

Messing and Inworth Action Group

A12 Chelmsford to A120 Widening Scheme

Application for Development Consent Consultation on proposed changes to the draft Development Consent Order Application.

Reference; TR010060/Change Application Letter

Response date; 17th April, 2023

MIAG are in receipt of the letter confirming the requests for the proposed changes to the submitted *d*DCO.

Paragraph one. It is disputed and not agreed that the original *d*DCO is adequate and holds power to create an entirely new stretch of road between Feering and Marks Tye. MIAG firmly believes the original *d*DCO is incorrect and has no merit. It therefore follows that the opening paragraph is incorrect and not agreed in any form by the Examining Authority.

MIAG believes and has illustrated that the creation of this entirely new stretch of road requires and separate NSIP and thus a separate DCO.

Paragraph two. It is disputed and not agreed that there has been any 'consultation' that adequately addresses the concerns raised by individuals and stakeholders. Meetings arranged by the Applicant have been to tell any attendees what is going to happen, and at no time have the Gunning Principles established for proper consultation been followed by the Applicant.

Paragraph 3. The Applicant advises they are seeking 6 changes. In this general statement the Applicant 'is not seeking to acquire additional land'. What does the Applicant propose to do with land and property it has already acquired and now no longer needs? What is the anticipated loss from the purchase and subsequent sale of blighted property?

The relevant issues from the list of 6 are;

Junction 24/Inworth Road B1023 – Removal of segregated left turn lane;

MIAG believes that this is an inadequate, although probably life-saving, admission of error on the part of the Applicant. MIAG has repeatedly stated and proved the failings of the original design which the Applicant maintained had undergone full and detailed review and was an integral part of the original design. MIAG asks what has changed for the Applicant, and why it has taken 24 months of pressure from MIAG for the Applicant to fail to admit its error?

In admitting this error of design, MIAG firmly believes that all statistics, designs and justifications used by the Applicant for this roundabout, and its position, should be recalculated and reappraised. This must be done without confirmation bias and in the proper spirit of consultation as detailed in the Gunning principles. The Applicant has consistently failed to take account and acknowledge its failings.

MIAG further states that this re-design removes the largely redundant Segregated Left Turn Lane (SLTL), 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.

Where is the notification of this change made apparent?

Visibility; the Applicant has previously stated that Inworth Road Roundabout arms (except the new link to Junction 24), have been designed to Manual for Street Standards (MfSS), 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 MfS standards are not appropriate for roundabout approach roads in this rural location where there are open fields, and 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 (except 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 refers 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 Applicant 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.

Inadequate SSD checks carried out by the Applicant only continue 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. 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.

This would indicate a length of about 30m of the alignment where the claimed 43m SSD is not achieved.

What makes this even more worrying for MIAG 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 at all. In this case, values of SSD would fall to as low as 26m, with the 43m long visibility line crossing the DCO boundary into the adjacent property.

Oddly for approach roads that are supposedly designed to MfS standards for visibility, the Applicant have shown what at first sight appear to be DMRB standard forward visibility lines on the approach to the give way lines. Forward visibility lines of approximately 70m length (suitable for a 50kph 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.

MIAG believes the Applicant has not applied consistent logic or approach and is using convenient and inappropriate design standards to justify their flawed design.

Even 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).

MIAG believes the reason for showing this information is to re-create the false narrative surrounding the viability of this design and to obscure its failings. The Applicant does not appear to have related the design to any particular or recognisable consistent standard.

MIAG therefore challenges not only the amendment requests contained in the Application Consultation but fundamentally challenges the original design of this roundabout.

Drainage works associated with B1023 Kelvedon Road at Inworth;

What additional information has been discovered by the Applicant? Why has it taken so long to discover this and what are the various findings and details of those research activities?

The Applicant does not detail any findings and resorts to sweeping assertions and biased confirmations of the decisions made.

MIAG is aware of this constant confirmation bias in all the actions of the Applicant, and requests clarification and justification for a proposed fifty per cent reduction (4 to 2) in Drainage Ponds and a reduction of just under fifty percent (in quantum) of Flood Mitigation Areas?

The reduction in size of the 2 of the remaining ponds is also challenged as effectively creating over fifty percent net in reduction in this mitigation. This is of such substantial scale as to be questioned in the original design, and that reliance on those original surveys calls into question all subsequent statistics and designs based on erroneous input.

(See also the notes on the contradictory evidence contained in the Applicants Technical notes and maps (below)).

MIAG wishes to see the original justification for these mitigations on a comparative assessment chart with the 'new' requirements. MIAG can see no rationale at this stage for the action of the Applicant.

MIAG also wishes the Applicant to clarify why the original *d*DCO was submitted with such wildly inaccurate and misleading statistics.

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It is also of note that the substance and materiality of the changes is being handled by the Applicant in just four and a half hours of webinar and with no other planned presentations. This is dismissive of the importance of the entire *d*DCO process, and further endorses the view that this is not 'consultation' but merely an exercise in instruction.

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Consultation documents specifically addressed in the proposed changes letter.

Map Book 4. Flood Mitigation and Damage;

This is simply diagrammatical illustrations of what the Applicant proposes. It serves no other purpose than to justify a decision the Applicant appears to have before any 'consultation'. See extensive written representations from stakeholders including MIAG about all 'consultations' undertaken by the Applicant and all breaches associated thereto.

Flood Mitigation and Drainage Technical Note;

This document outlines several types of survey and the rationale to use them. MIAG questions why this was not done in the preceding 24 months of survey and investigation work. This is of special significance regarding failing existing drainage routes. These have been consistently brought to the attention of the Applicant through detailed diagrams, plans and photographs, and equally consistently ignored.

There is no detail of the results and no attempt to explain the failings of the original design and the changes made. Again, the document seeks to justify a decision apparently already made, but with no technical and comparative information.

It is of note that the Applicant uses as justification the 'reduced impermeable pavement' which means that mitigation can be equally reduced. However, in direct contradiction of this, the Applicant also notes there is 'only a slight decrease in the final footprint'. This is contradictory and false justification used to enforce the confirmation bias from the Applicant.

The design remains fatally flawed.

Map Book 5: B1023 Roundabout;

This series of maps makes no attempt to be anything other than justification for the determination to drop the SLTL. This has been advocated by MIAG in the face of considerable opposition from the Applicant. MIAG now considers that all statistics and information used by the Applicant are called into question as this fundamental design flaw and perilous safety hazard was ignored for at least 14 months by the Applicant.

(See the extensive notes above about the continuing flaws and errors in design and design standards and overall operational assumptions made by the Applicant).

B1023 Roundabout Technical Note;

This technical note continues the theme of confirmation bias and shows no engagement with the errors in design standards used (*qv above*), shows no recognition of SSD faults (*qv above*) and, amongst many other assumptive assertions, fails to recognise the fatal flaws in the mixed use of various design standards and the incorrect application of those standards to the overall design.

MIAG has consistently pointed to the errors in this design, and the removal of the SLTL indicates that the original design, and all associated statistics, are invalid, and the design should be dismissed.

The Applicant avows that the overarching determinant for the design of this roundabout is that it 'operates safely'.

MIAG has demonstrated the multiple failings of design, multiple failings to heed safety warnings and multiple failings to reasonably consult, which have led to this botched, fatally flawed and absolutely NOT safe design.

Prepared by MIAG.

Submitted to the Examining Authority

Sent to national Highways 'The Applicant'.