

## A12 Chelmsford to A120 Widening Project

### Planning Inspectorate - Issue Specific Hearing 3, 26th April 2023

#### Statement by Keith Lomax

##### **Introduction**

I am a resident of [REDACTED], having lived there since [REDACTED]. One of the factors that attracted my family to purchase this house was the open space that separates the estate from the A12. This open space includes a gently sloping bank, some 5 to 6 metres high, and topped with mature trees, that acts as a noise barrier from traffic on the A12.

##### **Lack of Consultation**

Since the early days of the widening project, I have been following the progress as much as I could, of particular interest to me originally was to understand whether the extra width would be built to the North or South of the A12 or balanced evenly. The first round of consultations was very high level and did not include any of this detail.

In Autumn 2021 I was notified of a consultation and reviewed the documents on the website. This turned out to be a supplementary consultation revising a few details that had changed since a previous (second?) consultation earlier that year, *about which neither myself nor any neighbours that I have spoken to, had been notified*. Had we been notified about this consultation, any issues could have been discussed, and potentially resolved, earlier in the project.

Despite there being no detailed plans at this stage, in the section relating to the Summer 2021 consultation, there were some "fly through" videos showing how the development should look, and it was at this stage that I found out about the proposed bridge, labelled as Multi Use Bridge, and which I subsequently found out would be erroneously called the Gershwin Boulevard Bridge. I submitted a response to the supplementary consultation but referring back to the main consultation, which was not considered as I had missed the original deadline.

I did attend a meeting with one of the Highways engineers in late January, but this was a presentation of the bridge as a fait accompli, and also gave further erroneous information, such as referring to the Ecological Mitigation Area as a Nature Reserve, which was used as a justification for the proposed location.

Myself and Mr Baker asked for the location to be included in the accompanied site visit in March this year, but were told that the schedule was already too tight to accommodate this. The schedule did include a stop to the South of the A12, from which the relevant locations are not visible. Obviously, we don't know if the inspectors have subsequently visited the area but the invitation is still open should you wish to do so.

##### **The Proposed Bridge**

Despite being called "the Gershwin Boulevard Bridge", the proposed location is opposite to Olivers Drive, and partly behind houses in the adjoining road Halfacres. The Northern side including extensive access ramps, will be built at the top of the previously mentioned bank, and fill around one third of the space between the A12 and the closest houses. This latest information was only found in a slightly blurry image contained within one of the documents (9.41) that the applicant has submitted in defence of their proposal. It is proposed to plant screening trees between the bridge and the bottom of the field, further reducing the amenity space. It will take at least 15 years for these trees to grow to even half the height of the bridge which will be an imposing structure overshadowing around twenty houses.

The Examining Authority should also note that those closest houses lie within a Noise Important Area, presumably due to their proximity to the existing road. DEFRA's "Noise Action Plan - Roads" from July 2019 places an obligation on National Highways to "mitigate and minimise adverse impacts on health and quality of life" for residents of such Areas. Removal of any more trees than are absolutely necessary for the road itself in order to make space for the proposed bridge is in direct conflict with this requirement - even if a reduced noise surface is used, tyre noise only contributes part of the overall noise from traffic. The mature trees also provide an effective barrier from pollution.

The reason given by National Highways for this location is to reinstate the "historically severed footpath 95". Historic Ordnance Survey maps show that this footpath has existed at least since the late 1900s. The footpath runs approximately North West to South East from a point on Howbridge Hall Road to a bend on Maldon Road just outside the current built-up area of Witham. Approximately 150 metres South of the Maldon Road end of this footpath is the Northern End of footpath 96 which runs between the buildings of Olivers Nursery and onwards to Wickham Bishops and then Maldon. In order to use footpath 95 one would need to cross the open space, negotiate a 45 degree muddy slope

dropping back to the original height of the field, when it was farmland, and then climb some overgrown concrete steps up the next bank to the A12, and cross this via a gap in the central reservation crash barrier. Clearly this is not something that many, if any people have done since the current A12 was constructed in the mid 1960s, or the houses were built in the early 1980s.

Both footpaths 95 and 96 are designated as footpaths, not bridleways or byways. Despite this, the bridge is proposed to be built to "multi use" standards, and the documents on the planning portal indicate that this is to provide the possibility for footpath 95 to be upgraded to bridleway or cycle path status should the council wish to do so. However, due to the path of footpath 96 through Olivers Nursery, that is not suitable to being upgraded to anybody exiting footpath 95 onto Maldon Road would have no logical onward route.

### **Howbridge Hall Road**

At the same time as footpath 95 was effectively severed, so was Howbridge Hall Road. Historically this road formed a link from the Western Side of Witham to join Maldon Road some 300 metres South West of the end of footpath 95. The Northern 400 metres of this road (approximately half of the original length) still exists and provides access to eight recently constructed houses in two small adjoining developments between the Gershwin Boulevard and Olivers Drive estates. The next quarter of the road no longer exists, having been built over by the current A12, and later by the end house of Olivers Drive and part of the screening bank. The Southern quarter (approximately) serves as access to a farmhouse and small number of business units in the farm building, that lie to the South of the A12 and west of Howbridge Hall Road. As it is still a road, no changes would be necessary to allow either horse or cycle use of this Southern section.

### **James Cook Wood**

Around 300 meters South of the junction of Howbridge Hall Road and Maldon Road is the North West Corner of James Cook Wood. This is a community space developed by the people of Witham in the 1990s and now owned and managed by Witham Town Council. It provides a pleasant space to walk, and also to exercise dogs. However it can only be reasonably accessed by car. Footpath 96 runs alongside the Eastern boundary of the wood, but there is currently no access between the two. The land between Maldon Road and the Wood is part of the Olivers Nursery complex.

This is relevant because the owner of Olivers Nursery has told Mr Baker that, should the location of the bridge be moved to link to Howbridge Hall Road, he would be prepared to grant "Permissive Access" along the edge of his land to allow access to the wood, from where it would not be difficult to provide a link to footpath 96.

### **Alternative Proposal**

As the Inspectorate is aware, earlier this year myself, Mr Baker, and a number of other local residents have suggested that a better location for this bridge would be to link from the South Eastern corner of Gershwin Boulevard to the Northern end of the Southern section of Howbridge Hall Road. This would immediately reinstate this historically severed road for all users except motorised vehicles, which must surely be advantageous compared to only reinstating a footpath.

When we suggested this to the previous issue Specific Hearings, a subsequent speaker representing the Essex Local Access Forum stated that they supported our proposal, and this has also been supported in a submission from the Essex branch of the Ramblers Association, who are another consultee.

### **National Highways Response**

Since we first made this alternative proposal, both National Highways and their consultants have attempted to strengthen their case for the proposed location whilst diminishing the alternative proposal. National Highways appear reluctant to make any changes.

Document 9.26 - Technical Note Gershwin Boulevard Bridge admits that the visual impact in the proposed location would be severe at the time of construction and moderate after fifteen years. In my opinion, even after 15 years the screening trees would not have reached any more than half of the height of the bridge so it would still be dominant in the landscape.

The same document says that if the alternative proposal was to be implemented it would have a corresponding impact on houses on Gershwin Boulevard. However there is no detailed analysis. This is flawed for a number of reasons:

Firstly the houses referred to are at least three times the distance from the alternative location than the closest houses would be to the proposed locations, and separated by a fenced in drainage lake and a busy road;

Secondly, the houses concerned are physically several meters higher so the bridge would not form such a dominating impact on the landscape;

Thirdly, the A12 at this point lies slightly lower than the proposed location to the alternative bridge could be lower by an equivalent amount;

And finally, the space where the Northern end would be constructed is more open so the access ramp could be aligned approximately North-South rather than zig-zagging East-West which would be less visually obtrusive to houses to the North of the location.

In this document, National Highways have identified an indicative location for the bridge in one of the pictures, which is not in the location that I and others have proposed.

Document - 9.42 Applicant's Comments on Information received at Deadline 3. This response to many of the comments submitted for Deadline 3 includes several in relation to the proposed bridge. This repeated states that they consider the proposed location to be the better one.

Document - 9.41 Applicant's Comments on Responses to ExQ2. This states that a larger area of land than that lost from near to Olivers Drive is being provided to replace the lost amenity space so the bridge has to be in the proposed location in order to access the new space. Given that the main use of this space is people exercising themselves and their dogs, and local children playing (such as informal football games), I would contend that people are unlikely to cross the bridge just to access that space.

The same document say that the alternative location ... "Cannot now be delivered within the programme for the scheme as land outside of the current order limits would be required to deliver the alternative proposal". Had National Highways consulted properly on their plans at an earlier phase of the project, the order limits could have been implemented to accommodate this. I do not claim to be in any way experienced in this field, but it appear to me that the land outside the current order limits primarily relates to an island of excluded land between the South East Corner of Gershwin Boulevard and the A12 itself. This island of land contains only trees that were planted in the Summer of 2006 as part of the screening of that estate from the A12. Surely a minor amendment to the order limits would not be difficult to achieve?

### **What am I asking of you?**

If you have not already done so, I would ask the Examining Authority to visit the proposed and alternative locations for the bridge from the North side. If your protocol allow, I would like the opportunity to meet with you at that time, so that I can point out the features, and give a historical context to the location.

Only once this has been done, and if they agree with my points and those of others who have submitted representations through the portal on this matter, would the Examining Authority be in a position to refer this part of the project back to National Highways for the requisite changes to be made.

Keith Lomax  
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