rapidly, then National Highways could just rely on their Compulsory Purchase Powers if Development Consent is granted and discussions on temporary possession will then fall away. The NFU strongly feels that it is essential that National Highways work to progress voluntary agreements where landowners have expressed an interest.

2.3 Land taken for environmental mitigation National Highways have also advised the NFU that land required for environmental mitigation will be acquired permanently and this is National Highway's long-standing practice. The NFU strongly feels that where a landowner would like the land to be returned to them then this should be facilitated by implementing a management agreement. This would obligate the landowner to carry out the management requirements set out within the agreement and would enable National Highways to enforce the agreement if necessary. Management agreements are being used more and more for environmental mitigation on infrastructure projects and therefore the NFU do not feel that it is necessary to acquire land for environmental mitigation permanently where a landowner would prefer to retain the land.

Applicant's Response

2.2) The Applicant is looking to secure agreement in as many cases as possible by the end of Examination.

- 31 offers are being prepared,
- 9 offers have been made with 1 accepted,
- 39 landowners are in discussions with the applicant,
- The applicant is waiting for a response from 21 landowners,
- 5 landowners have indicated that they are not interested in acquisition by agreement.

The nature of the scheme makes it difficult to secure agreement with all parties. Acquisition by agreement is being progressed with all landowners that are willing to negotiate (see the Status of Negotiations submitted at Deadline 4 for the latest position)

In relation to the borrow pit sites, the Applicant has outlined a mechanism to the four affected landowners which would allow ownership of the borrow pit areas to be retained by the landowners. The approach to compensation has been discussed and draft Heads of Terms are currently being prepared with a view to reaching agreement before the end of the examination period if landowners are in agreement.

The provisions regarding the restoration of land in Article 40 (4) prevents the Applicant relying on temporary powers for the extraction of materials from land used as borrow pits. The permanent change in condition of the land means that permanent acquisition is appropriate if powers in the Order are to be relied on because agreement has not been secured.

2.3) The Applicant explained in its Written Submission of Oral Case for Compulsory Acquisition Hearing [REP3-014] that not

owning the freehold of the land required for essential mitigation would expose the Applicant to the risk of criminal sanctions due to a breach of the DCO were any subsequent disposal to be made of the land or any management agreement breached. As explained in those written submissions, the Applicant's only remedy in such circumstances would be to seek to enforce the management agreement against the landowners in the civil courts, whilst itself facing criminal liability.

Criminal liability cannot be 'contracted out' or transferred by legal agreement and therefore it is the Applicant's view that there is no legal mechanism that would appropriately protect it from the potential criminal liability referred to.

REP3-071-003

Sub-Question

3.0 NFU Members affected by the A12 Chelmsford to A120 Widening Scheme

It was requested in the Hearing, further information regarding the number of members that the NFU are representing on the project. The NFU can confirm that 14 NFU members are affected by the construction and compulsory acquisition of land for the benefit of the project. The members are:

• David Bolton • Simon Brice • Robert Bunting • The Cock Family • JR Crayston & Sons Ltd • H J Fairs & Son • P Free • P Goodchild • Charles Granville-Willett • S G Ratcliff Ltd • Tom Sawdon • Henry Siggers • Daniel West • Lord Rayleigh's Farms Ltd

The NFU also has a further 20 members that will be impacted by the proposed prohibition of slow moving vehicles.

Applicant's Response

The Applicant notes the Interested Party's comments.

National Farmers Union

REP3-072-001

Sub-Question

1.0 Introduction

1.1 Submissions on behalf of the National Farmers Union (“NFU”) in respect of the application for a Development Consent Order (DCO) by National Highways (NH) for the A12 Chelmsford to A120 Widening Scheme. The NFU is making a case on behalf of its members who are affected by the proposed DCO.

2.0 Issue Specific Hearing 1 – 28th February 2023:

2.1 Proposed Prohibition of Slow Moving Vehicles The NFU remains concerned regarding the level of assessment that has been undertaken by National Highways of alternative local routes that will be affected by the proposed prohibition of slow-moving vehicles, which would include agricultural vehicles. The NFU has requested from National Highways an outline of the alternative routes that have been assessed, however a clear outline of the suitable alternative routes available for agricultural vehicles are yet to be received.

National Highways have advised that specific details are required on the vehicle movements of agricultural businesses and this information is necessary for a quantified Safety Risk Assessment to be undertaken. The NFU is concerned about the amount of weight being put on the vehicle movements of agricultural vehicles today as businesses will change and adapt in the future and these movements may change rapidly over a short period. Some movements of agricultural businesses may change as frequently as from year to year due to the nature of their business such as agricultural contractors. The NFU would therefore like to understand the assessment carried out by National Highways on the local road network that could be affected by this proposal. It is essential that a full assessment is carried out, not just routes that agricultural vehicles are using now to ensure that alternative routes are suitable to carry agricultural vehicles going forward if this proposal is put in place.

Applicant's Response

The Applicant thanks the Interested Party for their observations and agrees that routes other than currently identified ones could be affected in future. In the ongoing liaison with the Interested Party in developing the Statement of Common Ground this will be included.

With the assistance of NFU, three businesses have been identified that are affected by the proposed prohibition of slow-moving vehicles (SMVs) for road safety reasons, as set out in the design reference document GD 300. The Applicant will be liaising with those businesses through the detailed design to better understand both current and potential future operations and how the scheme affects them. The objective of the traffic regulation measures is to optimise the safety of all parties, including all road users, workers and other people affected. This integrates the complex mix of road safety impacts on strategic, rural and urban networks.

This full-picture road safety evaluation will be reflected in the review and recording of safety risk that is required for final decisions around traffic regulation that are part of the detailed design process.

National Farmers Union

REP3-073-001

Sub-Question

1.0 Introduction

1.1 Submissions on behalf of the National Farmers Union ("NFU") in respect of the application for a Development Consent Order (DCO) by National Highways (NH) for the A12 Chelmsford to A120 Widening Scheme. The NFU is making a case on behalf of its members who are affected by the proposed DCO.

2.0 Issue Specific Hearing 2 – 1st March 2023:

2.1 Article 26: Authority to survey and investigate the land 2.1.1 Under Article 26 1(b), the NFU feels that the word adjacent needs to be more defined. Under article 2, interpretation, there is no meaning of the word adjacent. Therefore, the NFU would like to see it stated how far away from the Order Limits a survey can be carried out. Surveys and investigations are often undertaken within a set radius and therefore the NFU feels that it is not unreasonable for National Highways to state the distance from the order limits where land may be affected by this. It is essential that all landowners and occupiers are aware of what land could be disturbed by surveys.

Applicant's Response

The wording of Article 26 is precedent in the Model Provisions. It enables surveys outside of the Order limits. The Applicant is otherwise confined to the Order limits while things which it may need to survey will not be similarly confined. For example, badgers or similar receptors may need to be surveyed outside of the Order land as they forage within Order land. Similar consideration may apply relating to a need to carry out noise or other surveys at a nearby building or to check the final outfall for a drainage run outside of Order limits. Including a specific radius in the DCO would therefore be likely to prevent the Applicant from undertaking the necessary surveys. The power will be used sparingly but is standard and also considered necessary to allow the scheme to proceed without unnecessary delay.

REP3-073-002

Sub-Question

2.1.2 Paragraph (2) of Article 26 refers to the notice period for Surveys. NFU is happy to accept a 14 day written notice for surveys if it is agreed that a minimum notice of 28 days is given where the land in question is in an environmental scheme and a derogation is required from the RPA to avoid a financial penalty being applied. This notification could be given by the ALO and detailed under their responsibilities in the FIMP.

National Highways have responded that financial penalties would become a compensation matter. If a financial penalty is applied, it is done so on the whole agreement area, not the area of land where the breach has occurred and therefore, financial penalties can become very large sums of money. The NFU feels that 28 days notice to allow a derogation to be secured and therefore avoiding any financial penalties is not unreasonable, and the impact that this would have on the programme would be minimal.

Applicant's Response

As set out in the Applicant's Written submission of oral case for Issue Specific Hearing 2 [REP3-013] the provision for 14 days' notice in Article 26 is appropriate notice for the exercise of survey powers, as is provided for in the similar power for parties possessing compulsory purchase powers, in sections 172 to 174 of the Housing and Planning Act 2016.

REP3-073-003

Sub-Question

2.1.3 The NFU would like to see the following wording added under Article 26 and to become number (3) 'The Notice under paragraph (2) must indicate the nature of the survey and/or investigation the developer intends to carry out'. This wording has been agreed on other DCOs. The NFU believes that Article 26 at 26(3) should also state that the notice must indicate the following: • Who will be taking entry • The date of entry and for how long • The type of equipment if any will be used.

The NFU believes strongly that it is only right that a landowner should know who is coming on to his land to be able to comply with their Health & Safety policies, how long they will be on the land for carrying out the survey and the vehicles and equipment that will be brought on to the land. The wording for this additional paragraph has also been sent to National Highways as requested in the Hearing.

Applicant's Response

The Applicant does not propose to include the NFU's suggested additions in Article 26. The Applicant refers also to Page 17 of the Applicant's First Iteration Environmental Management Plan [APP-198], where the items proposed by NFU are included as responsibilities of the Agricultural Liaison Officer. The content of the EMP means that the point is covered in the EMP and need not be repeated in the dDCO.

Addleshaw Goddard on behalf of Network Rail Infrastructure Limited

REP3-074-001

Sub-Question

1. The Panel requested that Network Rail attend the hearing. Therefore, I intend to provide an update to the Panel on Network Rail's position, an update on negotiations with the Applicant and take any questions for Network Rail. 2. (As the Panel will have read), Network Rail (whilst supporting the principle of the project) has an outstanding objection, and that objection remains in place.

Applicant's Response

The Applicant notes the Interested Party's comments.

REP3-074-002

Sub-Question

3. I do not propose to repeat the details of Network Rail's concerns which are set out in detail in the written representation (Examination Library Reference REP2-093) but in very brief summary, Network Rail's concerns are: a. Restrictions on access and maintenance for the Great Eastern Main Line; b. Signal sighting; The project will impact on sighting of Network Rail signals to train drivers, this is a concern which cannot be resolved by Network Rail modifying its infrastructure, it therefore necessitates modifications to the design of the project. c. Beaulieu Station redevelopment; This is an important redevelopment scheme, not just for the growth of the railway but also for the wider regeneration of Chelmsford. The project impacts on land that will be needed by Network RAILS for access, parking, utilities and drainage to the new station and its car park. There is also expected to be an impact on the electrification of the lines due to the height of the proposed Paynes Lane Footbridge and concern that Network Rail will lack sufficient space beneath the footbridge to add a proposed third line of rails in connection with the new station. d. Boreham Viaduct; The proposed wall alongside the viaduct and rights of access beneath it would prevent access to Boreham viaduct. Such lack of access would hinder Network Rail's ability to undertake routine access, maintenance and/or repairs to the viaduct. e. Existing infrastructure including drainage and embankment stability; Network Rail is concerned about

additional strain on its existing infrastructure, in particular about the overbridge near junction 24, as it understands that the Proposed Development will result in an increase in traffic using the existing bridge. There is also concern about works at Plots 2/17g and 2/7m which would lead to structural implications relating to the stability of the existing railway embankments (together the Network Rail Concern's)

Applicant's Response

The Applicant acknowledges that Network Rail (NR) does not object in principle to the A12 Chelmsford to A120 widening scheme (proposed scheme). The information which NR requested on 8 August 2022 was required by them for their internal land clearance process. The Applicant supplied that information to NR on the 10th August 2022. This has led to a number of further requests for information and clarification from NR. The Applicant is committed to working with NR and has continued to provide information as requested.

a. Restrictions on access and maintenance for the Great Eastern Main Line;

The Applicant notes Network Rail's concerns over protection and enhancement of the operational railway and will continue to collaborate with NR. The Applicant will provide suitable access to Network Rail and ensure suitable notice and durations and confirm and agree any alternative routes in advance, through a weekly telecon between both parties. There has been a series of weekly meetings to resolve outstanding issues. The most recent meeting was a face to face technical meeting to progress NR Clearance on 22nd March 2023, with a useful exchange of information.

b. Signal sighting;

The Applicant acknowledges NR's concerns regarding signal sighting that unfortunately have only recently been raised, as the NR

clearance process requires only land plans to be submitted. The Applicant believes it unlikely that there will be any signal sighting issues once NR reviews the available engineering plans. The Applicant will ensure, in coordination with NR, that the permanent works do not affect signal sighting for either the current layout or the proposed 3 track layout as Beaulieu Park Station is developed.

The Applicant received further information in relation to the Beaulieu Park Station from NR on Friday 3rd March 2023 and will continue to work with NR and other interested parties to ensure that any issues are worked through during the detailed design phase. Should concerns relate to the Paynes Lane Bridge, the Approval In Principle and the Detailed Design will be sent to NR for comment and approval prior to formal design completion by the Applicant. Where appropriate the Applicant will further consult with internal rail design specialists to work through any concerns raised by NR to ensure a smooth approval process.

c. Beaulieu Park Station redevelopment;

The Applicant supports the new Beaulieu Station redevelopment and the wider regeneration of Chelmsford and is working with NR and Murphys, NR's contractors to reach agreement. The Applicant is reviewing in detail the information received from Network Rail on 3rd March 2023 for the Beaulieu Park Station redevelopment and the associated rail infrastructure design. The Applicant will ensure the scheme and NR works are compatible and NR assets that interact with the scheme are protected. Paynes Lane footbridge will stay outside of the NR boundary fence and therefore not impact on the realignment and additional track required for the Beaulieu Park Station redevelopment. Paynes Lane Bridge, as shown on Sheet 2 of 30 in the Structures Engineering Drawings and Sections [APP-032] shows the existing overhead line equipment with the necessary clearance envelope around the overhead line equipment. Any minor adjustments required to stay out of the overhead line equipment envelope are well within the limits of deviation and therefore will not affect the application or any NR assets.

d. Boreham Viaduct;

The Applicant notes that the Order Limits are adjacent to the Viaduct. However, the proposed retaining wall is at least 7 metres away from the Boreham Viaduct. The Applicant's proposed rights for access over plot 2/17i beneath Boreham Viaduct would not prevent NR from accessing or maintaining their structure.

Should maintenance, inspection, or repairs to the viaduct, or any intervention under Section 14 of the Railway Regulation Act 1842 be required, the Applicant would agree a safe and suitable access over plots 2/17i 2/17j.

As a result of the protective provisions in the dDCO the Applicant may only take any land or rights by agreement and any right of access may only be extinguished or suspended with NR's agreement. As a result of its clearance process NR will almost certainly reserve rights to take any access that it needs to railway property

e. Existing infrastructure including drainage and embankment stability;

The traffic impact on the overbridge at New Lane, Feering (near junction 24) is expected to be small, with around 20 to 50 additional vehicles per day predicted to use the bridge as a result of the proposed scheme.

With regards to the proposed scheme drainage requirements (Works at Plots 2/17g and 2/17m), the Applicant is in discussion with NR. The drainage design proposal will be worked through in detailed design with due consideration of the potential interface with the existing railway embankment and agreed with NR through the Clearance Process and secured in the Protective Provisions.

REP3-074-003

Sub-Question

4. Currently, sufficient agreements/protections are not in place to ensure that the promoter will be responsible for mitigating the Network Rail Concern's, and in particular, it is not yet agreed how the project will be redesigned to address safety concerns relating to signalling. 5. However, the parties are negotiating the terms of an agreement and amendments to the protective provision for Network Rail which could resolve Network Rail's concerns, and we have heard that design has not yet been finalised, and Network Rail is reassured that the Protective Provisions included in the proposed order for its benefit confirm that compulsory purchase powers will not be used against Network Rail, allowing the parties the time to resolve the Network Rail Concern's and facilitate the project coming forward via agreement. 6. The parties' technical teams are in regular contact with the aim of resolving the Network Rail Concerns and technical information requested by NR has now been provided and is being reviewed. It is intended that the draft SoCG (Examination Library Reference REP2-011) will be updated at Deadline 3 (9 March) to reflect this, and the progress made by the technical teams. 7. I therefore do not propose to go into any further detail in relation to Network Rail's Concern's, and instead will 'hand over' to the Panel to take any questions which I will respond to if possible, or

will refer back to the Network Rail technical team and provide a written response to, by Deadline 4 (11 April 2023). [Note no specific questions by the Panel raised at the CAH hearing. We also note that the Panel will issue its Second Written Questions on 20 March 2023 and Network Rail will respond to any questions by Deadline 4 (11 April 2023)].

Applicant's Response

The Applicant notes the Interested Party's comments. Negotiations are ongoing with NR and the Applicant can update as follows:

4. Plans showing signalling at the proposed Beaulieu Park Station were shared with the Applicant on 3 March 2023. It is unlikely that there will be any signal sighting issues once NR reviews the available engineering plans. The Applicant will ensure, in coordination with NR, that the permanent works do not affect signal sighting for either the current layout or the proposed 3 track layout as Beaulieu Park Station is developed.

NH are awaiting further information from NR to progress this further.

5. The Applicant agrees to the inclusion of Protective Provisions in the DCO and the Parties are discussing technical points with a view to reaching agreement on the Protective Provisions.

6. There are regular weekly and other ad hoc meetings between the parties to address any NR concerns and technical information is being exchanged.

The Applicant is confident agreement with NR will be reached by the end of the Examination Period.

**Holmes and Hills LLP on behalf of Pegasus
Prested Investments Ltd**

REP3-076-001

Sub-Question

Pegasus Prested Investments Ltd oral representations to the Compulsory Acquisition Hearings of the A12 Chelmsford to A120 widening DCO proposal 1 March 2023

Mr Michael Harman of Holmes and Hills LLP appeared on behalf of the Pegasus Prested Investments Ltd group ('The Pegasus Group') which owns and operates the following businesses from Prested Hall; - Wedding and event hire Serviced apartments Private members health club Spa Mr Harman made the following points: - The Pegasus Group owns land (plot numbers 15/13(a)-(d)) which is included within the Order limits for the draft DCO proposal for the A12 Chelmsford to A120 widening ('The Road Scheme'). There has been no meaningful engagement to date on the part of National Highways with The Pegasus Group to understand its business operations and the way these will be impacted by the Road Scheme, nor any attempt to discuss any accommodation works/ programming commitments which might operate to minimise the impacts of the Road Scheme on the business activities of The Pegasus Group.

Applicant's Response

The Applicant notes the Interested Party's comments.

The Applicant held meetings with the Interested Party on 17 September 2020, 25 November 2020, 14 June 2021 and 23 June 2022. These meetings provided scheme updates to the Interested Party and an opportunity to express any concerns. The feedback received led to the reduction in permanent land take as shown by plots 15/13b, 15/13c and 15/13d on the Land Plans [AS-009].

An in-person meeting at Prested Hall was held on 28 March 2023. The Applicant has been made aware of the constraints the scheme may put on the business and is committed to working with the Interested Party in order to mitigate this wherever practicable.

This includes a preparing a Construction Phase Communication Plan (See First Iteration Environmental Management Plan) Appendix A: Register of Environmental Actions and Commitments (REAC) [Applicants Reference TR010060/APP/6.5 Appendix A: Register of Environmental Actions and Commitments (REAC) rev 2] GN4 and allocating a stakeholder manager to ensure that any disruption to the business from construction traffic is minimised, is fully communicated in advance and priority is given to the traffic from Prested Hall when the plant crossing is operational.

More detail around the date and timings of the proposed works and how they may specifically affect Prested Hall and the associated businesses is being compiled and will be provided to the Interested Party. A further meeting will be held to discuss the programme shortly.

REP3-076-002

Sub-Question

The Pegasus Group is concerned that the compulsory purchase of its land for the purposes of the Road Scheme, will have a detrimental impact on its business interests, both in the short term, during the construction period, and in the long term, once the Road Scheme is open for use. In particular, Works during the construction period will disrupt access to the venue leading to loss of bookings – brides and grooms planning their once-in-a-lifetime day do not want to drive through a construction site to get to their wedding venue. The new access proposed for Prested Hall will be longer and more convoluted than the existing access; this will impact on business especially in relation to those regular customers who value a short journey time and convenient location – i.e., health club members and repeat customers for the spa and serviced apartments. The realigned A12 will bring the increasing volume of traffic and related noise, vibration, dust etc, closer to the Prested Hall business operations which rely on peace and tranquillity (i.e., the spa, wedding/event hire, serviced apartments) which will have a negative impact on business. The impact of the Road Scheme is already leading to a downturn in business (reduced event/wedding bookings) which, without intervention, could affect the long-term viability of these activities. At the very least The Pegasus Group is seeking engagement from National Highways and some assurances as to: the timetabling of construction works in terms of timing/duration of works – ideally to utilise “off peak” wedding season; an absolute guarantee on maintenance of access on event days which could provide reassurance to potential customers looking at booking an event/wedding in the future; Commitments to provide visual screening to safeguard the appearance of the route into Prested Hall during the construction period – to support wedding/event business; Commitments to ensure access for Prested Hall guests is secured (ie prioritised

over construction operations/plant crossings) during the construction period – to support wedding/event business; Enhanced signage and lighting for the reconfigured route into Prested Hall to ensure the convoluted proposed route is as easy to follow as it can be for new/existing guests – to support all business activities.

The inquiry is referred to other representations made by The Pegasus Group ref RR-034, REP-098 and to the attached, more detailed statement which provides additional information to support the above representations.

Applicant's Response

The Applicant has previously responded to the Interested Party with regards to impacts from the proposed scheme in REP2-095-001 which can be found in the Applicant's Comments on Information received at Deadline 2 [REP3-015].

The Applicant has previously responded to the Interested Party with regards to journey time in REP2-098-003 which can be found in the Applicant's Comments Information received at Deadline 2 [REP3-015].

The Applicant notes the Interested Party's concerns with regards to seasonal timings of works and has responded to this in REP3-076-007.

During the construction phase of the proposed scheme, the Applicant would provide temporary signage to inform road users of the Interested Party's businesses. The Applicant has updated the Outline Construction Traffic Management Plan (OCTMP) [Applicants Reference TR010060/APP/7.7 Outline Construction Traffic Management Plan rev 3] for Deadline 4 of the examination detailing access arrangements and priority for guests on the plant crossing.

The Applicant has previously responded to the Interested Party with regards to mitigation measures from the proposed scheme in REP2-095-001 which can be found in the Applicant's Comments Information received at Deadline 2 [REP3-015].

The Applicant notes the Interested Party's concerns with regards to signage and lighting and has responded to this in REP3-076-011.

REP3-076-003

Sub-Question

Pegasus Prested Investments Limited – detailed statement in support of oral representations to the Compulsory Acquisition Hearings of the A12 Chelmsford to A120 widening DCO Proposal The DCO proposal National Highways has applied for a development consent order for the A12 Chelmsford to A120 Widening Scheme ('The Road Scheme') which, if confirmed, will affect the Pegasus Group in several ways as follows: - Some land will be acquired permanently – notably a large portion of the Prested Hall private access road. The realigned A12 (with all the associated traffic noise, emissions, vibration, dust, artificial light etc) will be closer to Prested Hall. This will affect the enjoyment of this property and its suitability for current business activities. The construction of the Road Scheme and in particular the new access to Prested Hall will severely disrupt our clients' business for the duration of the construction period. The introduction of the reconfigured Prested Hall access road will increase journey time and make for less straightforward access which is likely to deter existing and new customers and reduce business. Company background Several business operations at Prested Hall are effectively managed by Pegasus Prested Investments Ltd (company number 11230014). This company has a number of wholly owned subsidiary companies, including Prested Investments Ltd (company number 04241250), Bluemoor Properties Ltd (Co number 07247080) and PHHC Ltd (Company number 09660836). PHALL Ltd (Company number 14331806) and PHSpa Ltd (Company number 14337647) run the wedding/ event and spa businesses respectively but have given authority for their interests in this regard to be managed by Pegasus Prested Investments Ltd. Prested Hall Ltd (Company number 04695063) is currently in liquidation and the Pegasus Group is undergoing a restructuring exercise to address this situation. Property background Land in plots 15/13a, 13b, 13c, 13d listed in the Book of reference is owned by Bluemoor Properties Ltd which is one of The Pegasus Group companies. The land required for the Road Scheme notably includes a large section of the private access road leading into Prested Hall. The business activities and retained land of The Prested Group will be affected by the Road Scheme. Objection to the Road Scheme The Pegasus Group lodged an initial objection to the Road Scheme – ref RR-034

Applicant's Response

The Applicant notes the Interested Party's comments and has responded in REP3-076-006 below with regards to access and journey times.

REP3-076-004**Sub-Question**

This objection described the current access arrangements for Prested Hall and summarised our client's understanding of the proposed reconfigured access. National Highways has not apparently offered any further clarification in response to this objection, but it is however understood that the new access will in fact take traffic around a new stretch of road to be built around the Threshelfords business park, rather than via the village of Kelvedon as was suggested in representation RR-034. At present, traffic travelling south on the A12 benefits from a direct left turn into the Prested Hall private access road. Such traffic will instead continue on the A12 past Prested Hall, exit at new junction 24 and then double back on itself via two roundabouts and a winding route which passes under/over the A12 twice before joining the existing private access drive at a mid-point. At present, northbound A12/local traffic accesses Prested Hall from the Kelvedon interchange via the village of Kelvedon using an existing overbridge; the proposed reconfigured access will bring such traffic off the A12, on a winding route around three roundabouts and around the Threshelfords business park, crossing over/under the A12 three times before joining the existing private drive access at a mid-point. The proposed new route appears to be significantly longer (certainly for southbound A12 traffic) and is more complicated for all traffic, involving a tortuous new route including several turns/roundabouts/ A12 crossings plus some stretches of road in deep countryside.

Applicant's Response

The Applicant notes the Interested Party's comments.

With regard to the future access arrangements, any persons travelling from the junction 25 direction who can currently turn left into the Prested Hall driveway will in the future be able to travel along the same road (the proposed de-trunked section) and turn left into the new Prested Hall Access Road off of London Road in a similar manner as they currently do. Further details as to the future routing is provided in the response to REP3-076-006 below.

REP3-076-005

Sub-Question

Objection to compulsory purchase 1. National Highways considered several options for access to Prested Hall but no apparent consideration was given to The Pegasus Group interests when finalising the current route choice. The Pegasus Group objects specifically to the compulsory purchase of its land for the Road Scheme on grounds that the current proposal is not the only possibility; it appears to have been chosen for reasons of cost, without consideration of the impact the proposals might have on The Pegasus Group's business interests. The reasons for National Highways choice of route are set out in APP-070 – table 3.4. It is noted that three options for the reconfigured access to Prested Hall were considered. [These are set out at Appendix A]. National Highways confirmed that it chose the third option (i.e., the current proposals) following feedback from local stakeholders, commenting that this option would result in the least amount of new infrastructure being constructed in the area (i.e., one new structure over the proposed A12 mainline as opposed to two) and would have the least impact on the existing Prested Hall driveway as trees on the remanent sections of driveway would be retained. This assessment does not indicate that any consideration has been given to the impacts of this choice on The Pegasus Group business activities at Prested Hall; there has been no apparent analysis of the impact on journey time/ ease of navigation for business customers for any of the three options nor of the impact which a longer/more difficult route might have on business customers. There is more than one viable option for the Prested Hall access; The Pegasus Group objects to the compulsory purchase of its land for the Road Scheme as no account has been taken of/nor any analysis made of the impacts on the Pegasus Group interests at Prested Hall; National Highways has simply gone with the option which involves least infrastructure and least cost – there are other options available which might have less impact on The Pegasus Group.

Applicant's Response

The third option for providing access to Prested Hall as outlined in the Environmental Statement Chapter 3 – Assessment Alternatives [APP-070] provides a more direct route to/from the A12 compared to the second option, as it brings the access road closer to the proposed Junction 24 both in terms of length of route and directness. The proposed access facilitates access from Feering and Kelvedon more easily compared to the second option, and although the journey time from Marks Tey (expected to be along the de-trunked A12 although the proposed A12 will be a more appropriate route for some drivers originating from the Marks Tey area) is slightly longer, this does not warrant an additional structure over the A12 and the impacts on Prested Hall's existing drive which have been communicated in APP-070.

REP3-076-006

Sub-Question

2. Detrimental impact of construction works on the business activities of The Pegasus Group. Arrangements for maintaining access to Prested Hall during the construction period have not been discussed by National Highways with our client. The wedding/event business relies on being able to offer customers a fantastic "VIP" experience on their special day. Weddings are booked months/years in advance. Feedback currently being received from potential wedding/event customers is that they do not want to drive through a construction site to get to the venue on their special day – the uncertainty about timing, duration, and extent of works required to construct the new Prested Hall access means that enquiries are not currently being converted into bookings. The Pegasus Group is working hard to promote Prested Hall as a wedding venue. Since the start of January a new digital marketing campaign has led to 41 wedding enquiries to date in 2023 of which (as at the end of February 2023) two have been converted into confirmed bookings (a further two conversions are potentially in the pipeline). Of the 37 enquiries which have not converted, 17-18 cited uncertainty around the A12 works as a factor in their decision not to proceed with a booking. The Pegasus Group has reviewed National Highways comments on continuity of access made in response to Prested Tennis Club Limited's objection RR-048 (see Appendix B) National Highways stated that its aim is for access generally to be available at all times to Prested Hall, although occasionally this may not be possible. This will have a catastrophic impact on The Pegasus Group businesses, many of which require continuous access around the clock; event guests and suppliers need unimpeded access at all times on event day; guests in serviced apartments need unfettered access for the duration of any stay; health club and spa guests need to be able to access the relevant facilities during opening hours – any interruptions in such access will

impact negatively on business. National Highways stated that they would offer [Prested Tennis Club Ltd] up to ten days' notice of changes to the construction timetable; this would be incompatible with The Pegasus Group business requirements; events/weddings are planned many months in advance and dates cannot be changed at the last minute to fit in with National Highways' schedule. National Highways suggested [to Prested Tennis Club Ltd] that the existing access will be maintained until the new overbridge is available – with provision to be made for plant crossing. Access being subject to plant crossing is not compatible with the expectations of wedding clients who do not want to see/ be delayed by a plant crossing when on the way to their wedding. Feedback from potential wedding guests confirms that the uncertainty around visual impact of the construction works as they travel to the wedding venue is a factor in deterring them from confirming bookings The Pegasus Group is already experiencing a downturn in wedding bookings in consequence of the Road Scheme. Without assurance/practical support on the issue of access during the construction period, the impact of the works on the event/wedding hire business at least will be ruinous.

Applicant's Response

The Applicant does not consider that access would be any worse as a result of the proposed scheme and has responded to this query in REP2-098-003 which can be found in the Applicant's Comments Information received at Deadline 2 [REP3-015] but has summarised below for clarity.

For travellers approaching from the A12 southbound, they can currently access Prested Hall via the junction 24 slip-roads. Under the proposed scheme, those travellers would instead exit the A12 at junction 25, and travel down along the de-trunked section of road (the current A12 carriageway) towards the new Prested Hall access. This is not expected to result in any significant change in journey times, other than due to the de-trunked section of road having a lower speed limit than the current A12.

For travellers approaching from the A12 northbound, they can currently leave the A12 at junction 23 and travel through Kelvedon to access Prested Hall via the junction 23 slip roads. Under the proposed scheme, they would instead exit at the new proposed junction 24 and travel into Feering then toward the new Prested Hall access. This is likely to result in slightly shorter journey times than travelling through Kelvedon.

For local trips not using the A12, there would be no significant change in access routes.

The extent of the works for Prested Hall Overbridge are detailed on Sheet 15 of 21 General Arrangement Plans [AS-012]. The current construction programme within the vicinity of the Interested Party's property is approximately two years, with works commencing (subject to DCO decision) mid-2024 and expected to complete locally in mid-2026, it should be noted that is this a preliminary programme and may change subject to the detailed design of the proposed scheme in this area. The Applicant would update the Interested Party on timescales when they become available.

The Applicant would not affect access to the Interested Party's land or business during daytime hours, if there was a requirement to restrict access this would be done overnight and not when an event such as a wedding would be taking place. Arrangements would also be made to enable any overnight deliveries to be undertaken during any restricted access, where possible. This would be for less than five nights in total, subject to confirmation of detailed design.

In terms of notice period 10 days is a minimum and, in most cases, greater than 10 days' notice would be given for works. The Applicant would invite the Interested Party to the Local Business and Strategic Road User Forum as detailed in Table 3.1 of the Outline Construction Traffic Management Plan (OCTMP) [REP2-003], which would be the appropriate forum to discuss access requirements and would enable greater than 10 days' notice for any restrictions to access.

The Applicant has worked through the construction sequence and has included for temporary works, such as temporary roads (Work No. T47) to maintain access to the Interested Party's land and businesses during construction (See Temporary Works Plans [AS-004]). The sequencing is included in the OCTMP at 2.11 and 9.21).

The plant crossing proposed is PC11 as detailed in section 5.11 of the OCTMP [REP2-003]. PC11 would be to enable construction plant to cross the driveway to Prested Hall safely, this would be controlled by signals, priority would be given to vehicles using the driveway, where possible and safe to do so. This plant crossing would only need to operate until the new Prested Hall overbridge is operational, when this would become the new access bypassing the existing drive. This would

mitigation any delays on the driveway. To provide assurance to the Interested Party, the Applicant has updated the OCTMP at Deadline 4 with the following text in section 5.11 -

“Where reasonably practicable, priority would be given to members of the public on the local road network or public right of way at a plant crossing. For example, PC11 is for a haul road crossing the private road to Prested Hall and other residential properties. Priority would be given to users of Prested Hall and residential properties, where practicable. The Applicant will liaise with the freeholder of Prested Hall to mitigate any impacts on access during events such as weddings, as far as is reasonably practicable”.

REP3-076-007

Sub-Question

3. Detrimental impact of longer/ more complicated journey on Pegasus Group businesses. The Pegasus Group made further representations to the DCO Inquiry (Ref Rep-2-097). These representations included the results of a recent Prested Hall health club members survey which highlighted the importance of a short journey time/ a convenient location to a significant number of health club members. 43% of respondees confirmed a current journey time of under 10 minutes; a further 40% confirmed a journey time of 10-20 minutes. It is anticipated that once the Road Scheme is completed and in use, journey times will be longer for all. Moreover, journey routes will be more complicated involving a more tortuous route crossing back and forth over/under the A12.

It is anticipated that the longer journey time coupled with a more complex route will lead to membership cancellations for the health club, but also for other regular clients such as spa and serviced apartment guests. A more complicated journey is also likely to impact on new customers who may be deterred from booking the venue for a wedding/ event, especially if they have uncertainties about the ease of access. Our client needs to have meaningful engagement with National Highways in order to be able to understand the duration of the works insofar as they will affect access to Prested Hall and to explore what reassurance (if any) National Highways is able to offer in terms of confining the relevant works to the wedding off season or another defined period and providing visual screening for any construction works, which might help our client retain and take new bookings for weddings. These potential bookings are currently being lost which is impacting on business.

Applicant's Response

The Applicant has responded to the Interested Party with regards to concerns over journey times and access in REP3-076-006.

For the purposes of construction works, the optimum period for earthworks generally runs from spring to autumn (depending on rain fall). It isn't common practise to plan to carry out earthworks operations in the winter months due to the weather conditions and higher moisture content within the ground; therefore it is not practicable to restrict the construction works to the winter months.

The Applicant has previously responded to visual impacts and screening in REP2-098-003 which can be found in the Applicant's Comments Information received at Deadline 2 [REP3-015].

REP3-076-008**Sub-Question**

4. Detrimental impact of realigned A12 on Pegasus Group business operations The realigned A12 will be brought closer to Prested Hall, bringing traffic noise, dust vibration, artificial light, and other such physical impacts closer to the business operations. It is understood that the realigned A12 carriageway will sit at a higher level than the current alignment which will increase the impacts experienced at Prested Hall. Our client is concerned about the long term affects the Road Scheme will have on its various business activities. The serviced apartments rely on guests being able to sleep peacefully; spa guests rely on tranquillity and peace as part of their pampering experience; wedding/event customers rely on a peaceful and attractive setting (including in the gardens which are used for photography). Our client therefore requests that a site-specific assessment is made of the physical impacts of the use of the completed Road Scheme on Prested Hall and a package of appropriate sound proofing/ other mitigation works is proposed to mitigate these impacts as appropriate.

Applicant's Response

The Applicant notes the Interested Parties Comments and comments in the headings below:

Access

The new access to Prested Hall is required to connect the local road network, to the north of the proposed A12, with Prested Hall located to the south of the proposed A12. It also provides connectivity for the public rights of way network and replaces the movements which are currently provided by Threshelfords Bridge, which is due to be demolished as part of the proposed scheme. The Applicant considers that the proposed access balances these different demands. Alternative locations and alignments of the new access were considered. These are described in the Environmental Statement Chapter 3 – Assessment of Alternatives, Table 3.4 [APP-070]. The proposed access was found to result in the most efficient design and have the least impact on the trees on the existing access.

The Applicant has included proposals to introduce individual trees along the new access to recreate the avenue and reinforce the parkland nature of the approach to Prested Hall. Where unaffected by the proposed scheme, trees lining the existing access would be retained. Tree loss and retention are shown on the Retained and Removed Vegetation Plans Part 2 Sheet 15 [AS-017] and planting proposals are illustrated on Environmental Statement Figure 2.1 Environmental Masterplan Part 3 Sheet 15 [APP-088]. The Applicant will continue to engage with Prested Hall as the landscape designs are developed in the detailed design phase.

Noise

Prested Hall was included as a construction and vibration receptor in the noise and vibration assessment (represented by receptor 32, as identified on Figure 12.3 of the Environmental Statement [APP-230]). As per Sections 12.9 and 12.11 of Chapter 12: Noise and vibration [APP-079], no significant adverse construction noise or vibration effects were identified for receptor 32. Notwithstanding this, construction noise and vibration would be reduced where practicable through the implementation of standard mitigation measures, as described in Section 12.10 of Chapter 12 [APP-079] and secured through NV1 and NV4 in the Register of Environmental Actions and Commitments (REAC) [APP-185]. During operation, for noise there would be a predicted

reduction in noise of 1.7 dB(A) (minor benefit) at Prested Hall. Although the predicted increase in traffic (flow and speed) and the alignment change would cause an increase in noise around this location, this would be offset at Prested Hall by the planned resurfacing of the concrete surface on the A12 with low noise surfacing (as committed by NV6 in the REAC [APP-185]). The noise change is shown on sheet 9 of Figure 12.8 of the Environmental Statement [APP-235].

Vibration

In relation to vibration, the construction activity that usually generates the highest levels of vibration is piling. There is piling planned about 500m away and at this distance the vibration would not be noticeable and there would be no risk of building damage. The distance where this is considered may impact is set out in DMRB LA111, which indicates “A study area of 100m from the closest construction activity with the potential to generate vibration is normally sufficient to encompass vibration sensitive receptors”.

Dust

The air quality assessment outlined in Chapter 6 of the Environmental Statement [APP-073] considered construction dust impacts in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 and the Institute for Air Quality Management (IAQM) publication Guidance on the assessment of dust from demolition and construction (Version 1.1). The construction dust assessment determined that without mitigation, construction of the proposed scheme would give rise to a high risk of dust based on receptor numbers and a large potential for dust emissions. However, it concluded no significant effects based on application of best practice and appropriate mitigation measures through the Dust Management Plan [APP-189].

Lighting

The Environmental Statement Chapter 8: Landscape and visual [APP-075] considers the significance of effect of both day and night-time changes for landscape and visual receptors in line with the requirements of the DMRB LA 107 Landscape and Visual Effects, Revision 2. The assessment considers effects of construction lighting, highway lighting and vehicle lights. During construction the Applicant plans to undertake the majority of works within this area of the proposed scheme during daytime hours, some works may be undertaken at night to minimise disruption to the Interested Party's business such as tying in the new access to the existing driveway. 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 sensitive receptors, as per commitment LV7 in the REAC [APP-185]. During

operation, the A12 mainline would not be lit, however, there would still be light from vehicles using the road. Tall screen planting and linear woodland planting of trees and shrubs (as shown on Sheet 15 of the Environmental Masterplan, part 3 [APP-088]) would help to filter views of traffic on the offline bypass between junction 24 and junction 25 once established by year 15 (see representative viewpoint 18 in Environmental Statement Appendix 8.3: Visual Effects Schedule [APP-121]), however significant adverse visual effects would remain due to the presence of new structures, severance of the formal driveway/avenue to Prested Hall and closer proximity of major infrastructure.

REP3-076-009

Sub-Question

5. Lack of engagement by National Highways is detrimental to Pegasus Group business operations To date National Highways has not engaged meaningfully with The Pegasus Group in an attempt to understand their business requirements and consider ways in which the likely impacts on their business operations as a result of the Road Scheme could be mitigated. This is simply unacceptable.

Applicant's Response

Please see response to REP3-076-001.

REP3-076-010

Sub-Question

The Pegasus Group is having to work hard in a challenging post-Covid economic climate to make its business operations thrive; the Road Scheme has been imposed on our clients and has added an additional layer of challenge to its current business operations. A new digital marketing campaign has been most effective in generating interest in Prested Hall as a wedding/event venue. Feedback from potential customers who have chosen not to confirm bookings includes: - Dated décor. Limit on event guest numbers. A planning condition restricting use of amplified music in the wedding marquee. Uncertainty around impact of A12 works on access to Prested Hall. The Pegasus Group has taken action to address these issues where possible, including

- Refreshing and updating the décor. Submitting a planning application to address the limit on guest numbers/ restriction on use of amplified music. Unfortunately, despite these proactive measures, The Pegasus Group has no control itself over the A12 works and new wedding/event bookings remain low in consequence.

Applicant's Response

The Applicant will work closely with the Interested Party to fully understand the site operations and how this relates to the construction programme in order to minimise impacts on business continuity where possible. The Applicant has been made aware of the constraints the scheme may put on the business and is committed to working with the Interested Party in order to mitigate this wherever practicable. The construction phasing is being developed to maintain access to Prested Hall as far as practicable, however, there would be activities such as the tie in points to the new Prested Hall access where access may need to be controlled and may cause some very localised disruption. If there was a requirement to restrict access this would be done overnight and not when an event such as a wedding would be taking place. Arrangements would also be made to enable any overnight deliveries to be undertaken during any restricted access, where possible.

A Construction Phase Communication Plan (See First Iteration Environmental Management Plan Appendix A: Register of Environmental Actions and Commitments (REAC) [Applicants Reference TR010060/APP/6.5 Appendix A: Register of Environmental Actions and Commitments (REAC) rev 2] GN4 and allocating a stakeholder manager to ensure that any disruption to the business from construction traffic is minimised, is fully communicated in advance and priority is given to the traffic from Prested Hall when the plant crossing is operational.

REP3-076-011

Sub-Question

To keep the Pegasus Group businesses on track, The Pegasus Group needs some support/ engagement from National Highways to agree a package of measures which can be implemented to minimise damage to the business activities at Prested Hall are minimised. These include the following: - Commitments on the timetabling of construction works in terms of timing/duration of works/ use of wedding off peak season and an absolute guarantee on maintenance of access on event days will provide reassurance to potential customers looking at booking an event/wedding in the future. Commitments to provide

visual screening to safeguard the appearance of the route into Prested Hall during the construction period – to support wedding/event business; □ Commitments to ensure access for Prested Hall guests is prioritised over plant during the construction period – to support wedding/event business; □ Enhanced signage and lighting for the reconfigured route into Prested Hall to ensure the convoluted proposed route is as easy to follow as it can be for new/existing guests – to support all business activities. □ Agreement of a package of measures to address the long-term impacts of the use of the realigned Road Scheme (in terms of Pegasus Group business activities at Prested Hall which rely on peace and tranquillity) – to support all business activities. Without such measures the Pegasus Group's business may be impacted to the point of extinction by the compulsory purchase proposals. This is something which our client is working hard to avoid, but it may be inevitable unless some serious consideration is given by National Highways to the position the Pegasus Group has been forced into.

Applicant's Response

The Applicant has responded to the Interested Party with regards to durations of works and timings in REP3-076-007 above.

The Applicant wishes to work with the Interested Party to ensure impacts are minimised to their businesses and has responded to their concerns in relation to the provision of mitigation measures on access in REP3-076-006 above.

The Applicant has responded to the Interested Party with regards to acknowledging priority for guests at the plant crossing in REP3-076-006 above.

During the construction phase of the proposed scheme, the Applicant would provide temporary signage to inform road users of the Interested Party's businesses. The Applicant has updated the Outline Construction Traffic Management Plan (OCTMP) [Applicants Reference TR010060/APP/7.7 Outline Construction Traffic Management Plan rev 3] for Deadline 4 of the examination detailing access arrangements and priority for guests on the plant crossing.

Post construction, the Applicant would replicate any existing hotel signage where appropriate on the local road network. No lighting is proposed for Prested Hall as shown on Sheet 15 of 21 of the General Arrangement Plans Part 4 [AS-012]. This is in keeping with the rural setting of the area and to mitigate against lighting pollution. Other measures through the design are to maintain the majority of trees and as much of the existing driveway as practicable.

REP3-076-012

Sub-Question

The lack of engagement by an acquiring authority with a local business affected by compulsory purchase proposals (Smokeys nightclub) was cited as a reason for the recent refusal of a compulsory purchase order to enable a town centre redevelopment in the Royal Borough of Maidenhead. The Inspector will no doubt be aware of this case. The Pegasus Group would welcome the opportunity to discuss a proposed mitigation package with National Highways to ascertain the extent to which its objections to the compulsory purchase can be overcome, if at all.

Applicant's Response

The Applicant has held meetings with the Interested Party on 17 September 2020, 25 November 2020, 14 June 2021 and 23 June 2022. These meetings provided scheme updates to the Interested Party and an opportunity to express any concerns. The feedback received led to the reduction in permanent land take as shown by plots 15/13b, 15/13c and 15/13d on the Land Plans [AS-009].

The Applicant wrote to the interested party on 29 July 2022 offering a meeting to commence discussions towards a private agreement but no response was received. This was followed up by an email to the Interested Party on 17 January 2023 which was accepted.

Meetings have been held in 2023 to discuss the acquisition of land by agreement and potential impacts on the property. An offer is to be made in respect of the land acquisition in order that agreement can be reached before the end of the examination period. Any impacts on the property will not be able to be assessed fully until the scheme is constructed and in use.

A further meeting was arranged for 16 March 2023 to address concerns raised at the Compulsory Acquisition Hearing and in the Written Representation. The Interested Party requested on 13 March 2023 this be a face-to-face meeting, therefore the meeting was rearranged for 28 March 2023. A follow up meeting is planned where further detail relating to the construction programme as it relates to Prested Hall and the associated businesses will be discussed.

The Applicant notes the Interested Party's concerns about access to Prested Hall becoming more convoluted and creating longer journey times. However, the Applicant does not consider that access would significantly worsen as a result of the proposed scheme. For travellers approaching from the A12 southbound, they can currently access Prested Hall via the junction 24 slip-roads. Under the proposed scheme, those travellers would instead exit the A12 at junction 25, and travel down along the de-trunked section of road (the current A12 carriageway) towards the new Prested Hall access. This is not expected to result in any significant change in journey times, other than due to the de-trunked section of road having a lower speed limit than the current A12.

For travellers approaching from the A12 northbound, they can currently leave the A12 at junction 23 and travel through Kelvedon to access Prested Hall via the junction 24 slip roads. Under the proposed scheme, they would instead exit at the new proposed junction 24 and travel into Feering then toward the new Prested Hall access. This is likely to result in slightly shorter journey times than travelling through Kelvedon. For local trips not using the A12, there would be no significant change in access routes.

In order to mitigate the impact on the Interested Party's business, the Applicant has included proposals to introduce individual trees along the new access to recreate the avenue that is being lost along with groups and individual trees to mitigate views of the proposed scheme and reinforce the parkland nature of the approach to Prested Hall. Where unaffected by the proposed scheme, trees lining the existing access would be retained. Tree loss and retention are shown on the Retained and Removed Vegetation Plans Part 2 Sheet 15 [AS-017] and planting proposals are illustrated on Environmental Statement Figure 2.1 Environmental Masterplan Part 3 Sheet 15 [APP-088].

The Applicant predicts a reduction, during operation of the road, in noise of 1.7 dB(A) (minor) at Prested Hall. Although the predicted increase in traffic (flow and speed) and the alignment change could lead to a predicted noise increase around this location, this is offset at Prested Hall by the planned resurfacing of the concrete surface on the A12 with low noise surfacing.

The noise change is shown on sheet 9 of Figure 12.8 [APP-235]. Some impacts are expected on the access of Prested Hall during construction. The Applicant will work closely with the Interested Party to fully understand the site operations and how this relates to the construction programme in order to minimise impacts on business continuity where possible.

Some impacts are expected on the access of Prested Hall during construction. The Applicant will work closely with the Interested Party to fully understand the site operations and how this relates to the construction programme in order to minimise impacts on business continuity where possible. The construction phasing is being developed to maintain access to Prested Hall as far as possible, however, there would be activities such as the tie in points to the new Prested Hall access where access may need to be managed and may cause some disruption.

REP3-076-013**Sub-Question**

Appendix A - APP-070 – table 3.4 . It is noted that there were three options for access to Prested Hall. including:- Option 1 The creation of a new drive in the location of the existing line – the option was ruled out by National Highways on grounds that the proposed A12 mainline would be higher at the point it severs the drive and as such there would be insufficient room to ramp up an overbridge at the required gradient and there would be a loss of distinctive trees along the driveway. Option 2 new offline access from the existing A12 where a new roundabout would be constructed on the site of the existing junction 24 together with a new overbridge to the west of the existing Prested Hall driveway tying into the southernmost section of driveway – this would result in the loss of most of the trees along the driveway. Option 3 merging the Prested Hall access with the Threshelfords access road further to the west. The new Prested Hall access road would be provided from the existing J24 using part of the existing A12 northbound carriageway. It would then join with the Threshelfords access road before crossing the A12 via a new

Threshelfords overbridge.

Appendix B National Highways comments on continuity of access made in relation to Prested Tennis Club Limited's objection RR-048 (see appendix B) The Applicant would aim for access to generally be available at all times to the Interested Party's facilities, via one of the existing, temporary, or proposed access arrangements (over the proposed Prested Hall overbridge once this is constructed over the new section of the A12). Occasionally, typically overnight, due to traffic management arrangements or to allow the access to be switched from one arrangement to another, access may be restricted (or not possible for a short time), During such events the Applicant would engage with the Interested Party and propose suitable alternative arrangements. A minimum of 10 working days' notice of changed arrangements or a temporary interruption of access would be provided (except in emergency). Further details can be found in Section 5.4 of the Outline Construction Traffic Management Plan (OCTMP) [APP-272]. To enable access to be maintained, at sections 2.11 and 9.21, the OCTMP describes the sequence of works in the areas around Prested Hall and the Interested Party's tennis club. This includes the construction of the new Prested Hall overbridge ahead of closure of the existing access. Until the route via the new overbridge is operational, the existing access would be maintained with a plant crossing (PC11 in Table 5.5 and Section 5.11 of the OCTMP) to enable construction vehicles to safely cross the access to Prested Hall and for vehicles travelling to and from Prested Hall to safely pass up and down the existing access

Applicant's Response

The Applicant notes the Interested Party's comments.

**Pinsent Masons LLP on behalf of Royal London UK
Real Estate Fund and Edmundson Electrical
Limited**

REP3-077-001

Sub-Question

A12 CHELMSFORD TO A120 WIDENING SCHEME – TR010060 POST-HEARINGS SUBMISSION – ROYAL LONDON UK REAL ESTATE FUND AND EDMUNDSON ELECTRICAL LIMITED 9 MARCH 2023

1. INTRODUCTION 1.1. This post-hearing submission is made by Pinsent Masons LLP on behalf of its clients Royal London UK Real Estate Fund (Royal London) and Edmundson Electrical Limited (EEL). This submission is made in order to summarise the oral submissions provided at the following recent hearings in relation to the A12 to A120 Widening Scheme (the Scheme), promoted by National Highways (the Applicant): a. Issue Specific Hearing 1 on Tuesday 28 February 2023 in respect of agenda item 2 (traffic and transport); b. Issue Specific Hearing 2 on Wednesday 1 March 2023 in respect of agenda item 3 (Schedule 2 of the dDCO – Requirements); and c. Compulsory Acquisition Hearing 1 on Wednesday 1 March 2023 in respect of agenda item 11 (Affected Persons' Site-Specific Representations). 1.2. Where necessary, the summaries have been supplemented where there was insufficient time during a hearing to complete all intended oral submissions. 1.3. Our clients have made representations to the examination which were referred to during our oral submissions. We refer the Examining Authority to Royal London's relevant representation [RR-032] and written representation [REP2-100], and EEL's relevant representation [RR-030] and written representation [REP2-099].

Applicant's Response

The Applicant notes the Interested Party's comments.

REP3-077-002

Sub-Question

2. ISSUE SPECIFIC HEARING 1 2.1. Although discussions are ongoing with the Applicant, there is a significant amount of information that our clients have requested but have not yet been provided with. This information is required to ensure that: a. in pursuing land interests from our clients, it is clear the intended access arrangements actually work in practice for the works proposed; b. there are no reasonable alternatives which have been properly considered and sufficient reasons provided for these alternatives not being pursued; and c. if the access and rights requested are to be granted, the impacts to our clients and their businesses are properly mitigated. 2.2. Two principal points are highlighted in relation to traffic and transport, which have not been properly addressed, being: i) access arrangements through the EEL site; and ii) traffic impact and management on the local highway network. Key Issue 1 – Access Arrangements through the EEL Site 2.3. Access through the EEL site is sought by the Applicant for the purpose of carrying out gas diversion works (Work No.U2 of the dDCO [AS-020]). Reference is made to the plan at plate 2 on page 6 of the document appended to the Royal London and EEL written representations [REP2-100 and REP2-099] to provide a visual illustration of what is proposed. 2.4. The Applicant has indicated that the gas diversion works are planned for an 8-month period, with works carried out during working hours. Vehicle movements for the gas diversion works (or restrictions on those movements) are not included in either the Outline or updated outline CTMP [REP2-003]. The Applicant has indicated in its Response to Relevant Representations (Rev 2) [REP1-002] that there will be approximately 20 vehicles per day during the works plus an unknown number of deliveries.

Applicant's Response

The Applicant notes the Interested Party's comments and has previously responded to them in REP2-099 of 9.24 Applicant's Comments on Written Representations [REP3-009].

REP3-077-003

Sub-Question

2.5. The proposed access is the principal access for EEL's trade and distribution centre located on the site. The car park and entrance is heavily used throughout the day by members of the public, wholesale purchases and deliveries. This is shown in the photo on plate 3 of page 3 in the Appendix to the Royal London and EEL written representations [REP2-100 and REP2-099].

2.6. Royal London and EEL consider that there is no evidence or information covering whether: a. additional vehicles are required for the overhead powerline works included in the Scheme proposals required as a result of the gas diversion works. There is no indication as to the number of vehicles required for these works or whether they are included in the proposed 20 vehicle movements required for the gas diversion works; b. the largest vehicles can pass safely along the proposed access; c. the width of the access (plot number 1/16a) is sufficient for the vehicles required; d. vehicles will have sufficient space to turn around safely and pass back along the access; e. the largest vehicles could pass each other on the access or that the works can be undertaken with 20 vehicles on the site and any deliveries required for those works.

Applicant's Response

2.5.

The Applicant notes the Interested Party's comments.

2.6.

a) No additional vehicles, beyond the 20 movements per day, are required for the overhead powerline works.

b) The Applicant has attended a site visit with the Interested Party on 8/3/23 and sees no issues with HGV vehicles using the proposed access. It is not anticipated that vehicles much larger than those used by the interested party would be needed to service the works.

c) See b above.

d) The turning of vehicles would be undertaken within the Applicant's working area. Vehicles associated with the proposed scheme would not turn around within the car park area.

e) Due to the small number of movements in a day (10 movements in and 10 movements out), the Applicant does not see this as an issue. The Applicant would have a trained traffic marshal or banksman on site who would direct construction or delivery vehicles into the site.

REP3-077-004**Sub-Question**

2.7. Three alternative access routes have been identified and suggested by our clients, as detailed in Royal London's and EEL's written representations [REP2-100 and REP2-009] at Appendix 1 in the technical note produced by Caneparo Associates, to include the illustration at plate 5 on page 11. In summary: a. 'Ref 1': Cadent compound – the position set out by the Applicant that this route is not available due to health and safety / operation reasons is queried. It is already tarmacked and indeed it is Cadent themselves that are expected to undertake the gas diversion works. b. 'Ref 2': Trilux – this access is closer and more direct to the works site and less heavily used by vehicles. c. 'Ref 3': Directly from the A12 – a number of, at times, conflicting reasons have been provided in discussions as to why this has been discounted including: 1) because the gradient of the land from the A12 direct to the site is too steep; 2) it requires significant vegetation removal; 3) disruption to the A12 requiring closure of the slip road. These are disputed and Royal London and EEL maintain this is a feasible option which should be considered. Vegetation required to be removed from the proposed access has not been detailed and may not require additional vegetation removal for the alternatives proposed. Additionally, third parties have directly accessed the EEL site from the A12 without difficulty (in a number of recent burglaries at the site). There is no assessment provided as to the need to close the sliproad as a result of the direct access alternative. 2.8. Insufficient information has been provided to indicate why these alternatives have not or could not be progressed. Royal London and EEL would like to see clear evidence that the EEL site is the only suitable option available.

Applicant's Response

2.7. The Applicant notes the Interested Party's comments and has previously responded to them in REP2-099-033 of 9.24 Applicant's Comments on Written Representations [REP3-009].

Additionally with regards to access from the A12 mainline –

- The Edmundson Electrical (EEL) site is in close proximity to the junction 19 northbound off-slip road and there is existing traffic signage within the northbound verge approximately 50m south of the start of the off-slip road.
- To install temporary traffic management to enable safe access and egress from the A12 mainline to the EEL site the Applicant would need to install an entry point access at least 500m from the EEL site. The reason for this is to mitigate against accidental incursion from road users as there is a heightened risk that the access point could be mistaken for the junction 19 northbound exit slip road. Additionally all lanes on the A12 mainline would need to be reduced to narrow lanes (Lane 1 down to 3.25m and Lane 2 down to 2.75m), with a speed reduction to no greater than 50 mph.
- To allow safe egress of works vehicles the egress point would be required to be extended up the junction 19 northbound off-slip road. To enable this, the off-slip road would have to be reduced to a single lane to provide a safe egress point for the workforce. This would reduce the capacity of the junction which already suffers with congestion during both the AM and PM peak traffic hours.
- Due to the limited cross section available on the A12, the Applicant would need to harden the verge to enable an access road to the EEL site, this would be approximately 1km long and would require the importing of construction material and removal of the existing safety barrier and signage.
- All road makings would need to be adjusted on the A12 mainline.
- Removal of existing drainage would need to be considered and a temporary system installed.
- A temporary barrier system would need to be installed as the permanent assets would need to be removed including barrier.

Due to the above reasons, the Applicant does not deem access and egress from the A12 mainline to the utility diversion site as a reasonable or proportionate option.

2.8. The Applicant has previously responded to the suggested alternative methods of access in REP2-099-033 of 9.24 Applicant's Comments on Written Representations [REP3-009]. The Applicant does not believe the suggested alternatives are realistic or practicable for the reasons given in those responses.

REP3-077-005

Sub-Question

2.9. The Applicant confirmed at the Compulsory Purchase Hearing in response to our submissions that the proposed temporary possession powers included in the dDCO would not be used exclusively. However, no restrictions on temporary rights are proposed by the Applicant in the dDCO and as a result, either an agreement with Royal London and EEL is required prior to the proposed gas diversion works commencing or an additional requirement included to restrict gas diversion works until that agreement has been concluded. Further detail is included in the Issue Specific Hearing 2 submissions below.

Applicant's Response

The Applicant will look to reach agreement with the Affected Parties regarding only access being required over the relevant forecourt and parking area plots without the Applicant taking exclusive possession.

It is not necessary for the Order to be amended nor for there to be a requirement imposed in this regard.

The affected parties would have a remedy in compensation if exclusive possession was sought and it is in all parties' interest conclude an agreement on this issue.

REP3-077-006

Sub-Question

Key Issue 2 - Traffic Impact and Management on the Local Highway Network. 2.10. The second key issue relates to traffic impact and management on the local highway network generally. There is a lack of information on the impact from the project and the gas diversion works on the wider highway network, including the impact on Sheepcotes and Winsford Way. 2.11. Paragraph 6.4.4 of the Transport Assessment [APP-253] states that A12 J19 is “heavily congested even before construction traffic is added”, with Boreham Interchange (South), which connects to Winsford Way, being over-capacity or approaching capacity in the weekday peak hours. Winsford Way and Sheepcotes are critical for serving the EEL site and other major distribution sites including Aldi, Parcelforce and Springfield Business Park. 2.12. The updated Outline CTMP [REP2-003] now includes a restriction on parking on local road networks or obstructing businesses in the vicinity of the works (see section 2.2.8), which is welcomed by Royal London and EEL. However additional provisions need to be inserted to ensure appropriate mitigation measures and restrictions are in place to accommodate the additional traffic onto the highway network. 2.13. More generally, the current Outline CTMP is not sufficient. It relates to the entirety of the project. Separate management plans should be required for areas of the network where there are issues to be resolved, such as at J19 and Winsford Way/Sheepcotes. It is also recommended that a separate CTMP is required for the gas diversion and overhead power line works which are not currently included within the Outline CTMP and do not appear to have been assessed. Further detail is provided below within the Issue Specific Hearing 2. Conclusion 2.14. To conclude, Royal London and EEL are not satisfied that sufficient information has been provided to justify the use of the EEL site access, or that there are sufficient restrictions currently proposed in respect of mitigating impacts to the local highway network or proposed access through the EEL-occupied site.

Applicant's Response

The Applicant sees no need nor justification for a separate Construction Traffic Management Plan for junction 19.

The current access proposal would have the least impact on junction 19.

The full paragraph 5.4.3 of the Outline Construction Traffic Management Plan (OCTMP) [REP2-003] states 'In the occasional event that this would not be possible, the proposed scheme would engage with the affected stakeholder and ensure suitable arrangements are agreed. The proposed scheme appreciates that each stakeholder's access requirements would be different and would be dealt with on a case-by-case basis, to mitigate any impact. A minimum of 10 working days' notice would be provided (except in emergency) if access is to be restricted to a residential property or business premises'.

The Applicant only requires to drive across the Interested Party's land for access and would not restrict access to the Interested Party's business. 10 working days is a minimum and, in most circumstances, greater notice would be given through continued engagement between the Applicant and Interested Party via the Community Liaison Manager and stakeholder team, as detailed in section 3 of the OCTMP [REP2-003].

REP3-077-007

Sub-Question

3. ISSUE SPECIFIC HEARING 2 3.1. The Applicant has failed to evidence that reasonable or appropriate alternatives have been considered to justify the grant of rights of access over our clients' land interests. 3.2. Without prejudice to this position, if the temporary possession and compulsory acquisition of rights powers sought by the Applicant are granted over our clients' land, three new Requirements are required to protect properly Royal London's and EEL's positions. New Requirement 1 3.3. The first relates to provision for a works-specific Construction Traffic Management Plan in respect of Work No.U2 (as listed in Schedule 1 to the draft DCO), being the proposed gas diversion, as well as Work No.U2A, being the proposed overhead line diversion. The current Outline CTMP [REP2-003] as provided for under Requirement 9 fails to consider diversion works of this nature. 3.4. The new Requirement should provide that these specific works cannot commence until a CTMP in respect of the diversion works has been submitted to and approved by the relevant local planning authority, in consultation with the local highway authority, Royal

London and EEL. This new CTMP should be substantially in accordance with a new works-specific Outline CTMP which should be introduced into the examination by the Applicant. New Requirement 2 3.5. The second proposed new Requirement is necessary to regulate the exercise by the Applicant, if the DCO is made, of the temporary possession powers (article 40 of the dDCO) sought over Royal London's and EEL's land, as well as compulsory acquisition of rights (article 30). Currently there is no binding legal mechanism which would prevent the Applicant from taking exclusive possession of the relevant land. There is no reasonable justification for this. Indeed, the Applicant has stated previously to Royal London and EEL that only access is required. We consider that a Requirement is an appropriate means of formally restricting this power. 3.6. This new Requirement would prevent the Applicant from commencing any works relating to Work No.U2 or Work No.U2A, or exercising any land powers under the DCO which relate to those works, unless and until an agreement(s) has been entered into with Royal London and EEL which regulates the exercise of the compulsory acquisition of rights and temporary possession powers on their land. New Requirement 3 3.7. The third and final proposed new Requirement relates to the detailed design of the proposals of the diversion works provided for under Work No.U2 and Work No.U2A. The diversion works have the potential to have a significant impact on our clients' land, both directly on land where construction works are proposed to take place and also indirectly on adjoining land. 3.8. Royal London and EEL consider that the detailed design of Work No.U2 and Work No.U2A must be approved by the Secretary of State, in consultation with the local planning authority, prior to the exercise of any rights granted over either Royal London's land or EEL's operational site. Royal London and EEL should also be notified of the final version of the detailed design, as approved by the Secretary of State. The Requirement should also provide that the Applicant is not permitted to exercise its land powers under the dDCO over the Royal London's and EEL's land interests until the detailed design has been approved.

Applicant's Response

The Applicant explained why the alternatives put forward by the Affected Parties are not suitable at CAH1 and in its written submissions following that hearing – see REP3-014, line 31.

The Construction Traffic Management Plan and Requirement 9 contains sufficient protection for highway users and the degree of specificity suggested by EEL and Royal London is not necessary.

It is also not appropriate to use requirements for restricting compulsory or temporary powers over land at this location, as the Applicant can demonstrate a compelling need for those powers. The disruption caused to the wider Springfield and Boreham areas will be significantly increased by lane closures on the A12 Carriageway and north bound slip road off the A12 at junction 19 that would be required if the proposed access across EEL and Royal London's land is not available. The detailed design of the gas pipeline diversion is a matter for the Applicant and Cadent in accordance with the provisions of the Order.

The Applicant will seek to reach agreement with EEL and Royal London but sees no need or purpose in the requirements suggested by EEL and Royal London.

REP3-077-008

Sub-Question

4. COMPULSORY ACQUISITION HEARING 1 4.1. Royal London is the freehold owner of plots: 1/16 and 1/10c, 1/10f, 1/10g, as well as 1/10a and 1/10b. These plots are shown on sheet 1 of the land plans [AS-009]. 4.2. EEL operates its distribution business off Sheepcotes and Royal London is its landlord. EEL has leasehold interests in plots: 1/10f and 1/10g, and the Applicant is seeking temporary possession powers over that land. 4.3. It is worth reiterating that there are various plots affected by permanent acquisition of rights and interests as well as temporary possession, this is not simply about access through a site as was suggested by the Applicant's representative in response to our submission at the Issue Specific Hearing 2. 4.4. Although discussions are ongoing with the Applicant, there remains a significant amount of information to be provided to justify the need for the acquisition of land interests, that all reasonable alternatives have been properly considered and that the proposed access is sufficient for the intended works to be carried out.

Applicant's Response

The Applicant notes the Interested Party's comments. The Applicant has explained that there are no reasonable alternatives to the proposed access across EEL's car park and it is clear that works to Cadent's pipe, and suitable vehicular access for those works, are required for the scheme to proceed.

REP3-077-009

Sub-Question

Key Issue 1 - Route of the Gas Diversion 4.5. The current route and proposed route of Work No.U2 is shown on sheet 1 of the Utility Diversions plans [AS-003]. Royal London and EEL have not seen any report or optioneering carried out to determine that the proposed new route for the pipe is the optimum route. In addition, Royal London and EEL have been told this is not the final detailed design for the new route and Cadent's written rep [REP2-042], suggests the work to date is preliminary: "The Diversions have not yet reached detailed design stage and so the final positioning, land rights and consents required for these gas diversions are not confirmed by Cadent." 4.6. Royal London and EEL have queried why the new pipe could not go straight across and link up to the existing pipework to the north of the current proposals. That would negate any need for access through the EEL site. In addition, Royal London and EEL have raised a query as to why, even if the new pipe route remains as currently proposed, access could not be obtained from the north through Cadent's own site, the Trilux site or direct off the A12 – see more details in the text for Issue Specific Hearing 1 above. 4.7. The Applicant has indicated that the access route cannot cross either the stream or the overhead cables. The proposed new pipe route crosses both the stream and the overhead cables. A route straight across would not. It appears that the proposed new pipe route requires the overhead lines to be diverted as part of the Scheme (Work No.U2A) – more information on the timing and location of this is needed from the Applicant. If the gas diversion route should in fact be re-directed e.g. further north under the carriageway, it may be that the access off Sheepcotes is unsuitable and rights over Royal London's land at plot number 1/10c (and therefore the access) or through the EEL site (plots 1/10f and 1/10g) are not required. 4.8. See the summary in Issue Specific Hearing 2 above for a summary of the Requirement sought in respect of detailed design of the relevant diversion works.

Applicant's Response

4.5. The Applicant has consistently explained the optioneering behind the chosen route for the gas main diversion in RE2-099-033 in 9.24 Applicant's Comments on Written Representations [REP3-009] and in meetings with the Interested Party. The location of the diversion is very largely dictated by the location of Cadent's existing above ground installation, and the need to provide an alternative crossing under the A12 for Cadent's pipe to allow for the works to the A12 at this location. Whilst there might be small variations in design and micro-positioning, works would be required to divert the gas main in the confined location immediately adjacent to EEL's car park.

4.6. The Applicant has explained the optioneering behind the chosen route for the gas main diversion in RE2-099-033 in 9.24 Applicant's Comments on Written Representations [REP3-009] and in several meetings with the Interested Party, the Applicant's position has not changed. As explained in several previous meetings the existing pipe needs to remain operational during the diversion works and as such it is not possible to work over the live gas main.

4.7. The Applicant notes the Interested Party's comments and would continue to engage with the Interested Party as the detailed design develops.

4.8. The Applicant notes the Interested Party's comments.

REP3-077-010

Sub-Question

Key Issue 2 - Alternatives 4.9. In the event that the Applicant demonstrates that the proposed gas diversion route is justified, Royal London and EEL consider that there are various other access options which must be considered. Please see the relevant text above in Issue Specific Hearing 1 for more details on this.

Applicant's Response

The Applicant has explained the optioneering behind the access options for the gas main diversion in RE2-099-033 in 9.24 Applicant's Comments on Written Representations [REP3-009] and in several meetings with the Interested Party.

The Applicant attended a site meeting with EEL on 8/3/23 to discuss access, business operations, security concerns and daily vehicle movements.

The Applicant is committed to working with EEL in order to manage and minimise any disruption.

REP3-077-011

Sub-Question

Key Issue 3 – Arrangements on Site 4.10. Royal London and EEL have raised numerous concerns on this point both in writing, at meetings and Issue Specific Hearing 1 – see the relevant summary above. If exclusive access is not required, the statutory powers should be limited appropriately – see the summary above for Issue Specific Hearing 2. Compulsory acquisition test (plot numbers 1/10a, 1/10b and 1/10c) – Royal London only (Rights sought, as per Schedule 5 to the dDCO: 1/10a and 1/10b – access for inspection, maintenance, repair and clearing of culvert and retaining structures) 4.11. Plot numbers 1/10a and 1/10b – There is no evidence to justify that there is a compelling case in the public interest for the rights to be acquired on these plots. The reasoning refers to maintenance of the culvert but the culverts exist already and there has been no prior issue in relation to the Royal London land interest. Further information is required to justify the proposed grant of rights on our clients land. (Rights sought, as per Schedule 5 to the dDCO: 1/10c – to lay, install etc. a pipeline; to include restrictive covenants for protecting installed pipelines etc.; and to install etc. overhead electricity cables and supports etc.) 4.12. Plot number 1/10c – in view of the previous submissions made which includes the route of the gas diversion works, potential alternatives, whether the rights to be acquired are justified or sufficient for the purposes for which they are required, Royal London does not consider that section 122(2) Planning Act 2008 is satisfied. In addition, the Applicant has provided no evidence that there is a compelling case in the public interest to acquire rights over this land – this is a high bar which we do not believe has been met. The restrictive covenant means this land will not be able to be used by Royal London going forward. Temporary possession test (1/10f, 10g and 1/16a and plot numbers 1/10a, 1/10b and 1/10c) - Royal London and EEL (Temporary possession powers sought, as per Schedule 7 to the dDCO: 1/10f, 1/10g – access for utility diversion works; 1/16a – access and working area for utility diversion works. Also, temporary possession available in respect of plot numbers 1/10a, 1/10b and 1/10c - article 40(1)(a)(ii) of the dDCO) 4.13. It is acknowledged that the statutory tests in section 122 of the Planning Act 2008 are not directly applicable to temporary possession. Nonetheless, it is considered appropriate to apply these tests in these circumstances as the effects of the use of the unfettered powers would be analogous to compulsory acquisition, particularly where there is exclusive possession granted. 4.14. Again, our clients consider that the key deficiencies and lack of evidence provided in the application means that there is currently no justification for rights to be granted over this land or if rights are to be granted, these rights need to be restricted until further detailed information is provided and agreed with Royal London and EEL. Conclusion 4.15. Royal London and EEL have significant concerns over the proposals affecting their land. In particular, it is not clear that the gas diversion should necessarily be in this location. Even if that is the case, there are serious concerns over the level of consideration of alternatives and the

proposed arrangements in terms of access to and feasibility for use of the access and the site for the gas diversion works. 4.16. The application has not satisfied the relevant legal tests for securing the powers sought to be granted over our clients' land interests.

Applicant's Response

The Applicant notes the Interested Party's comments and has previously responded to justification for land plots 1/10a, 1/10b, 1/10c, 1/10f, 1/10g and 1/16a in RR-032-003 and RR-032-004 which can be found in 9.3 Applicants Response to Relevant Representations [REP1-002] and in meetings with the Interested Party.

4.10. The Applicant does not intend to take exclusive access over the car park area and is willing to confirm this in an agreement with EEL. there is no need to limit the powers available to the Applicant as the affected parties have a remedy in compensation if exclusive possession were to be sought.

4.11. The culverts under the A12 will require maintenance and the need for a modern maintenance regime increases given the use of the culverts for drainage as part of the proposed scheme.

4.12. The Applicant has explained above and previously why the gas main diversion is needed. The compelling case for the acquisition of rights is clear - based on the need for the A12 scheme and for that to be facilitated by the diversion of Cadent's pipe. The restrictive covenant is justified to protect a significant gas main from being built over or excavated and if it is imposition creates a loss in land value for Royal London then this can be claimed for under the compensation code.

4.13. The Applicant does not accept that it is appropriate to apply S122 tests to temporary powers as the exercise of temporary powers is not a permanent expropriation of an interest in land. It is more in the nature of a statutory licence. Despite this the Applicant believes a compelling case for the temporary powers sought is clear and unarguable as the diversion of the Cadent pipe facilitates the proposed scheme at this location and the Applicant has clearly demonstrated no reasonable alternative access route exists to reach Cadent's pipe.

4.14-4.16. For the reasons given in its previous responses and in this response, the Applicant believes there is a clear and compelling case for the limited powers sought over the relevant land, that it is necessary and required to divert Cadent's pipe and there are no reasonable alternatives to the powers sought, save for reaching agreement with the affected parties. The major disruption that would be caused to all local businesses, including the affected parties themselves, by a major intervention on the A12 northbound carriageway, means that the solution proposed is reasonable, proportionate and is fully justified.

Roger Wacey

REP3-078-001

Sub-Question

Representation Specific Hearing 1 Tuesday 28 February 2023 by Roger Wacey Item 4 Noise Highways state that the noise at Wishing Well Farm was assessed by Highways from readings at two receptors LT10 which is approximately 250 meters from the existing A12 and LT8 which is one kilometre from the existing A12. Wishing Well Farm is approximately 530 meters from the existing A12, from this Highways estimate that the current decibel reading at Wishing Well Farm will be approximately 53 decibels from the new road but we believe that at 22 meters from the new road the decibel reading will be in excess of 81 decibels. I did a spot check at 8.20 am on a Monday morning during Covid from 22 metres along the Easthorpe Road and got a reading of 81 Decibels. My reading was disputed by Highways in REP1- 060-Roger Wacey page 68 where they state that my reading is not relevant as my mobile phone app is not within their technical parameters, but as all in this room have and rely on mobile phones they cannot be that inaccurate. The assessment of traffic noise presented within the Environmental Statement is taken over an eighteen hour period but this includes the quiet hours outside the peak four hours between 7 and 9 a.m. and 4 and 6 p.m. and is thus not representative of the high decibel levels during the rush hour but includes fourteen hours of lesser usage noise levels. Highways have stated (REP1-060-Roger Wacey page 68) "it is not reasonably practical to carry out noise measurements everywhere, "although they are aware of the situation at Wishing Well Farm where several of the occupants have protected characteristics . My point is that the proposed barrier and road surface specifications cannot be assessed properly unless accurate noise levels are known at this specific site and if Highways do not have accurate readings at Wishing Well Farm how can they know that the specification of the road surface and sound barrier will have the desired affect Page 70 of REP1-060 Roger Wacey Highways state "At Wishing Well Farm, measures to remove the likely significant adverse effect have been applied in the form of a noise barrier and the use of a surface with better noise reducing properties than a conventional low noise surface. Despite the identified mitigation measures, there would be a major increase in noise which would cause a significant adverse effect at one dwelling and one other sensitive receptor (the Recording Studio). The daytime absolute noise level at Wishing Well Farm would be around 61dB(A), which is below the SOAEL. No further mitigation measures are considered feasible in this location."

Applicant's Response

The Applicant has responded to all of the points raised by the Interested Party. Specifically, these are:

- Timing of baseline noise surveys: Applicant's response within REP2-030 in response to the Interested Party's REP1-061.
- Noise measurements undertaken by the Interested Party: Applicant's response within REP2-030 in response to the Interested Party's REP1-061
- Use of baseline noise surveys: Applicant's response within REP2-030 in response to the Interested Party's REP1-061,
- Specification of appropriate mitigation measures: Applicant's response within REP2-030 in response to the Interested Party's REP1-061
- Assessment methodology (why predictions are used as opposed to measurements): Applicant's response within REP3-012 in response to item 74.

The Applicant believes that together these responses address all the points raised.

Strutt & Parker

REP3-079-001

Sub-Question

Please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-001974-D3%20-%20Strutt%20&%20Parker%20-%20Email.pdf>

Applicant's Response

Please see also the Applicants response to Examining Authorities Second Written Questions (ExQ2) [Applicant's Reference TR010060/EXAM/9.41, question 2.16.4].

The Applicant notes the documentation provided which is a list of 154 signatures dated 4 December 2022 from persons registering an objection to the proposed new PRow. There is also a series of undated photos which shows fishers on Stepfield Lake and vehicles parked. The reason for the signatures is described as 'Petition Against proposed bridle & public footpath, running along Stepfield Lake. This would prevent the usage of 16m poles behind them'.

The Applicant notes that the proposed route of the PRow would interact with the fishery and its associated parking.

In the Applicant's response to ExQ2 2.16.4 commitments have been made with regard the position of the Public Right of Way, securing the boundary of the Public Right of Way and ensuring post construction that there is a perimeter around the lake retained by the fishery business for access and maintenance. For ease of reference, these are repeated below:

- moving the alignment of the proposed PRow as far north as is practicable so long as it does not have further unintended impacts on the height and/or width of the existing bund. This is enabled by the Limits of Deviation shown on the updated Streets and Rights of Way plans [Applicant's Reference TR010060/APP/2.6 revision 3] submitted at Deadline 4.
- Access around Stepfield Lake

- The Applicant will make a commitment to return land to the existing owner so that a strip adequate for the maintenance and passage of vehicles is retained around the perimeter of the lake. The Applicant will include this in a Position Statement currently being drafted between the parties.
- Security to the proposed Public Right of Way
- The Applicant will agree a suitable boundary treatment that is both suited to the environment and provides adequate security against trespass/poaching risk along the length of the Public Right of Way where it is adjacent to the fishery. A suitable planting regime will be installed on the fishery side of the fence to ensure a longer term deterrent once any fencing is past its serviceable life. The Applicant will include this in a Position Statement currently being drafted between the parties.
- It is expected that, post construction, these measures would together enable the fishery to function along the northern bank, whilst securely segregated from the footpath.

However, for safety and other reasons, the Applicant acknowledges that due to the proximity of the Order Limits to the bank of Stepfield Lake, fishing from the northern bank would not be practicable for potentially 3 years.

The Applicant aims to meet with the Interested Party again shortly to understand better how this would affect the fishery and whether further practicable mitigation measures can be established. The Applicant will continue to work with Colemans Cottage Fishery to reduce disruption to the business both during construction and afterwards aiming to minimise restrictions to fishing and parking.

Sue & Alan Russell

REP3-080-001

Sub-Question

Please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-001959-D3%20Sue%20&%20Alan%20Russell.pdf>

Applicant's Response

The Applicant has previously responded to this issue in Deadline 3 submission 9.24 Applicant's Comments on Written Representations [REP3-009] in section REP2-062 and Deadline 3 submission 9.26 Technical Note Gershwin Boulevard Bridge [REP3-011]. The technical note assesses the visual impacts that would be caused by the proposed A12 Chelmsford to A120 Widening Scheme in the vicinity of Gershwin Boulevard Bridge, during construction and operation. The technical note also considers the alternative location for the new bridge suggested by Interested Parties.

The Replacement Land Statement [APP-279] considers the loss of open space, including land north of Gershwin Boulevard Bridge. For each of the open space areas being lost to the proposed scheme, Replacement Land is being offered. The open space north of Gershwin Boulevard Bridge is described as being within Areas 2 - 4 within the Replacement Land Statement [APP-279]. Replacement land for Areas 2 - 4 has been identified on the south side of the A12, which will be connected to the existing open space via the new bridge to be constructed south of Olivers Drive. The land identified will lie immediately to the south of the A12 and be connected via footpath 121_95 to the existing area of open space at Olivers Drive, together with a new connection south of and parallel to the A12, connecting to Maldon Road.

Further information regarding Gershwin Boulevard Bridge is presented in the Applicant's response to ExQ2 2.13.2 [Applicant's Reference TR010060/EXAM/9.41].

Essex County Council

REP3-081-001

Sub-Question

Please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002134-Essex%20County%20Council%20-%20de-trunking%20brochure.pdf>

Applicant's Response

The Applicant notes the brochure from the Interested Party detailing the de-trunking proposals for Rivenhall End and Feering to Marks Tey. A response to the proposals and technical note is provided in our response to REP3-082-001 in this document.

Essex County Council

REP3-082-001

Sub-Question

Please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002135-Essex%20County%20Council%20-%20detrunking%20technical%20note.pdf>

Applicant's Response

The Applicant has reviewed the technical note and the proposal presented by the Interested Party for the de-trunked sections of the A12 in Rivenhall End and between Feering and Marks Tey.

The Applicant maintains the position explained in correspondence with the Council [Appendix A, REP1-002], in response to the Council's Local Impact Report [REP3-021] and in the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1, comment reference 26 [REP3-012]. The Applicant has also prepared a technical note in response to the Interested Party's de-trunking proposals for the scheme which has been submitted at Deadline 4 [Applicant's Reference TR010060/EXAM/9.43 Technical Note on Detrunking Proposals].

To summarise, the Applicant is proposing to handover a de-trunked highway that is safe and serviceable. The Applicant does not consider the Council's proposals necessary to mitigate impacts of the proposed scheme or that they constitute a reasonable or proportionate enhancement opportunity for cyclists and pedestrians such that they should form part of the proposed scheme.

The Applicant will continue to work with Essex County Council in relation to de-trunking, and in particular ensure that the principles outlined in the letter at Appendix A of Applicant's Response to Relevant Representations [REP1-002] are taken forward.

3 Applicant's Comments on Additional Submissions accepted by the Examining Authority after Deadline 3

Colchester Cycling Campaign	AS-043-001
Sub-Question	
<p>Dear Sir or Madam</p> <p>Colchester Cycling Campaign objects to the building of this road as currently proposed because it fails to adequately promote active travel or to fully include elements consistent with Gear Change, LTN1/20 or CD195. In terms of the section of the road within Colchester borough, it is not in accord with the existing or future local plans. We outline shortfalls both in the scope of the scheme and the current design below. We also take issue with specific points. We are keen to work with Highways England and the DfT on increasing and improving cycling provision. We already have a constructive relationship with Essex County Council, Essex Highways and others, including as part of the active travel fund steering group.</p>	
Applicant's Response	
<p>The Applicant acknowledges the Interested Party's comments.</p> <p>The Applicant would like to assure the Interested Party that these comments were considered under the statutory consultation.</p> <p>Annex N of the Consultation Report [APP-062] details all responses received during the statutory consultation of June 2021. This also details the Applicant's response to the comments.</p>	

AS-043-002

Sub-Question

MORE FUNDS FOR ACTIVE TRAVEL TO MITIGATE TRAFFIC GROWTH

Highways England and the government must recognise and mitigate – to a far greater degree than at present – the effect of road building and increased trunk road capacity on both urban and rural traffic growth.

The bulk of journeys made on the A12 begin and end in towns such as Colchester, while many more come from the hundreds of villages dotted around Essex.

Any growth in motor traffic caused by the new, wider A12 will increase urban congestion: Colchester is already at its limit. Motor traffic growth in country lanes will adversely affect rural utility cycling, perhaps wiping it out.

Part of the solution to this issue lies in enabling people to use other modes of transport than the car.

We urge Highways England and the Department for Transport to do more in this respect as a priority, preferably tied in with a fresh set of proposals for the A12.

Applicant's Response

The Applicant notes the Interested Party's concern that investment in active travel should be increased to mitigate the effect of traffic growth. Details of the applicants proposed scheme environmental objectives, can be viewed in The Environmental Statement- Chapter 2 The Proposed Scheme (APP-069), section 2.2. These objectives include improving accessibility for walkers, cyclists, horse riders, and public transport. These objectives align with the DfT strategic objectives. There is also reference to this commitment in the NNNPS, on page 27 [APP-251].

Details of the scheme's commitments in respect of walking, cycling and horse- riding (WCH) can be found in the Case for the Scheme document [APP-249] sections 5.7 and 8.12.7 - 8.12.13 (including table 8.3,) and on the Streets, Rights of Way and Access Plans [AS-027 and AS-028].

Effects on WCH from the proposed scheme are assessed in Chapter 13: Population and human health, of the ES [APP-080] sections 13.7.26 to 13.7.35.

The A12 Chelmsford to A120 proposed scheme includes significant enhancements including approximately 30km of new and improved walking, cycling and/or horse-riding facilities. All of the facilities will be LTN 1/20 compliant, including bringing 3.5km of the council's existing facilities up to LTN 1/20 compliance.

In terms of changes in motor traffic on local roads, overall the proposed scheme is predicted to decrease the amount of traffic on the local roads maintained by Essex County Council. In addition, more local roads are predicted to experience a reduction in traffic than are expected to see an increase.

AS-043-003

Sub-Question

GENERAL CYCLING ISSUES

A) Not radical enough The plans for cycling and walking in this project are not radical enough. The scheme fails to take on board the thrust of Gear Change, which calls for a revolution in active travel. It also appears to ignore the need for one-stage crossings, one of the key elements advanced by Local Transport Note 1/20 to ensure efficient, coherent and direct cycle journeys.

CD195 says: "A single stage should be provided to eliminate the need for cycle traffic to wait on islands in the middle of signal controlled junctions" and "Staggered crossings shall not be used unless the central refuge can accommodate the design parameters for the cycle design vehicle." Not enough attention has been paid to these provisions.

These plans have been drawn up "car first" with other modes added as an afterthought. They rely too much on [Redacted] evidence of Highways England's silo thinking, which should not continue.

In addition [Redacted] of no road deaths by 2040. Except for the motorist, little account seems to have been taken of this within this scheme.

We believe that Highways England should also have conducted a two-stage Walking, Cycling and Horse-riding Assessment and Review (WCHAR), in accordance DMRB module GG 142. If done properly, that would have highlighted the (suppressed) demand for cycle movement in the local area.

Applicant's Response

The Applicant acknowledges the Interested Party's comments on the proposed project's plans for cycling and walking.

The proposed scheme design has, where practicable, complied from the outset with the best-possible design approach set out in LTN 1/20. This document notes that constraints can restrict design and 'best possible' is not always practicable. The A12 scheme complies in full with the minimum requirements set out in LTN 1/20 with higher levels of service where practicable. The detailed design is currently working to further improve these aspects and some crossings in the A12 scheme design have already been amended to single-stage operation. This design development will continue in detailed design.

Full compliance with GG 142 has been achieved, with Walking Cycling Horse-Riding (WCH) Assessment, and WCH Reviews at subsequent points in design, and this will be continued in detailed design in accordance with GG 142.

AS-043-004**Sub-Question**

B) Lack of detail There is a lack of detail for cycling provision in the consultation drawings. HE should supply a cycling layer, with provision drawn to the same standard as the road itself rather than simply a coloured line. This would allow for easier interpretation.

There appear to be various points in this scheme where LTN 1/20 and/or CD195 are not applied well, notably in the use and type of crossings as well as the use of shared cycle/pedestrian routes (we regard Marks Tey as an urban area). There are too many uncontrolled crossings, particularly on sections of the old A12. These require better design for safety – perhaps wide splitter islands – or traffic signals.

Applicant's Response

The Applicant acknowledges the Interested Party's comments relating to the level of detail provided in consultation drawings. The level of detail available on the drawings that accompany the DCO application is increased from that at consultation when this response was first submitted, including clearer presentation of pedestrian and cycle routes. Please see the latest Streets and Rights of Way plans [AS-027 and A-028].

Similarly, the preliminary design has advanced since statutory and supplementary consultations, including the location and nature of crossings on the old A12 has been updated since consultation. The design has been prepared in accordance with LTN 1/20, noting that this document recognises that constraints must be accommodated.

The Applicant would welcome feedback on the latest proposals.

AS-043-005

Sub-Question

C) Taking a holistic view: Funding for major roads such as this must include more money to promote cycling. The "pot" for the new road should include a substantial sum, perhaps 15 per cent of the budget. This would be given to the council/highways authority to work with HE and create complete LTN1/20-compliant cycling routes within a ten-mile wide corridor.

In the present plan most of the cycling provision is restricted to 200m of the new road. As mentioned, the cycling offering too often makes use of the existing sub-par infrastructure. This is not only next to useless but it will lead more motorists to complain that "cycle routes are provided but never used".

For cycling to be enabled, this scheme should include whole cycle routes, especially between large settlements and towns/villages with railway stations.

Applicant's Response

The applicant notes the Interested Party's suggestion regarding funds to promote cycling and refers the Interested Party to the response to AS-043-002 in this document.

AS-043-006**Sub-Question****CYCLE ROUTES WE WANT TO SEE INCORPORATED IN THIS SCHEME**

These are the routes that should be included in this scheme, based on the criteria above:

1. Marks Tey to Boreham (green dotted line for clarity): A cycle route along the southeast side of the road all the way from Marks Tey to Boreham (green dotted line). This should be a continuous, machine-laid route with priority over most side roads. This would offer commuters a real alternative to the car; note that since the advent of the electric bike, Dutch commutes have increased in length and long-distance commuting routes have become more popular. The current route peters out at Easthorpe Green Farm. [Redacted] ~~See original document for images~~

Applicant's Response

Boreham to Marks Tey.

Please see Streets, Rights of Way and Access Plans [AS-027 - AS-028]

The A12 Chelmsford to A120 proposed scheme includes significant enhancements including approximately 30km of new and improved walking, cycling and/or horse-riding facilities. All of the facilities will be LTN 1/20 compliant, including bringing 3.5km of the council's existing facilities up to LTN 1/20 compliance.

It is beyond the scope of the scheme to provide additional measures across the wider geographical network. However, where reasonable opportunities exist to provide enhancement, these have been incorporated into the scheme. For cyclists travelling between Boreham and Marks Tey, a route would partially be provided by the proposed scheme including the following elements included within the proposed scheme:

- a cycle track is provided between Hatfield Peverell and Witham
- improved cycle track and crossing facilities are provided between the Eastways estate and around the proposed junction 22
- Off-road cycle track alongside the proposed B1024 new link road and the de-trunked section of A12 which is segregated from the road
- a cycle track is provided between the Wishingwell Bridge and junction 25 at Marks Tey.

These elements may provide the opportunity for others to extend the provision by the proposed scheme in the future. This is an improvement on the existing provision and no further enhancement can be justified as part of A12 scheme proposals.

AS-043-007

Sub-Question

2 Stanway to the Marks Tey bridge (blue dotted line for clarity):

This would connect the thousands of homes being built in Stanway to enable residents to reach Marks Tey railway station for commuting purposes.~~See original document for images~~

Applicant's Response

Stanway to Marks Tey

The Applicant notes the request for a new cycle route from Marks Tey to Stanway. However, it is beyond the scope of the scheme to provide additional measures across the wider geographical network.

The proposed A12 scheme does provide significant enhancements including approximately 30km of new and improved walking, cycling and/or horse-riding facilities, all of which will be LTN 1/20 compliant. These enhancements include bringing 3.5km of the council's existing facilities up to LTN 1/20 compliance.

AS-043-008

Sub-Question

2a A revolutionary Marks Tey bridge

A new Y-shaped cycle/pedestrian bridge from Marks Tey south of the A12 to the railway station and Station Road/Old London Road on the north side of the A12. Note that this would rejoin the two halves of the village that have been split by the road for so long and also serve rail commuters living in the thousands of new homes in Stanway.

The northern landings would be outside the station entrance and (heading west) on the north side of Station Road (which may have to be realigned), with a spur to a westbound bus stop on the A120 (shared-use paths next to the A120 from the Prince of Wales roundabout would become redundant; the signalised crossing could be removed). Consultancies with experience of designing such bridges include [Redacted] and Examples [Redacted] can be found on their websites. ~See original document for images~~

Applicant's Response

The Applicant notes the request for a Y-shaped bridge connecting the east and west sides of A12 and the station.

The proposed improvements (see Streets, Rights of Way and Access Plans [AS-028]) at this location include an upgrade of the bridge to include cyclists, improved accessibility and a new crossing at the A120 junction. These measures are considered to make sufficient provision for walking and cycling connectivity in this area and the additional cost of the suggested bridge cannot be justified as part of the scheme.

AS-043-009

Sub-Question

2. Aldham to Marks Tey ~See original document for images~~

Applicant's Response

Aldham to Marks Tey

The suggested route between Aldham and Marks Tey is fully outside the extents of the proposed A12 scheme and as such a new cycle route cannot be justified as part of the scheme measures.

AS-043-010

Sub-Question

3. Easthorpe to Marks Tey ~See original document for images~~

Applicant's Response**Easthorpe to Marks Tey**

Please see Streets, Rights of Way and Access Plans [AS-028].

The A12 Chelmsford to A120 proposed scheme includes significant enhancements including approximately 30km of new and improved walking, cycling and/or horse-riding facilities. All of the facilities will be LTN 1/20 compliant, including bringing 3.5km of the council's existing facilities up to LTN 1/20 compliance.

It is beyond the scope of the scheme to provide additional measures across the wider geographical network. However, where reasonable opportunities exist to provide enhancement, these have been incorporated into the scheme. For cyclists travelling between Easthorpe and Marks Tey, a route would partially be provided by the proposed scheme including the following elements included within the proposed scheme:

- the Easthorpe Road Overbridge – which will be a quiet local road over which there will be a prohibition of motor vehicles (except for access)
- the off-road cycleway alongside the de-trunked A12 and then the realigned Old London Road
- Cycle track provision between the Wishingwell Bridge and junction 25 at Marks Tey on the south of the A12.

These elements may provide the opportunity for others to extend the provision by the proposed scheme in the future. This is an improvement on the existing provision and no further enhancement can be justified as part of A12 scheme proposals.

AS-043-011

Sub-Question

4. Easthorpe to Feering ~See original document for images~~

Applicant's Response**Easthorpe to Feering**

Please see Streets, Rights of Way and Access Plans [AS-028].

The A12 Chelmsford to A120 proposed scheme includes significant enhancements including approximately 30km of new and improved walking, cycling and/or horse-riding facilities. All of the facilities will be LTN 1/20 compliant, including an upgrade to 3.5km of the council's existing facilities.

It is beyond the scope of the scheme to provide additional measures across the wider geographical network. However, where reasonable opportunities exist to provide enhancement, these have been incorporated into the scheme. For cyclists travelling between Easthorpe and Feering, a route would partially be provided by the proposed scheme including the following elements:

- the Easthorpe Road Overbridge – over which there will be a prohibition of motor vehicles (except for access)
- the off-road cycleway alongside the de-trunked A12
- An off-road route around the proposed Feering East Roundabout at the junction with New Road

These elements may provide the opportunity for others to extend the provision by the proposed scheme in the future. This is an improvement on the existing provision and no further enhancement can be justified as part of A12 scheme proposals.

AS-043-012

Sub-Question

5. Tiptree to Kelvedon ~See original document for images~~

Applicant's Response**Tiptree to Kelvedon.**

It is noted that the existing network has no dedicated cycle measures for this journey, and while traffic is forecast to increase on the section of this route between Tiptree and the proposed Junction 24, it does not change the material status of the route for cyclists.

It is beyond the scope of the A12 scheme to provide a new dedicated route for this journey.

AS-043-013

Sub-Question

6. Tiptree to Witham ~See original document for images~~

Applicant's Response**Tiptree to Witham**

Please see Streets, Rights of Way and Access Plans [AS-028].

The proposed scheme includes significant enhancements including approximately 30km of new and improved walking, cycling and/or horse-riding facilities. All of the facilities will be LTN 1/20 compliant, including bringing 3.5km of the council's existing facilities up to LTN 1/20 compliance.

It is beyond the scope of the scheme to provide additional measures across the wider geographical network. However, where reasonable opportunities exist to provide enhancement, these have been incorporated into the scheme. For cyclists travelling between Tiptree and Witham, a route would partially be provided by the proposed scheme including the following elements included within the proposed scheme:

- Highfields Lane
- Highfields Overbridge replacement connecting to Maldon Road
- B1024 London Road
- Off-road cycleway alongside the proposed B1024 new link road and the de-trunked A12 which is segregated from the road all the way to Colchester Road, Witham

These elements may provide the opportunity for others to extend the provision by the proposed scheme in the future. This is an improvement on the existing provision and no further enhancement can be justified as part of proposed scheme proposals.

AS-043-014

Sub-Question

7. Coggeshall to Kelvedon ~See original document for images~~

Applicant's Response

Coggeshall to Kelvedon

The route between Coggeshall and Kelvedon is fully outside the proposed scheme extents and enhancements providing a new cycle route between these two settlements cannot be justified as part of the scheme measures.

AS-043-015
Sub-Question
8. Wickham Bishops/Great Totham to Witham ~See original document for images~~
Applicant's Response
<p>Wickham Bishops/Great Totham to Witham</p> <p>The routes between Wickham Bishops/Great Totham and Witham are not changed by the proposed scheme and providing a new cycle route between these two settlements cannot be justified as part of the scheme measures.</p>
AS-043-016
Sub-Question
9. Hatfield Peverel to Maldon~ See original document for images~~
Applicant's Response
<p>Hatfield Peverell to Maldon</p> <p>As shown in document 7.2 Transport Assessment Appendix C: Traffic Flow Diagrams – Communities and A12 Mainline [APP-256] the traffic modelling forecasts an increase in peak hour traffic flow of 10% in the morning peak and 16% in the evening peak. However, this does not materially change the status of the route for cyclists.</p> <p>It is beyond the scope of the proposed scheme to provide a new dedicated route for this journey.</p>

AS-043-017

Sub-Question

10. Old A120 This will probably come under the scheme for the new A120 but also needs to be considered here (see report).
~See original document for images~~

Applicant's Response

Braintree to Marks Tey

The route between Braintree and Marks Tey is fully outside the extents of the A12 scheme and providing a new cycle provision cannot be justified as part of the scheme measures.

AS-043-018

Sub-Question

OTHER ISSUES A) Use of the old road: The old road should shut to motor traffic except for access to houses. It should not form a through road in any way. The last thing it should become is a rat run like the old A12 between Chapel St Mary and Washbrook. We would welcome the chance to have meetings with you as ideas develop.

We are especially concerned by roundabouts and uncontrolled crossings, and would prefer to see a 40mph speed limit. We also question whether Essex County Council is financially capable of maintaining the end-of-life road bridges in this section – such an expense could wipe out their annual Local Highways Panel budgets for several towns. ~See original document for images~~

Applicant's Response

Both the de-trunked section of road in Rivenhall End, and the section between Feering and Marks Tey provide a useful route for motorised traffic. Whilst the A12 could feasibly be used for some of these local journeys, as indeed it is now, the de-trunked A12 is the more appropriate direct route for motorised traffic between Witham, Rivenhall End, Feering and Marks Tey. This route is also suitable for horse-drawn carriages and motorised traffic subject to the proposed A12 ban on certain vehicle classes including mopeds, and slow-moving vehicles.

A 40mph speed limit has been proposed in the Rivenhall End section, and the more rural section between Feering and Marks Tey is proposed to be 50mph, with the proposed roundabouts providing an important traffic calming function when compared to the existing straight alignment. The proposed uncontrolled crossings in the section between Feering and Marks Tey are expected to be extremely low use, and would not warrant control since they are located in the vicinity of the roundabouts where vehicle speeds would be lower.

The Applicant remains in discussion with Essex County Council regarding the handover of assets as part of the de-trunking strategy.

AS-043-019

Sub-Question

Number of lanes on A120 at Marks Tey: We were alarmed to see two vehicle lanes becoming three just before the current Marks Tey A120 roundabout. While we appreciate that HE is not yet certain that the A120 Braintree to Kelvedon will be built, these three lanes will feed into a single track road that could be bypassed within five years of completion of the new A12 – but will remain so that traffic on the old A120 builds up again. If three lanes are put in place they should be temporary and revert to one lane when and if the new section of the A120 opens. ~See original document for images~~

Applicant's Response

Where a project is in its early stages of development and has not yet secured planning permission, it is not considered a committed scheme. In accordance with government guidance, uncommitted schemes cannot be considered in the traffic modelling and environmental assessment for the proposed A12 scheme. The A120 Braintree to A12 scheme is currently uncommitted but both schemes hold regular meetings to share information and report on progress and adjust strategies in a collaborative manner.

The proposed A12 scheme is unable to rely on the A120 Braintree to A12 scheme removing traffic from junction 25 and has proposed a solution that provides acceptable performance of the Old Rectory Junction project's design year of 2042 which has been modelled using microsimulation software. The additional lanes highlighted by the Interested Party are not required for throughput, but to provide appropriate queuing lengths for the various turning directions provided at this junction, so that rather than joining the back of the queue for all possible movements, vehicles are able to progress in a lane for the movement they wish to undertake.

Further details are available in the Transport Assessment – Appendix A: Junction Modelling Results Summary [APP-254].

AS-043-020

Sub-Question

Signage Better signage would help relieve the traffic burden on urban Colchester. Colour coding (as once used in Ashford, Kent) would help minimise the number of cross- town journeys on the A133 Avenue of Remembrance. Colchester park and ride should also be signposted before J26, the Stanway Tollgate junction, heading east and before J29, the Ardleigh Crown Interchange, heading west. ~See original document for images~~

Applicant's Response

The Applicant notes the Interested Party's comments regarding signage. The signage strategy is being developed as part of the detailed design of the proposed scheme. The Applicant will discuss the use of colour-coded routes with Essex County Council as part of the wider cycling strategy.

AS-043-021

Sub-Question

A12: Response to Supplementary Consultation

Colchester Cycling Campaign is disappointed that our comments on the [Redacted] have not been considered in the NH supplementary consultation (SC) of November 4 2021.

No notice appears to have been taken of [Redacted]

As a result, we made contact with NH and spoke to two representatives. We then had a video meeting where we went over various points.

These included: • the need for a new cycle-pedestrian bridge to give direct access to Marks Tey railway station • support for segregated cycle provision from Stanway to Marks Tey (along the B1408) • an LTN 1/20 standard connection between Marks Tey station and the Godmans Lane/Ashbury Drive part of the village • a new discrete cycle route between Tiptree and Kelvedon railway station • a contribution towards the planned cycle route between Kelvedon and Earls Colne via Coggeshall • the need for better cycle provision between Messing and Kelvedon • [Redacted] between Braintree and Marks Tey • the need for proper segregation from pedestrians. We pointed out the speed disparity between pedelecs (electric bikes) and pedestrians

Unfortunately there was no written follow-up to that meeting or minutes issued.

As a result, we would like to hear back from National Highways with confirmation of the cycling schemes that it is considering as part of the A12 works.

As far as we are concerned, the supplementary consultation paperwork falls far short of our expectation.

Below, we make further points. These should be considered together with the points in [Redacted].

Applicant's Response

The Applicant acknowledges the Interested Party's comments.

The Applicant would like to assure the Interested Party that these comments were considered under the supplementary consultation.

Annex N of the Consultation Report [APP-062] details all responses received during the supplementary consultation of November 2021. This document also details the Applicants response to the comments.

AS-043-022

Sub-Question

General points Detailed consideration must be given to active travel for at least three miles either side of the road, ie, along a corridor at least six miles wide – more if there is a major community near by or a local-commute attractor (offices or industry).

The emphasis should be on creating whole routes that meet LTN 1/20 standards and will provide an alternative to car journeys. As things stand National Highways has not given sufficient weight to [Redacted]. National Highways should make a separate presentation of its ideas for active travel measures in connection with this project. These should be subject to two separate consultations, one outline and one detailed. Those responding to the consultations should then be involved in shaping the schemes further, to the extent of being able to comment on the final engineers' drawings..

The various road crossings are badly thought out. The default option should be for LTN 1/20-standard cycle-friendly bridges and underpasses to avoid the need for crossings. Where crossings have to be provided, all of these should be signal-controlled (especially important on slip roads on the new A12) and fully meet LTN 1/20 guidance.

Applicant's Response

The Applicant notes the comments regarding overall provision for active travel.

As stated in the Applicant's responses to sub-questions AS-043-006, AS-043-007, AS-043-010, AS-043-011 and AS-043-013 in this document, the A12 scheme includes approximately 30km of new and improved facilities. All of the facilities will be LTN 1/20 compliant, including an update to 3.5km of the council's existing facilities.

All active travel measures have been subject to all required planning consultation processes and also to GG 142 Walking Cycling Horse-riding Assessment and Review, and GG 119 Road Safety Audit and this will continue in the detailed design stage.

With regard to road crossings it is not always practicable, or desirable, for every crossing to be signal-controlled, especially when very low usage is likely.

AS-043-023

Sub-Question

Observations on changes in supplementary consultation

Because the NH approach to active travel is so fundamentally flawed, we have restricted our comments on the detail of the supplementary consultation to one item.

The change made to Hatfield Peverel/J21 is a major alteration yet no consideration appears to have been given to cyclists/walkers by those responsible for the new design.

Simply taking cyclists and pedestrians across the southern/western side of the roundabout, rather than continuing to use the northern/eastern side, would reduce conflict points. ~See original document for images~~

Applicant's Response

The Applicant acknowledges Interested Party's comments and suggestion.

At J21 the primary active travel usage is expected to be between Hatfield Peverel and Witham and this is provided with a dedicated continuous off-road walking and cycling route segregated from the road, on the west side of the A12 (see Streets,

Rights of Way and Access Plans [AS-027] & [AS-028]). For southbound cyclists travelling on this route towards Hatfield Peverel, a parallel (ie controlled) crossing for pedestrians and cyclists is proposed to the south of Wellington Bridge, to enable riders to cross the road and re-join the carriageway while pedestrians would continue on the western path towards the Duke of Wellington pub.

Much smaller numbers of users are expected to use the route between Hatfield Peverel and Latney's Kennels and the adjacent footpath 90_29. Again, this route has a continuous dedicated path segregated from the road.

The only pedestrians using the routes adjacent to the J21 roundabouts are the very small numbers expected to travel between Witham and Latney's Kennels and the adjacent footpath 90_29. The concern regarding the part of this route on the eastern roundabout is noted and will be borne in mind in the development of the detailed design.

AS-043-024

Sub-Question

Inworth Road Inworth Road is currently the first crossing of the A12 west from Colchester after the Marks Tey Interchange and Turkey Cock Lane in Stanway. It is the shortest route between Kelvedon and Tiptree, and part of the route from Messing to Kelvedon.

Mention was made in the video meeting of the possibility of a discrete new cycle route to connect Tiptree and Kelvedon. We would like to see more detail about this, together with a firm commitment that it will form part of the scheme.

The country lanes in this area already suffer from high motor traffic volumes and speeds, We would expect to see substantial and effective mitigation.

We would be happy to discuss route ideas with National Highways and Essex Highways. ~See original document for images~~

Applicant's Response

The Applicant notes the request for a new cycle route from Tiptree to Kelvedon.

It is noted that the existing network has no dedicated cycle measures for this journey, and while traffic is forecast to increase on the section of this route between Tiptree and the proposed Junction 24, it does not change the material status of the route for cyclists.

It is beyond the scope of the proposed A12 scheme to provide a new dedicated route for this journey.

AS-043-025

Sub-Question

Wellington Bridge

The previous consultation had Wellington Bridge accessible to only WCH (walkers, cyclists and horseriders), the new proposal opens the bridge up to all traffic. There is no detail given on the quality of WCH provision over the bridge, nor mitigations to journeys either side of it, which will now need to deal with increased motor traffic. While we do not object in principle to the removal of the southern link road, this should not be done at the expense of WCH provision. ~See original document for images~~

Applicant's Response

The Applicant notes the comments from the Interested Party. The proposed walking and cycling facilities on Wellington Bridge form off-carriageway provision and will be designed in accordance with LTN 1/20.

AS-043-026

Sub-Question

Easthorpe Road We welcome the closure of Easthorpe Road to most motor vehicles.

ENDS

Applicant's Response

The Applicant notes the Interested Party's comment.

The Ramblers - Essex Area

AS-044-001

Sub-Question

Highways England: A12 - Chelmsford to A120 Widening Scheme Preliminary Design Consultation – June to August 20

Applicant's Response

The Applicant has previously responded to the Interested Party in the Applicant's Response to Relevant Representations – Rev 2 [REP1-002].

Annex N of the Consultation Report [APP-062] details all responses received during the statutory consultation of June 2021 and the supplementary consultation of November 2021. This also details the Applicant's response to the comments.

Where there have been updates since the supplementary consultation, the Applicant has provided responses to the Interested Party's sub-questions below.

AS-044-002

Sub-Question

Comments from: Essex Area Ramblers

Highways England (HE) propose to widen 15 miles (24 kms) of the existing A12 between Junction 19, the Boreham Interchange and Junction 25 at Marks Tey to three lanes in each direction and create a three-lane bypass in each direction at Rivenhall End. HE state that this preferred route was selected based on several factors, including environmental impacts, journey times, complexity of build, affordability, feedback from the public and advice given by the Planning Inspectorate on the joint Local Plan for the area.

Objectives of the Widening

The A12 road is an important economic link in Essex and across the east of England. It provides the main south-west/north-east route through Essex and Suffolk, connecting Ipswich to London and to the M25. The section between Chelmsford and Colchester (junction 19 Boreham Interchange to junction 25 Marks Tey Interchange) carries high volumes of traffic, with up to 90,000 vehicles every day (pre - Covid). Heavy goods vehicles are between 9% and 12% of the traffic on this section due to its important freight connection, especially to Felixstowe and Harwich ports. This section of the A12 is also an important commuter route between Chelmsford and Colchester. Pre- Covid, the resulting congestion led to delays and meant that, during the morning commute, a driver's average speed was particularly slow in both directions for a dual carriageway A-road of its kind. The proposed changes to this stretch of the A12 road are intended to improve safety for road users, especially at the junctions and slip roads through better design while also removing the current direct private accesses onto the A12, reduce traffic congestion by increasing the capacity of the road, making journey times more reliable. take long-distance traffic off the local roads and put it back onto the A12 where it belongs, so that local roads aren't used as rat runs, affecting local villages and their communities ensure that the road can cope with the predicted increase in traffic from more jobs and homes in the area, make improvements for walkers, cyclists, horse riders and public transport users, to give them better connections and safer, more enjoyable journey

Applicant's Response

The Applicant notes the Interested Party's comments.

AS-044-003

Sub-Question

Impact on Public Rights of Way (PRoWs)

The proposed scheme affects 23 PRoWs, existing walking, cycling and horse riding routes and a National Cycle Route (route 16). HE state that maintaining and enhancing these connections for walkers, cyclists and horse riders is a key objective. Their proposals have been developed in discussion with walking, cycling and horse riding stakeholders, and aim to better link to other paths or communities. They will also be designed to the latest standards. It is intended that this will enable people to cross the route safely and conveniently and avoid using busy road junctions. There would be seven new bridges for walkers, cyclists and horse riders and approximately 9 miles (15 kms) of new or improved walking and cycling paths across the proposed scheme. The facilities proposed include: new controlled crossings at junction 19 which will allow both walkers and cyclists to cross safely a new bridge link on the north side of junction 19 (Boreham Interchange) for use by walkers, cyclists and horse riders a new Wellington Bridge to enable walkers, cyclists and horse riders to bypass junction 21 travelling between Hatfield Peverel and Witham a new bridge at junction 22 (Coleman's Bridge) to enable walkers, horse riders and cyclists on National Cycle Route 16 to bypass the main junction, along with new controlled crossings for both walkers and cyclists near Eastways junction a new signalised crossing and the opportunity to reinstate the bus stops in Rivenhall End a new bridge for use by walkers, cyclists and horse riders across the proposed new A12, linking Essex County Fire and Rescue Service Headquarters and a number of rural public rights of ways to a new local access road as well as a proposed bus stop new controlled crossings which will allow both walkers and cyclists to cross the A120 safely, and a new bridge for walkers and cyclists at junction 25 (Marks Tey Interchange).

Applicant's Response

The Applicant notes the Interested Party's comments.

It is noted that Little Braxted Bridge will provide pedestrian and cycle access across the A12 near junction 22 which can be accessed from the Eastways junction. Colemans Bridge is proposed to be demolished.

AS-044-004

Sub-Question

Detailed Comments on these PROW proposals

A: Boreham- Hatfield Peverel – Drawing Sheets 2-5 Improvements in the cycling facilities along the old A12 - now the B1137 (Boreham) Main Road - would be of benefit as a safer sustainable transport link. The closure of the south on and north off accesses at the south end of Hatfield Peverel will increase vehicular traffic on the B1137 Main Road. 1a) The provision of a fully accessible walking & cycling and horse riding bridge over both the railway line and the A12 to undo the historic severance of Boreham bridleways 23 and 45 (Paynes Lane) is very welcome. Old maps show this as one continuous bridleway Boreham 23 [213_23]. 1b) An improved off-road (Walk, Cycle, Horeseriding) WCH facility north of the B1137 (Boreham) Main Road on the pink wash HE permanent acquisition land would be welcome. 1c) The historic severance of the ability to connect between Boreham PROW 24 (north side) and Boreham PROW 25 (south side) still exists (drawing sheet 2). There is pink wash HE permanent acquisition land in this area including land around the splendid brick Boreham viaduct. Improved WCH facilities / routes in this area would be welcome especially in view of the new housing planned north of the A12 and the railway line. Brick viaduct under the railway line over the Boreham Brook - A12 embankment visible 2) East of Brick House Farm, Boreham PROW 21 [213_21] historically connected south under the railway line to the old A12 - now the B1137 (Boreham) Main Road. This north-south PROW connection was severed when the current A12 was built. Further east, Porters Park Bridge, that carries Waltham Road over the A12 & the railway line, has segregated WCH provision on both sides of the carriageway. North of the bridge, after the industrial estate, Waltham Road is busy with no useful verge / safe WCH facility. Some mitigation of the historic loss of north-south WCH connectivity in this area would be welcome- e.g. a connection across the A12 for Boreham PROW 21 [213_21]; an east-west link between Boreham PROW 21 and Waltham Road in the vicinity of Porters Park Bridge. 3) Chantry Lane still exists as a public vehicular road but the connection to the old A12 (Roman Road) was severed when the current A12 was built (drawing sheet 3). The bridge over the railway line still exists. Two arms of Boreham PROW 20 connect to Chantry Lane but as Chantry Lane is severed over the current A12, no southwards connection now exists. The NW part of Boreham PROW 20 is incorrectly labelled as Terling Hall Road on General Arrangement drawing sheet 4. The reconnection of Chantry Lane is requested as this would provide a useful WCH link from the pavement and bus stops on the old A12 - now the B1137 (Boreham) Main Road. Without this, the WCH links are the road bridges at Waltham Road to the west or Terling Hall Road to

the east - both over 1 km away. 4) It is noted that historically there was a direct link south from Toppinghoe Hall south over the railway line to the old A12 - now the B1137 (Boreham) Main Road. However the railway bridge was demolished and there is no connection over the current A12.

Applicant's Response

1a) The Applicant welcomes the Interested Party's support for the proposed Paynes Lane WCH bridge.

1b) There is an existing WCH track to the south of the B1137 Main Road. The Applicant is providing a Toucan crossing to this track from the northern side of Main Road and the Paynes Lane overbridge. Further enhancement of the existing track or provision of a new WCH track is a matter for Essex County Council.

1c) The proposed new Paynes Lane overbridge addresses the severance issues between the north and south sides of the existing A12 in this area. Users can travel between Main Road and the proposed housing development north of the A12 via PRoW 213_45 and PRoW 213_23.

2) There is insufficient width between the existing rail corridor and the A12 corridor to provide a new overbridge in this area. There is no onward connection from Footpath 213_21 in the southern direction due to the housing on the southern side of the A12. Porter's Park Bridge provides pedestrian connection to Waltham Road over the A12. The Applicant is not proposing additional enhancements in this area.

3) The Applicant has previously provided a response to this suggestion in The Applicant's Response to Relevant Representations [REP1-002] reference DA-010-001.

4) The Interested Party's comment is noted.

AS-044-005

Sub-Question

B: Witham south / Hatfield Peverel north - new all movements Junction 21 (drawing sheet 6) 1) The retention of a Wellington bridge link north across the old / widened A12 to Hatfield Peverel PROW 90_2, which links across the railway line, is welcome. The route either side of the replacement Wellington bridge is labelled as a WCH route with the bridge providing access to the PROW and to the northern Cycle Route / Access Road. As such the new Wellington bridge must be a ramped WCH bridge as per brochure page 14 and not just a footbridge as per the label on the GA sheet 6. 2) A controlled WCH crossing must be provided near the southern access road / Wellington bridge / Maldon Road (B1019) junction to enable safe north-south crossing of the Southern Access Road, which is only shown as having WCH provision on the south side. HE forecast a 140% /169% increase in traffic on this local link (brochure page 37). The Maldon Road junction is already busy now - there appear to be no improvements envisaged to this junction. 3) The western re-alignment of the A12 end of Hatfield Peverel PROW 90_40 is noted. If topographically achievable, the WCH route shown alongside the south side of the southern access road should be separated from the carriageway onto the adjacent pink wash HE permanent acquisition land for safety, pollution & amenity reasons especially as HE forecast a 140% /169% increase in traffic on this local link. 4a) The current proposals include the demolition of the southern on-slip road Woodend bridge at the west end of Witham (map sheet 6). Before the construction of the A12 Witham by-pass there were four routes south & east from the old A12 - two roads and two footpaths - plus more further north around Witham. The demolition of the bridge, removes the one remaining WCH connection for people living on the north side of the A12 in this area to connect directly with the countryside on the south side and east side of the A12 bypass. The historic severance will be made worse at a time when many new homes have been built and are due to be built in this area.

The demolition of the Woodend bridge, means that WCH users from Witham have to go west to the new all-movement J21, cross 3 slip roads and the dumbbell connection to return east to the one remaining PROW - Hatfield Peverel PROW 29 [90_29]. This is a detour of about 1.5km. By comparison, Hatfield Peverel PROW 29 is currently accessed immediately from the south side of Woodend bridge. A WCH bridge is therefore requested in the general area of the Woodend bridge - all the land in the vicinity is pink wash HE permanent acquisition land.

4b) Hatfield Peverel Sports Ground and in due course Hatfield Peverel Country Park are on land south of Woodend Bridge & Junction 21. The provision of an inclusive sustainable transport off-road WCH route south to these facilities would provide amenity & healthy living benefits to the increasing number of people living in Witham & Hatfield Peverel. 5) There is pink wash HE permanent acquisition land and also green wash HE temporary possession of land north /NW of the A12 between the Wood End farm track and the footbridge to the east/NE over the railway on Hatfield Peverel footpath 2 [90_2]. A connection across this land - which is due to be developed - would provide the burgeoning population with access to the countryside north off the railway line.

Applicant's Response

- 1) The Applicant welcomes the support of the Interested Party for the retention of the Wellington Bridge link. The bridge is proposed to allow pedestrian and cyclist traffic movement between Hatfield Peverel and Witham.
- 2) Following feedback received at statutory consultation in August 2021, the Applicant has updated the design to remove the previously proposed southern link road. Instead, traffic will use a new and enhanced northern link road to access the proposed junction 21 via Wellington Bridge. This updated design was included in the supplementary consultation brochure and is shown on the Streets, Rights of Way and Access Plans [AS-028] submitted in the DCO Application. Detailed traffic assessments of this change to the flow of traffic in Hatfield Peverel indicate a forecast reduction in traffic on The Street as traffic is directed to the proposed new junction 21 to access the A12. There is a small predicted increase to traffic on Maldon Road, however this is within the capacity of the road and is not forecast to affect the operation of the Maldon Road/The Street mini roundabout, therefore signalised crossings have not been included in the proposed scheme.
- 3) As explained in response to point 2), the southern access road has been removed from the proposed design. The Streets, Rights of Way and Access Plans [AS-028] submitted in the DCO Application show the revised design. The Applicant has proposed to include an off-carriageway pedestrian and cycle track along the southern embankment of junction 21 that connects to PRoW 90_40 and The Street.
- 4a) The Applicant responded to this query from the Interested Party in response to statutory consultation reference J21/127 in Annex N of the Consultation Report [APP-062].

4b) The proposed cycling and walking route on the southern side of the proposed junction 21 accommodates those travelling between Hatfield Peverel and Footpath 90_29. Hatfield Peverel Sports Ground can be accessed via Footpath 90_29 and Wickham Bishop Road. This area of land is not within the Order Limits of the proposed scheme and it is a matter for the landowner to dedicate private land for public use.

5) The land north of the A12 near Wood End farm track is not allocated for development in the local plan. The connection between the A12 and rail corridor is a matter for the local planning authority to consider should any proposed development come forward.

AS-044-006**Sub-Question**

C: Witham A12 by-pass, historic severance and proposed WCH connections 6a) The shared foot-/cycle-bridge across the A12 from Gershwin Boulevard restoring the connection of the severed Witham PROW 95 [121_95] is noted (drawing sheet 8). As cycling on footpaths is not legally allowed, it is suggested that the connection is across to the severed public Howbridge Hall Road instead. This is nearby and is legally available for use by all walkers, cyclists and horse-riders. In both cases the WCH bridge & connection on the south side, would be on pink wash HE permanent acquisition land. 6b) Unfortunately, both Witham FP 95 and Howbridge Hall Road join the busy B1018 Maldon Road, which is not very wide and has no footways or usable verges. It is requested that if possible a WCH connection is provided alongside Maldon Road to Witham PROW 96 [121_96] at Oliver's Nurseries and the Witham Town Council owned public James Cooke Wood. These connections would be a useful addition to the WCH network providing amenity & healthy living benefits to the burgeoning population of Witham. 7) It is noted that no mitigation is proposed of the effective severance of Witham PROW 103 [121_103] due to the volume of traffic and central reservation barriers (drawing sheet 9). The PROW is shown as being stopped up across the A12 leaving a stub-end on the east side. Consideration should be given to developing the stub end of the PROW into a circular WCH/bridleway route around the ponds/ fishing lakes, connecting up east across Little Braxted Lane with Rivenhall Bridleway 29 [105_29].

Applicant's Response

6a) The Applicant has prepared a technical note to document the consideration of the alternative suggested location for the new footbridge for Deadline 3 [REP3-011]. The suggested location at Howbridge Hall Road is not considered by the Applicant to provide enhancement to the existing local Public Right of Way network as it would connect to a section of Maldon Road remote from any built-up area with no clear onward facility.

6b) The Applicant acknowledges the request for an off-road route between Howbridge Hall Road and Footpath 121_96. Maldon Road provides connections to existing footways such as the Witham Rail Trail via Blue Mills Hill or through to Witham in the vicinity of Olivers Bridge. As such, the Applicant is not proposing a separate route between Howbridge Hall Road, Footpath 121_95 and Footpath 121_96.

7) The Applicant has proposed to provide a new footpath along the embankment to the south of the A12 to connect the end of Footpath 121_103 to the proposed new Little Braxted Bridge and Little Braxted Lane. Refer to Sheet 9 and Sheet 10 of the Streets, Rights of Way and Access Plans [AS-028].

AS-044-007

Sub-Question

D: Witham north & new all-movement Junction 22 (drawing sheet 10, brochure page 15) 8) The proposed safer WCH arrangements at the north end of Little Braxted Lane and then west over the A12, without the need to become involved with the new all-movements junction 21, are welcome. The new bridge and connection must be an inclusive WCH facility as per brochure page 15 and not just a footbridge. The controlled crossings of the B1389 Colchester Road and of the road into the Eastways industrial, Motts Lane and hence north/NW across the WCH bridge across the railway line, are welcome. A cycle route separated from the vehicular carriageway, a non-shared footway and bus-stops, must be provided on the de-trunked A12.

Applicant's Response

The Applicant welcomes the support from the Interested Party regarding the WCH arrangements at junction 22 and the controlled crossings at the Eastways junction.

The proposed Little Braxted Bridge provides pedestrian and cycle access across the A12 to connect to existing facilities on Colchester Road and Little Braxted Lane. This would segregate the National Cycle Route 16 from the proposed junction 22. Currently there is no bridleway provision along Motts Lane so the scheme does not provide for bridleway across the bridge. The structure is however designed for easy modification in the future to bridleway should the local authorities so choose to do.

The Applicant's position on the de-trunking proposals is outlined in response to comment reference 26 in the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012].

AS-044-008

Sub-Question

E: Rivenhall End – Drawing sheets 10-12 Between the Cranes Bridge slip-road connection at Kelvedon South and the Memorial bridge at Henry Dixon Road, Rivenhall End, six WCH routes that terminate on the A12 are effectively dead- ends due to the central reservation barriers and the volume of traffic: □ north side: Snivellers Lane / Kelvedon bridleway 34 [92_34] □ north side: Rivenhall footpath 46 [105_46] □ north side: Rivenhall footpath 45 [105_45] □ south side: Kelvedon footpath 27 [92_27] at Hole Farm □ south side: Kelvedon footpath 32 / Rivenhall footpath 35 [92_32 / 105_35] at the Fire & Rescue centre (was Kelvedon Hall, was Dorward's Hall) □ south side: Rivenhall footpath 36 [105_36] Historic Maps show an additional PROW connection by Rivenhall Bridge - the north side connecting NW to Oak Road, the south side route connecting west to Braxted Road.

1) Currently there is a narrow combined two-directional foot-/cycle-way along the northern /NW side of the old A12. There is no continuous foot/cycle-way along the southern / SE side. The bus- stops have also been removed. In the interests of sustainable transport, bus-stops must be re- instated on the de-trunked A12 together with dedicated cycle lanes on both sides of the road separate from footways. The crossings on the de-trunked A12 must be suitable for cyclists as well as pedestrians. 2) The brochure page 47 and general arrangement drawing sheet 12 differ in the location of the controlled crossing in the vicinity of the County Fire and Rescue Centre. The southbound bus stop layby is about 400 metres from the Fire & Rescue Centre - being east of the crossing & NE of Hole Farm over the new A12 bridge (see GA drawing sheet 12). The location of the northbound bus stop layby is not clearly shown but may conflict with the re-aligned termination of Snivellers Lane. It is requested that both bus stops are clearly shown and should potentially be closer than 400 meters from the Fire & Rescue Centre in order to encourage the use of public transport. 3) Snivellers Lane between the A12 and the railway line is a public vehicular road but it is only shown as a PROW on the general arrangement drawing sheet 12. The south end is shown as being stopped-up and realigned. This realignment needs to be as a road to the "old" A12 not just as a WCH and to the foot-/cycle-way alongside the "old" A12. 4) The proposed bridge over the new A12 and the crossing of the current A12 between Hole Farm / the Fire & Rescue centre and Snivellers Lane is welcome as it will re-establish a safe north-south connection between Snivellers Lane / Kelvedon bridleway 34 on the north and Kelvedon footpaths 27 & 32 on the south. As Snivellers Lane to the north is a public vehicular lane & continues north as Kelvedon bridleway 34 [92_34], the new bridge over the A12 should be a ramped WCH bridge, not just a footbridge. At the very least, the new bridge over the A12 must be a ramped walking & cycling bridge to encourage sustainable transport and

to facilitate leisure use. IF it is only a footbridge, then a person cycling to work between Witham / Rivenhall and the Fire and Rescue Centre must first cycle east to the Cranes Bridge A12 crossing to connect with the Fire and Rescue Centre access road on the south side of the new A12. 5) Nothing is proposed to mitigate the north-south PROW severance by the new A12 between the new Fire & Rescue centre non-vehicular bridge and the new west realigned Braxted Road vehicular bridge. People from Rivenhall have no PROW / non-vehicular south connection across the new A12 apart from the footway alongside the re-aligned Braxted Road to the west and the non- vehicular bridge at the Fire-and-Rescue centre to the east. Rivenhall footpaths 46 & 45 on the north side will be across borrow-pits (BP-1) and lead nowhere except the old A12 with no new A12 crossing. The proposed loop of Rivenhall footpath 36 around the attenuation pond on the south side of the new A12 is not useful. It is noted that the Rivenhall watercourse under the new A12 is due to be aligned. It is requested that this or another crossing in the vicinity is made a PROW north-south route crossing the new A12 with Rivenhall footpath 45 (north side) and Rivenhall footpath 36 (south side) being re-aligned to make use of such a new A12 PROW crossing. Rivenhall footpath 46 could be stopped-up. These changes would all be on pink wash HE acquisition land. 6) A restoration of an east-west PROW connection south of the new A12 between Rivenhall footpath 36 [105-36] and Braxted Road would be welcome. 7) The pink wash HE permanent acquisition land on both sides of Braxted Road extends from the proposed attenuation pond opposite Colemans Reservoir in the south to the new roundabout on the old A12 to the north. An off-road north-south WCH (bridleway) route is requested rather than a foot-/cycle-way alongside the newly aligned Braxted Road. An off-road WCH (bridleway) extension south on the west side of Braxted Road, past Colemans Reservoir, to link up with Rivenhall bridleway 29 [105_29] would provide a safe enhancement of network connectivity in keeping with the NPPF. Braxted Road is busy and narrow with no significant verge.

Applicant's Response

1) The Applicant's position on the de-trunking proposals is outlined in response to comment reference 26 in the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012]. With regard to bus stops, the Applicant's proposal to remove traffic from the de-trunked A12 and reduce the speed limit will make the existing bus stops safer to use, the Applicant is not proposing to remove these bus stops. A review of public transport routes will need to be undertaken by Essex County Council and bus operators to reflect the new network form. Once routes are identified, bus stop location and form can then be determined, and this will form part of the detailed design process.

2) The location of the controlled crossing on the new B1024 Link Road is shown on the Streets, Rights of Way and Access Plans [AS-028]. Provision for a bus stop has been allowed for in the preliminary design presented in the DCO Application on the link

road, in close proximity to the Fire and Rescue Headquarters, connected to it via a pedestrian and cycle bridge over the A12 and as noted above, the location of bus stops will be agreed with Essex County Council and bus operators and designed in the detailed design phase.

3) Vehicular access between the north and south sides of the A12 is provided via the new B1024 Link Road and the new Essex Fire and Rescue Access Road. This is shown on the Streets, Rights of Way and Access Plans [AS-028]. The B1024 Link Road also provides access to the de-trunked section of the A12 in Rivenhall End.

4) The proposed Snivellers Lane Bridge is a walking and cycling bridge as shown on the Streets, Rights of Way and Access Plans [AS-028].

5) The Applicant has provided a response to this query in response to Essex Local Access Forum's written representation submitted at Deadline 2. This response can be found in REP2-058-001 in the Applicant's Comments on Written Representations [REP3-009].

6) The Applicant acknowledges the suggestion for a connection between footpath 105_36 and Braxted Road. Due to the need for a additional structure crossing the Rivenhall Brook, and the proposed new provision north of the A12 via the de-trunked section of road, the Applicant is not proposing any further connection.

7) The Applicant notes the comment from the Interested Party. The works proposed as part of the proposed scheme do not extend to this location to the south and therefore an improvement of this nature is outside of the scope of the proposed scheme. Provision of a separated walking, cycling and horse riding route west of Braxted Road to bridleway 105_29 would not be feasible given the proximity of the reservoir and would require extensive additional land take and vegetation clearance adjacent to the reservoir.

AS-044-009

Sub-Question

F: Feering – Kelveden –Sheet 14: Brochure page 48 See also Traffic: Brochure pages 38+39. See also the traffic modelling report –Appx A lists development included and excluded. J24 is the new all-movements Feering / Kelvedon north junction west of Inworth Road, south of the current A12. The proposed junction is a dumbbell junction UNDER the existing A12 which will be widened on-line to 3 lanes. The connection to the dumbbell junction will be from Inworth Road (B1023) with a new roundabout proposed just west of Inworth Road with connecting arms north and south onto Inworth Road and to the Messing Road. The existing Inworth Road by the roundabout would become a foot/cycle-way. HE do not propose to make any improvements to Inworth Road (B1023), including none to the narrow brick Hinds Bridge over Domsey Brook. However, Inworth Road IS included in the pink-washed red line area (land use key=permanent acquisition of land) and it is understood on-line improvements / widening to Inworth Road is being discussed with Essex Highways. Messing-cum-Inworth Parish Council are strongly promoting their alternative by-pass route from the southern / eastern dumbbell- see attached diagram - and an alternative northern connection to near Threshelfords on Inworth Road with a new road crossing over Domsey Brook.

Applicant's Response

The Applicant notes the Interested Party's comments. The development of the proposed scheme design at junction 24 and Inworth Road, including an assessment of Messing-cum-Inworth Parish Council's alternative design, is captured in Appendix 3.3 of the Environmental Statement: Junction 24, Inworth Road and Community Bypass Technical Report [APP-095]. The Applicant is proposing online improvements to Inworth Road including widening of the carriageway in places to address historic pinch points where on-coming vehicles are currently at risk of over-running the footway. This will improve the safety for pedestrians on Inworth Road.

The proposed scheme's technical teams have also reviewed Hinds Bridge in detail and are aware of the existing constrained width of this bridge. The proposed scheme's forecast traffic flows predict a reduction in the volume of heavy and wide vehicles using the bridge. As such, the Applicant is not proposing any interventions at this location.

AS-044-010

Sub-Question

G: Feering NE - Easthorpe – Marks Tey – Sheets 15-19 A. Currently there is a narrow combined two-directional foot-/cycle-way along the northern /NW side of the old A12. There is no continuous foot/cycle-way along the southern / SE side. The bus- stops have also been removed. In the interests of sustainable transport, bus-stops must be re- instated on the de-trunked A12 together with dedicated cycle lanes on both sides of the road separate from footways. The crossings on the de-trunked A12 must be suitable for cyclists as well as pedestrians.

B: Between Feering east/ NE and Easthorpe Road / Domsey Chase Between the Nursery slip road Bridge at east end of Feering and Easthorpe Road / Domsey Chase there are / historically have been four routes across the A12 (A12 bypass): i. East-west Feering footpath 18 [78_18] from Threshelfords (historically a farm now a business park) over the Threshelfords farm/accommodation/footbridge to Prested Hall Chase. The PROW continues south to Messing. ii. North-south Feering footpath 15 from Prested Hall Cottages to Prested Hall. The PROW continues south to Messing as in i. Vehicles & people also use the adjacent Prested Hall Chase as Prested Hall is now a leisure/hotel centre and not a private house. There is also an EAFR (East Anglian Farm Rides) route. Historic dog-leg connection across the A12 to New Lane currently via the A12 slip road Nursery bridge. iii. Feering Byway 5 / Hill House Farm Road / Old London Road to the north side of the A12. Historic maps also show a footpath from Hill House Farm Road to the A12. Dog-leg connection across the A12 (Roman Road) east to Easthorpe Road and and Copford footpath 23 [128_23] on the south side. A safe connection across the A12 is currently not possible due to the central reservation barriers and the volume of traffic. iv. Feering footpath 3 [78_3] to the north side of the A12. Domsey Chase also on the north side is currently shown as a private road, but was proposed as a diversion for Footpath 3 in the Network Rail inquiry. Dog-leg connection across the A12 (Roman Road) west to Easthorpe Road and and Copford footpath 23 [128_23] on the south side. A safe connection across the A12 is currently not possible due to the central reservation barriers and the volume of traffic.

The current A12 statutory consultation proposals are to: i. Move the Threshelfords bridge further NE converting it into the Prested Hall / Threshelfords vehicular overbridge with a shared cycle-/foot-way; the majority of Feering FP 18 is stopped up. The

rural ambience and direct PROW connection is lost. ii. Feering footpath 15 and Prested Hall Chase & the EAFR are severed by the new A12; the connection to New Lane is lost. The road connection is about a 400+ metre dog-leg west to the new Prested Hall / Threshelfords vehicular overbridge and then about 400+metres back east. The shorter connection is lost. iii. The re-establishment of the Easthorpe Road / A12 (current will be de-trunked) north & south connection is welcome with a bridge over the new A12 and a roundabout on the "old" A12. However, Easthorpe Road is re-aligned about 500m further NE to be opposite Domsey Chase. This more than doubles the distance from Feering Byway 5 / Hill House Farm Road / Old London Road to Easthorpe Road from about 400 metres to 900 metres. An uncontrolled crossing is shown across the "old" A12. iv. The re-alignment west of Easthorpe Road and the connections over the current and new A12 are of benefit to Footpath 3 and Domsey Chase, the potential footpath diversion route.

On balance, therefore the WCH connections are changed but not improved. The following WCH provisions are therefore requested: i. As the relocation of the Threshelford farm-/ foot-bridge, the new access road with its shared foot-/cycle-way and the stopping up of Feering footpath 18 are all on pink wash HE permanent acquisition land, it is requested that the new WCH route is off-road through the adjacent grassland /trees rather than immediately alongside the new access road so that some countryside ambience is retained. A WCH connection west from the new Threshelfords / Prested Hall access road & bridge, broadly on HE land associated with the de-commissioned A12, is requested. This would provide an enhancement to the PROW network of benefit to the residents in the 1000 new homes to be delivered in Feering under BDC Local Plan Policy LPP22, Feering Strategic Growth Location. ii. A WCH bridge along the line of Prested Hall Chase / Feering footpath 15 over the new A12 is requested to offset the severance of these routes and the EAFR by the new A12. iii. A WCH bridge as in ii. would also provide an alternative route across the new A12 from Feering Byway 5 / Hill House Farm Road / Old London Road to the east. The land between the current/ old A12 and the new A12 is all pink wash HE permanent acquisition land and would provide a green east-west connection. iv. The re-alignment east of the north end of Easthorpe Road, has resulted in a convoluted route for the north end of Copford footpath 23 [128_23] from Scotties Farm. A more direct re- alignment of the north end of PROW 128_23 is requested. This could be across the grassland between the current & new alignment of Easthorpe Road - this is all pink wash HE permanent acquisition land. H: Between Easthorpe Road / Domsey Chase - Marks Tey J25

Between Easthorpe Road and the footbridge over the current A12 at Marks Tey, seven WCH routes terminate at the A12 and are effectively dead-ends due to the central reservation barriers and the volume of traffic: north side: Marks Tey footpath 11 [194_11] north side: Dobbies Lane north side: Marks Tey 16 [194_16] connects to Marks Tey village hall & recreation

ground. □ south side: Easthorpe Green Farm road that leads to Copford footpaths 22 & 21 [128_22 and -21] and Dodding's Lane □ south side: Doggetts Lane / Marks Tey 19 [194_19] / Copford 19 [128_19] □ south side: Marks Tey 18 [194_18] / Copford 16 [128_16] □ south side: Marks Tey 17 [194_17] / Copford 8 connects with Copford 26. The A12 statutory consultation proposals are to provide two connections south over the new A12: □ an access road connection east of Easthorpe Green Farm road, about 350 metres east of Copford footpath 22. The bridge is labelled "Doggetts Lane Overbridge" but Doggetts Lane is actually further east. □ a footbridge - NOT a WCH bridge - at the south end of Doggett's Lane. Two uncontrolled crossings of the de-trunked current A12 are proposed: □ at the roundabout connection of Easthorpe Green Farm road, about 500 metres east of Marks Tey FP 11. The roundabout is labelled "Wishing Well Farm" roundabout but Wishing Well farm (historically Damyon's Farm) is actually further east. □ approximately between Dobbies Lane (north) and Doggetts lane (south) /Marks Tey FP19. This needs to be at as safe location bearing in mind the filling station vehicular entrance & exit. 1) There is still no north-south connection over the new A12, nor over the old de-trunked A12, between Marks Tey footpath 16 (north side) and Marks Tey footpaths 18 & 17 (south side). A WCH / PROW connection is requested between the Marks Tey recreation ground / village hall and the footpaths on the south side of the old & new A12. This connection could all be on pink wash HE permanent acquisition land 2) If the topography / height differences allow it, it is requested that the Wishing Well roundabout, access road & Doggetts Lane overbridge are moved further west to be closer to Marks Tey footpath 11 (north side) and Copford footpaths 22 & 21 (south side). As currently configured three sides of a square have to be walked, somewhat over 1 km, to connect between the north and south PROWs. The land further west is also pink wash HE permanent acquisition land. 3) There is pink wash HE permanent acquisition land with attenuation ponds and access tracks on the south side of the new A12, west to east between Easthorpe Road and the west end of the access road to Easthorpe Green Farm / Copford PROW 22. It is requested that consideration be given to providing a WCH (bridleway) route along this green corridor. 4a) An access road with a "WCH" route alongside is shown on the south side of the new A12 connecting between the two new bridges across the new A12 / between Easthorpe Green Farm (west) and Wishing Well farm (east). Clarity is required regarding the width, surfacing and status of this "WCH" route. Is it on the carriageway or alongside? For walkers? For walkers and cyclists? Or for walkers, cyclists and horseriders? 4b) Between the new Doggetts Lane bridge and the SW bound new A12 on-slip, there is solely a "WCH" route on the south side of the new A12. Clarity is required regarding the width, surfacing and status of this "WCH" route. Is it for walkers? For walkers and cyclists? Or for walkers, cyclists and horseriders? 4c) The final eastmost section is alongside the SW bound new A12 on-slip to the start of the pavement along London Road, Marks Tey. Clarity is required regarding the width, surfacing and status of this "WCH" route. Will there be protective safety barriers?

Applicant's Response

G: Feering NE – Easthorpe – Marks Tey

The Applicant notes the comments from the Interested Party.

A) The Applicant's position on the de-trunking proposals is outlined in response to comment reference 26 in the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012]. With regard to bus stops, the Applicant's proposal to remove traffic from the de-trunked A12 and reduce the speed limit will make the existing bus stops safer to use. A review of public transport routes will need to be undertaken by Essex County Council and bus operators to reflect the new network form. Once routes are identified, bus stop location and form can then be determined, and this will form part of the detailed design process.

B)

i) The proposed WCH route along the realigned Threshelfords Access Road and Prested Hall overbridge provides the most direct connection between Footpath 78_18 and Footpath 78_15. The off-road link at the southern end of the Prested Hall overbridge ramp and existing Footpath 78_18 is proposed to be maintained as shown on Sheet 15 of the Streets, Rights of Way and Access Plans [AS-028].

Regarding a new WCH connection west of Threshelfords Access Road, the onward routes from this location are not within the Order Limits of the proposed scheme. New routes and reclassification of the existing routes to include horse riding provisions is a matter for the landowner and the local planning authority to consider should any proposed development come forward.

ii) The Applicant has proposed a new footpath along the southern side of the proposed new A12 alignment to link Footpath 78_15 to the proposed Easthorpe Road overbridge. Footpath 78_15 is also linked to nearby Prested Hall overbridge to access London Road where a controlled crossing is proposed near Feering East Roundabout.

iii) An east-west connection across the proposed new A12 is provided in this vicinity at Easthorpe Road.

iv) The alignment of the proposed new footpath at the northern end of Footpath 128_23 is along the existing Easthorpe Road alignment to allow for the path to tie into the bridge embankment at an appropriate level. If the footpath was realigned closer to the A12, stairs or ramps would be required to tie into the bridge level.

H: Between Easthorpe Road/Domsey Chase – Marks Tey J25

1) Access between Footpath 144_16 and Footpaths 144_17 and 144_18 is provided via signalised crossings at junction 25 and Marks Tey overbridge as shown on Sheets 18 and 19 of the Streets, Rights of Way and Access Plans [AS-028].

2) The Applicant believes that the proposed arrangement ties in well to the right of way network. Any movement of structures from current proposals would result in problems with geometric form because the current structures are located at the optimal positions with respect to level differences between existing and proposed A12 carriageways. We therefore see no benefit in change in the layout of structure and routes in this area.

3) To provide a bridleway between Easthorpe Road and the west end of the access road to Easthorpe Green Farm, a significant structure would be required over the Domsey Brook floodplain. The Applicant does not consider this to be a reasonable enhancement.

4a) The on-road path on the new Wishingwell Access Road between Easthorpe Green Farm and Wishingwell Farm is classified as a new and improved footway as shown on Sheet 17 of the Streets, Rights of Way and Access Plans. The footway will consist of a bound surface treatment and the width will be in accordance with LTN 1/20.

4b) The proposed new route between Potts Green pedestrian bridge and junction 25 is designated as a new and improved cycle track and footway as shown on Sheet 18 of the Streets, Rights of Way and Access Plans. The footway will consist of a bound surface treatment and the width will be in accordance with LTN 1/20.

4c) The proposed new route at Hall Chase Roundabout is classified as a new and improved cycle track and footway as shown on Sheet 18 of the Streets, Rights of Way and Access Plans. The footway will consist of a bound surface treatment and the width will be in accordance with LTN 1/20. Provision of safety barriers is a detailed design matter and will be undertaken in due course.

AS-044-011

Sub-Question

Other Detailed Comments A) Foot-/cycle-way improvements on the B1023 (Inworth Road) are requested in accordance with the NPPF and sustainable transport policies and the increase in housing in Feering and Tiptree (drawing sheets 14 & 20). B) HE are stopping up and re-aligning a section of the public footpath that currently runs along the south side of the A12 from Ewell Hall foot- & farm-bridge to the proposed location of the southern dumbbell (drawing sheet 14). The public footpath then turns south to connect with Messing-cum- Inworth footpaths 5, 17 and 16 [PROW 145 -5, -17 & -16] at the line of the old Crab-and Winkle railway [grid reference (5)876 (2)181]. This footpath has several numbers as it is partly in Kelvedon and partly in Messing parish. It is requested that the PROW is instead re-aligned as a WCH (bridleway) route away from the A12 and J24 to the current walked (and cycled and ridden) desire-line farm track between Kelvedon footpath 25 [PROW 92-25] and the PROW junction at the old Crab-and Winkle railway line. The farm track may or may not be inside the pink wash HE borrow pit acquisition land, eastern BP-J (drawing sheets 13 & 14). C) A desired WCH (bridleway) network improvement is the inclusion of the westward continuation of the existing farm track - see B) - from Kelvedon FP 25 [PROW 92_25] to Highfields Lane. Part of this farm track may or may not be inside the pink wash HE borrow pit acquisition land, western BP- J (drawing sheet 13). Whilst the HE pink wash acquisition land does not extend as far west as Highfields Land by Highfields Farm it does connect up further north at the bend by Koorbraes Cottages. There was historically a PROW connection between Ewell Hall Chase / Kelvedon footpath 15 [92_15] and Highfields Lane / Kelvedon footpath 26 [92_16] which was severed when the A12 bypass was constructed. The westward link via Ewell Hall bridge & Kelvedon FP25 would in some way restore this connection. D) The Ewell Hall footpath & farm overbridge is shown as being demolished and replaced by a WCH (and farm accommodation) bridge - drawing sheets 13 & 14. It is requested that, as far as is possible, all PROWs across and connecting with the new WCH bridge are upgraded to bridleways to enable walkers, cyclists and horse riders to make use of this new WCH connection. WCH connections provide a leisure facility for cyclists from Feering, Kelvedon & Messing-cum-Inworth and for horse riders - there are stables at Ewell Hall, Kelvedon and in Feering (e.g. Frame Farm, Church Farm and at LangleyGreen). Whilst many of the connecting PROWs are firm tracks, some surface improvement and a diversion from the right-angle to the walked diagonal crossfield line is requested for PROW 92_15. E) HE proposals show two attenuation ponds on the south side of Domsey Brook with an access track connecting the ponds to Inworth Road (B1023) by Hinds Bridge. The pink wash HE acquisition land (drawing sheets 14) is shown extending west from the ponds to Kelvedon FP 15 and Feering FP 14 including its stub end by the pumping station. It is requested that a WCH route is provided along this line to provide an approx. east-west connection between the existing well used footpath /

tracks to the west and Inworth Road, the south end of the Feering Strategic Growth Location, to the east. See also section 5 point C). Any unused part of the stub-end section of Feering FP 14 [PROW 78_14] running NW to the Messing Parish Boundary should be extinguished. This stub-end, presumably left from the construction of the Kelvedon by-pass, is shown as being on pink wash HE acquisition land.

F) It is noted that the Maldon Road bridge over the existing A12 and adjacent road sections will be realigned (drawing sheet 13, brochure page 47). Walking & cycling provision is shown as being made along one side of the bridge and the roads. This should be more than the 2 metres wide minimum footway width. It is requested that the provision alongside the new aligned roads is walking, cycling AND horse riding provision at a minimum width of 3.5metres. There are stables in Kelvedon (e.g. Ewell Hall) and in Feering. See also point G) below.

Applicant's Response

A) The Applicant is proposing online improvements to Inworth Road including widening of the carriageway in places to address historic pinch points where on-coming vehicles are currently at risk of over-running the footway. This will improve the safety for pedestrians on Inworth Road.

B & C) The proposed scheme includes a new footpath along the proposed southbound on-slip road at junction 24 to replace the proposed stopped up Footpath 92_41 and Footpath 145_7. The connection between Footpath 92_25 and the junction of Footpaths 145_17, 92_20 and 145_5 is maintained via Footpath 145_16. As there are no onward bridleway connections in this area, the Applicant is not proposing to convert these footways to bridleways. These paths also do not fall within the Order Limits of the proposed scheme.

D) The classification of these routes is a matter for the existing landowner. Whilst the land is required for the provision of borrow pits to construct the A12, the Applicant does not believe this warrants the upgrade of these routes.

E) Sheet 14 of the Streets, Rights of Way and Access Plans shows this access track is designated as a new and improved footpath connecting Inworth Road with Footpath 92_15 and Footpath 78_14.

F) Highfields Lane overbridge is designed to accommodate walking and cycling with 4m width as shown on Sheet 19 of the Structures Engineering Drawings and Sections [APP-032]. The Applicant has not considered bridleway provision on Highfields Lane overbridge to be appropriate due to the onward nature of Maldon Road.

It is noted there is no Point G) in the document submitted by the Interested Party.

AS-044-012

Sub-Question

Traffic Forecasts Traffic forecasts are based on 2016 survey data and are forecast for the planned opening year of 2027 and future years of 2042 and 2051. The survey data and forecasted traffic flows are therefore based on a pre- Covid situation. The forecast flows for 2027 are summarised on HE brochure pages 38+39 and examples are: Traffic is forecasted to increase by 92% (am) and 57% (pm) on the B1023 south of the new J24 (i.e. through Inworth, to/from Tiptree). Traffic is forecasted to decrease by 14% and increase by 5% on Braxted Park Road. Tiptree PC state that this is traffic from Tiptree & surrounds currently accessing the A12 at Rivenhall End which will in future go through Tiptree and then the B1023 to new J24). Traffic is forecasted to increase by 14% (am) and decrease by 11% (pm) on the B1023 north of the new J24 (i.e. across Hinds Bridge to Gore Pit corner junction). Traffic is forecasted to decrease on London Road, Feering & London Road, Kelvedon and on Kelvedon High Street. NO traffic data or forecasts are given for Coggeshall Road, Kelvedon or Coggeshall Road, Feering or New Lane, Feering.

Adjustments to the forecast of future car trips are made by including certain planned housing developments, and other developments such as employment, retail and leisure sites. A list of these developments was produced through discussions with local planning authorities in Braintree, Chelmsford, Colchester, Maldon and Tendring, and can be found in Appendix A of the Traffic Report. However, some proposed housing developments appear to be excluded: The 165 (actually 162) homes now being built by Bloor in Feering are included but the remaining 835 homes (795 + 40) of the Feering Strategic Growth Location are excluded. The 250 homes at Monks Farm, Kelvedon are included but not the 35 Watering Farm homes (17/02271/OUT). The London Road mixed use site (17/00679/OUT), has been excluded. The 300 homes north of Colchester Road, Coggeshall are included. Other proposed Coggeshall developments are not included.

Applicant's Response

The traffic forecasts quoted by the Interested Party relate to the version of the traffic model presented at Statutory Consultation in summer 2021. This traffic model was updated ahead of the DCO submission, as described in Section 2.2 of Appendix A of the Applicants Response to Open Floor Hearing 1 - Rev 1 [REP1-009].

The changes in traffic on local roads quoted by the Interested Party are therefore not the most recent figures as quoted in the DCO submission. The most recent traffic figures are presented in Transport Assessment - Appendix C: Traffic Flow Diagrams – Communities and A12 Mainline [APP-256].

As described in Section 2.2 of Appendix A of the Applicants Response to Open Floor Hearing 1 - Rev 1 [REP1-009], the list of developments included in the traffic model was updated ahead of the DCO submission to incorporate more recent planning assumptions.

Regarding the developments quoted by the Interested Party as being excluded from the Statutory Consultation traffic model, their status in the updated DCO version of the traffic model is as follows:

- The 162 dwellings being built by Bloor in Feering are included. However, the second phase of 835 dwellings is not included. This is because, despite being identified in the Braintree District Council Local Plan, no planning application had been submitted for this development when the traffic model was developed in May 2021.
- Both the 250 dwellings at Monks Farm, Kelvedon and the Watering Farm 35 dwellings are included in the traffic model.
- The London Road mixed use site (17/00679/OUT) is included in the model with 250 dwellings.
- The 300 homes north of Colchester Road, Coggeshall are included in the traffic model. Other proposed developments in Coggeshall are not included as they fall below the size threshold for inclusion in the model.

AS-044-013

Sub-Question

Government's 'Transport Decarbonisation Plan'

The Ramblers are concerned whether major road improvements, such as the A12 widening, can lead to increased car travel and whether they are consistent with the Government's climate commitments. As everyone is aware, Covid has had a fundamental impact on travel patterns, which are still adjusting as society returns to a 'new normal.' For example, there is likely to be less commuting and a more dispersed population as people adjust to more home working. Government recognise, in their recently published, Transport Decarbonisation Plan (Ref), that their major transport infrastructure programmes were designed before the pandemic and they want to understand how changing patterns of work, shopping and business travel might affect them, as well as their climate commitments. The Essex Area Ramblers support this and believe a review of the traffic levels and forecasts are necessary to ensure that the scheme is relevant in a post Covid situation and is in line with the Government's climate commitments of net zero emissions by 2050.

Ref: Decarbonising Transport: A Better, Greener Britain: Department for Transport : July 2021

Graham Reeve

Area Walking Environment Officer Essex Area Ramblers

16th August 2021

Applicant's Response

An explanation of how the traffic forecasts deal with the impact of COVID-19 was provided in response J24/117 of the Consultation Report - Annex N [APP-062]. This stated that:

“A base year traffic model was produced to reflect existing traffic conditions. Due to the unusual traffic conditions during the COVID-19 pandemic, this base year model represents 2019 traffic conditions.

Predictions of future traffic changes are based on national traffic growth predictions produced by the Department for Transport. These national traffic growth predictions take into account travel changes due to expected changes in economic growth and in fuel

prices. However, the latest set of these national traffic growth predictions were produced before the pandemic, and therefore do not take into account post-pandemic changes in travel behaviour.

However, monitoring of traffic conditions during 2021 and 2022 shows that overall traffic levels on the A12 are already close to or beyond the levels they were at before the pandemic. It is therefore expected that A12 will still be congested in future if the proposed scheme is not built.”

- The Government's Transport Decarbonisation Plan is discussed within our response to RR-108-007 in Applicant's Response to Relevant Representations [REP1-002].

The Ramblers - Essex Area	AS-045-001
Sub-Question	
Highways England: A12 - Chelmsford to A120 Widening Scheme Supplementary Design Consultation – November to December 2021	
Applicant's Response	
<p>The Applicant has previously responded to the Interested Party in the Applicant's Response to Relevant Representations – Rev 2 [REP1-002].</p> <p>Annex N of the Consultation Report [APP-062] details all responses received during the statutory consultation of June 2021 and the supplementary consultation of November 2021. This also details the Applicants response to the comments.</p> <p>The Applicant has provided responses again in the following sub-parts, including any updates since the supplementary consultation.</p>	
AS-045-002	
Sub-Question	
<p>The Scheme</p> <p>Highways England (HE) propose to widen 15 miles (24 kms) of the existing A12 between Junction 19, the Boreham Interchange and Junction 25 at Marks Tey to three lanes in each direction and create a three-lane bypass in each direction at Rivenhall End. HE state that this preferred route was selected based on several factors, including environmental impacts, journey times, complexity of build, affordability, feedback from the public and advice given by the Planning Inspectorate on the joint Local Plan</p>	

for the area.

Reasons for the Supplementary Consultation

In August 2021, HE's statutory consultation ended. HE received 794 responses and over 2,000 people visited their virtual event space. Since this consultation closed, HE have undertaken further design work, as well as considering the feedback they received during the statutory consultation and this supplementary consultation presents that work. The changes are mostly of a minor nature.

Comments from Essex Area Ramblers

Essex Area Ramblers responded to the Statutory Consultation in August 2021, and their response in August 2021 is still valid. This response to the Supplementary Consultation only comments on the changes that impact on the walking cycling and horse riding (WCH) facilities and should be read in conjunction with our response to the Statutory Consultation.

Applicant's Response

The Applicant notes the Interested Party's comments.

As stated in AS-045-001 above Annex N of the Consultation Report [APP-062] details the Applicant's responses to all responses received during the statutory consultations of June 2021 and the supplementary consultation of November 2021.

AS-045-003

Sub-Question

Wellington Bridge Changes

In accordance with the feedback HE received, their updated design has removed the southern link road to the proposed junction 21. Instead, vehicular traffic will use a new and enhanced northern link road to access the proposed junction 21. To allow this, Wellington Bridge will no longer only be a bridge for just WCH. It will now allow for all types of vehicles to travel both ways over it. To ensure WCH facilities are maintained, a route will be provided alongside the new connection to allow for the same WCH journeys that were proposed as part of their statutory consultation.

Essex Area Ramblers Comment: With this bridge now being used by vehicular traffic and WCH users, it is essential that the WCH facilities are adequately designed and segregated from the vehicular traffic.

Applicant's Response

The Applicant notes the comments from the Interested Party. The walking and cycling facilities on Wellington Bridge will be designed in accordance with LTN 1/20. A shared use off carriageway cycle track has been provided as shown in the Structures Engineering Drawings and Sections [APP-032].

AS-045-004

Sub-Question

Cadent Gas Main - At statutory consultation, while HE mentioned the possibility of a high pressure gas main diversion being required, they had not completed the necessary work to understand the extent of the gas main, whether it would require a diversion and where the diversion may go. HE have carried out further work on possible corridors which could accommodate this pipeline. This work has identified five corridor options where the gas main could be diverted. As part of the proposed scheme, HE will need to reroute part of the high pressure gas pipeline. HE are therefore asking for opinions on each of the possible diversion corridors. It is important to note that the decision on which route which will be taken forward will be a decision for Cadent Gas Limited who operate and maintain the gas distribution network, but any comments could influence the decision that they make. The gas corridors identified will temporarily impact a number of PRoWs. These will remain accessible during the works but may require some rerouting temporarily. HE's proposals for a WCH bridge which connects Maldon Road to Olivers Drive (PRoW 121_95) remain unaffected by the proposed gas diversion works.

Essex Area Ramblers Comments: Whichever route is chosen, the Ramblers request that any temporary rerouting of PRoWs is minimised and the Ramblers are consulted on these proposals.

Applicant's Response

The Applicant notes the Interested Party's comments. The Applicant intends to minimise the temporary realignment of the PRoWs and will continue to engage with the Interested Party regarding these proposals.

The Applicant has identified affected Public Rights of Way (PRoWs) within Section 8 and Table 8.1 of the Outline Construction Traffic Management Plan (OTCMP) [REP2-003], this is not a final list and would continue to be updated as the detailed design of the proposed scheme develops. The Applicant would also welcome the Interested Party to the Walking, Cycling and Horse-Riding Forum as detailed in Table 3.1 of the OCTMP [REP2-003] with the key topics being communication, input into and review of proposals that affect public rights of way (PRoWs), cycle tracks or other shared routes.

John Holt

AS-046-001

Sub-Question

Please see link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002142-John%20Holt.pdf>

Applicant's Response

The applicant has provided a technical note which explains the narrative of this proposed footbridge, and consideration of an alternative location as suggested by Interested Parties. This document is available in the examination library as REP3-011.

A further response on the Gershwin Boulevard bridge has been prepared in response to the Examining Authorities Second Written Questions (ExQ2) [Applicant Reference TR010060/EXAM/9.41] question 2.13.2.

Louise Debenham

AS-047-001

Sub-Question

RE: A12 Chelmsford to A120 Widening Scheme - Proposed construction and site of Gershwin Boulevard Bridge at Witham

We have been made aware that a plan has been approved for the proposed re-instatement of an old walkway crossing the A12 at south Witham as part of the A12 widening scheme.

On the plan it shows a multi-use footbridge being built on the green area opposite [REDACTED] We have also been informed by other members of the neighbourhood who attended a recent meeting (which unfortunately we could not attend) that the green area will be the work site! As someone who lives directly opposite the green with two young boys [REDACTED] this deeply concerns me. We use the green a lot and find it an enjoyable space to play outside with our children. It is a no through road, making it a safe and contained space. We are extremely concerned about the effect this work will have on the green play area once the bridge is finished. One of the selling points for this property is the lovely green space opposite and secluded nature of it, which is why we are so happy here. Many other families use the green area out and it is also a lovely area for dog walkers.

Applicant's Response

As part of the improvement works, the proposed scheme is designed to exclude pedestrians from the A12 between junctions 21 and 25. There is an existing public right of way which approaches the A12 in the vicinity of the proposed Gershwin Boulevard Bridge and then continues to Olivers Drive; this arrangement is shown on Sheet 8 of the Streets, Rights of Way and Access Plans [AS-028]. This proposed bridge connects these existing public rights of way as it would no longer be possible to cross the A12 at grade here once the proposed scheme is complete and an alternative, safe crossing must be provided. The proposed scheme is designed to minimise any diversion created by this alternative right of way and provides a route to Gershwin Boulevard as well as Olivers Drive.

Existing vegetation within the proposed scheme boundary and within temporary works areas would be retained as far as reasonably practicable, as shown on the Retained and Removed Vegetation Plans [APP-035 and committed to through commitment LV4 in the Register of Environmental Actions and Commitments, which is part of the first iteration Environmental Management Plan [Applicant Reference TR010060/APP/6.5 First Iteration Environmental Management Plan rev2].

The Applicant appreciates the Interested Party's concerns with regards to the existing green at this location which is used by members of the public. One of the main benefits of the proposed bridge is that it will connect residents on Olivers Drive and surrounding areas with additional open space on the south side of the A12 that would be provided as part of the proposed scheme.

The Replacement Land Statement [APP-279] considers the loss of open space, including land north of Gershwin Boulevard Bridge. For each of the open space areas being lost to the proposed scheme, Replacement Land is being offered. The open space north of Gershwin Boulevard Bridge is described as Area 4 within the Replacement Land Statement [APP-279]. Replacement land for Area 4 is situated south of the A12 at Gershwin Boulevard Bridge, and this land would also provide a connection to Maldon Road via the open space to be provided.

The construction area for the bridge would be secured with suitable fencing and signage. The Applicant would keep the footprint of the works on the green to a practical minimum to safely access and deliver each stage of the works. The majority of the green would still be available for enjoyment by members of the public during construction.

It should be noted that ahead of the bridge construction, part of the green would be required for the diversion of a foul sewer to facilitate the bridge works. Another part of the green, nearer to Ashby Road, would also be required for the diversion of buried electricity cables. See Works U59 and U50 on Sheet 8 of the Works Plans Utility Diversions [AS-003]. During these works, works areas would be similarly secured and the footprint of the works kept to a practical minimum.

AS-047-002

Sub-Question

We are united in suggesting an alternative area for the bridge to be built. We suggest that the bridge be relocated further west connecting to Gershwin Boulevard. This location is further away from houses, with none directly opposite, as would be the case with the current plan. We would also like to propose that the green opposite [Redacted] isn't used as the work area, but the land and space on the Gershwin side is used.

Applicant's Response

The Applicant has provided a technical note which explains the narrative of this proposed footbridge, and consideration of an alternative location as suggested by Interested Parties. This document is available in the examination library as REP3-011.

A further response on the Gershwin Boulevard bridge has been prepared in response to the Examining Authorities Second Written Questions (ExQ2) [Applicant Reference TR010060/EXAM/9.41] question 2.13.2.

AS-047-003

Sub-Question

The green area is also a key Air Ambulance landing area, so is it wise for this space to be demolished and out of use whilst lengthy work is taking place?

We really hope that ours and the rest of the neighbourhood views will be taken into consideration with the next steps on this development project.

Applicant's Response

The Applicant notes the comments from the Interested Party.

The emergency services are already engaged in identification and management of operational issues during construction and in the operational phase of the scheme.