

A12 Chelmsford to A120 widening scheme

TR010060

9.51 Applicant's Comments on Information received at Deadline 4

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A12 Chelmsford to A120 widening scheme
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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 at Deadline 4 of the Examination. It also includes comments on Additional Submissions accepted at the discretion of the Examining Authority after Deadline 4.
- 1.1.3 The applicant is responding to Mr and Mrs Allen (AS-050) at deadline 5 and under the section titled "Applicant's Comments on Additional Submissions accepted by the Examining Authority after Deadline 4". Although AS-050 was submitted just before Deadline 4, as the applicant did not have the time to process and respond to AS-050 in time for Deadline 4, we are including our response on this deadline.

2 Applicant's Comments on Information received at Deadline 4

Boreham Conservation Society	REP4-070-001
Sub-Part	
<p>Boreham Conservation Society (BCS) Deadline 4 Submission, comments upon Applicant's Written Statement of the case for the Scheme: Issue Specific Hearing 1, REP3-012 Introduction 1. BCS in common with other IP's, believe it is extremely difficult to contend with the volume and structure of the Applicant's responses. Unlike the publicly funded Applicant, staffed by professionals and with access to legal and other advisors, BCS is operated by unpaid volunteers and funded by subscriptions from its 300 or so members. In response to the Applicant's oral case for the dDCO proposals, BCS's responds to the Applicant's case in the context of the key issues for the village of Boreham. These are as follows: a) The new link road from the B1019 to Junction 21 as proposed by Essex County Council and Maldon and District Council and supported by BCS. b) If a new link road is not provided, whether southbound access from the B1137 (replacing the Junction 20a on-slip to the A12) is maintained and the distribution of traffic from the B1019 to the A12 via Junction 21 or the B1137 to Junction 19. 2. The Applicant's approach to Junction 20a has been set in stone since the "value based technical engineering decision" closure decision in 2019. In plain words, closure saves time and money. In plain words the Applicant, to protect these savings will not, unless compelled to do so, consider the retention of southbound access to the A12 irrespective of the adverse impacts upon local residents. BCS contend that the following examples illuminate this intent in the Applicant's approach: a) Traffic data has been gathered for several years but the Applicant did not publish any data regarding the traffic flow implications from the closure of the Junction 20a on-slip until June 2021. Why not? Once published the data became the focal point for objections to the proposed closure. i) The Applicant's original "fly through" explanatory video for the 2021 statutory consultation programme, did not even mention the closure of Junctions 20a and 20b. Why not? ii) The Applicant did not arrange for hard copy of the June 2021 statutory consultation literature to be made available in Boreham. Why not? Boreham will be significantly impacted by the Applicant's proposals, much more so than at other locations where hard copy was made available. BCS complained to the Applicant regarding this lack of hard copy. The Applicant ignored this complaint and repeated Boreham's exclusion by omitting to make hard copy of the November 2021 Supplementary consultation documentation available within the village. Why? iii) The Applicant did not disclose its predictions for the split of traffic, at the Duke of Wellington junction, between Junction 21 and the B1137 until after the statutory consultation programme ended. Why not? This is critical data for the residents of Hatfield Peverel and Boreham that should have been available to enable an informed consideration of the proposals. iv) The Applicant did not disclose its prediction for a 50% increase in traffic on</p>	

Plantation Road Boreham in the 2021 statutory consultation programme. Why not? The Applicant did not voluntarily disclose this data until questioned by BCS. Why not? This is material information that should have been disclosed in the statutory consultation programme so that residents were fully aware as to the full implications of the Applicant's proposals. v) The Applicant had access to traffic data for several years but did not propose any mitigation on the B1137 until prompted to do so by objections. The mitigation proposed of a reduced speed limits without enforcement is a "no cost" response from the Applicant but has the impact of allowing the Applicant to reduce its predictions for traffic on the B1137. The adverse implications for residents of the Applicant's prediction of 12% of those arriving on the B1019 at the Duke of Wellington junction, selecting the B1137, has fostered a Statement of Common Ground by Essex County Council, Chelmsford City Council, Boreham Parish Council, Essex Police and BCS in support of enforcement by the installation of Average Speed Cameras. BCS and others share significant doubts over the Applicant's modelling assumptions; if the 12% is a material underestimate the admitted adverse impacts are also materially underestimated. vi) The Applicant admitted, in March 2022, that it did not know whether the junctions on the B1137, including astonishingly Junction 19, could cope with the traffic implications of the dDCO proposals. Why not? BCS requests the Applicant to publish the "plan B" it presumably had to cope with an outcome that the roads / junctions would not cope; in particular Junction 19. 3) BCS contend that the examples above amply illustrate the Applicant's failure to consider the local impacts of their scheme and their disregard for the adverse impact of their scheme for local residents. BCS recognise that the Applicant is "National Highways", but it is not acceptable that the adverse impacts for local residents are ignored / minimised in order to promote the Applicant's favoured, least cost and time solution to the issues for long -distance commuters. It is unacceptable that local commuters be diverted on to local roads, to become dangerous rat-running traffic harmful to local residents. The Applicant must realise that it cannot run down the Enquiry timetable without addressing the questions raised and professionally assessing the alternative solution proposed by BCS. BCS note that after 14 months of effort on its part, the Applicant now admits that the BCS alternative plan is physically possible.

Applicant's Response

The Applicant has previously responded to these points in [PDA-004], [REP1-012] and [REP2-030].

For clarity, the Preferred Route Announcement of 2019 announced the proposed closure of junction 20a and 20b. These proposals were later taken to statutory consultation in June 2021, where the Applicant consulted on these proposals. During the proposed route consultation of 2017 an event was held in Boreham where consultation materials were made available.

During the statutory consultation, which referred to the closure of junction 20a and 20b, hard copies of the consultation materials were made available at locations across the scheme. This included neighbouring locations in Springfield and Chelmsford.

A route option consultation was undertaken in 2017 during an early stage of scheme development, seeking public views on a range of options. The Applicant received consistent comments regarding the safety and congestion at the existing junction 20a and 20b. During this consultation, responses were received in support of merging junctions 20a and 20b, which led the Applicant to look at this option in further detail. The results of this consultation can be seen in the A12 Chelmsford to A120 widening, Report on Public Consultation which is available on the National Highway's scheme website.

The assessment of the four 2017 consultation options, which concluded overall route 2 would be the preferred route, can be found in the Scheme Assessment Report and the Scheme Assessment Report Addendum which is available on the National Highway's scheme website.

Information on traffic flows were shared during the 2021 Statutory Consultation that followed the announcement of the preferred route. Although information on the split of traffic at the Duke of Wellington junction between Junction 21 and the B1137 route was not released during the Statutory Consultation, the impact that this would have on traffic flows in Boreham was presented.

The Case for the Scheme [APP-249] does mention a new junction to the south of Hatfield Peverel when discussing the various options explored as part of the Scheme Assessment Report. The Scheme Assessment Report identified that a junction to the east would be the best option for the scheme

REP4-070-002
Sub-Part
BCS Comments; these follow the referencing of REP3-012 REF 3 The Applicant quotes in support of its case, minority approval from respondents to a non- statutory communication programme in 2017, which did not disclose traffic flow data and as admitted in the case for the scheme in the dDCO, inferred that the new junction would be to the south of Hatfield Peverel. A Junction to the south of Hatfield Peverel held out hope that this could solve the access problems for traffic from the Maldon area on the B1019. The actual location of Junction 21 is to the east of Hatfield Peverel.
Applicant's Response
The Applicant has answered this in REP4-070-001.
REP4-070-003
Sub-Part
REF 4 a) The Applicant's response outlines possible A12 weaving length issues between their proposed Junction 21 and BCS's proposed link to the A12 and quotes the A12 main line layout as being "well below" DMRB standards. It appears that the Applicant is saying that their proposed layout (with junction 20a southbound closed) is below DMRB weaving standards and their premise for dismissing the BCS proposal to retain a link to replace Junction 20a southbound, is based on this weaving length issue. BCS request clarification on this issue from the Applicant. Whilst these weaving length concerns might be valid in some situations, BCS contend that at this specific location the distances between merges are satisfactory and indeed visibility for A12 drivers southbound is good due to the downhill topography of the road and landscape. Any merging will be easily read by A12 through traffic. b) The Applicant gives much detail about "all movement junctions" being preferred to "half or three-quarter movement junctions". BCS fail to see the relevance to the actual one-way movement being proposed. The BCS proposed one-way movement junction is less hazardous for A12 weaving traffic as those already on the A12 will not be manoeuvring to leave it until a considerable distance to the south, on the approach to Junction 19. c) Moving Junction 21 nearer to Hatfield Peverel may encourage more drivers to use it as opposed to using the B1137. By doing so, the Applicant appears to agree with BCS that the

B1137 Main Road is an attractive option to Junction 21 for southbound drivers from B1019 Maldon Road. Drivers from the B1019 from Maldon after a longer queue for the Duke of Wellington, giving way and negotiating the Duke of Wellington mini roundabout, will have to turn north, give way at the first Junction 21 roundabout, give way at the second Junction 21 roundabout, before entering the A12 southbound. BCS contend that these interactions will be sufficient, especially for HGV drivers, to deter the use of Junction 21 and consequently increase the usage of the shorter, direct route to Junction 19 on the B1137, Main Road. Accordingly, BCS contend that the Applicant's modelling assumptions are wrong. Given the Applicant's determination to close the Junction 20a on-slip, this is not surprising, but it is wrong. d) BCS has rebutted the Applicant's report titled the A12 Junction 20a Southbound Merge Assessment of Alternatives Report, in REP1-023, REP1-025 and REP1-026. The Applicant has not responded, on the record, to REP1-023 and has only partially dealt with REP1-025 and REP1-026. BCS acknowledge an informal virtual meeting with the Applicant on 6th March 2023 but this meeting is not accepted as the formal response to the range of issues raised. BCS request that in order for the ExA to track developments, a formal response provided by the Applicant. e) The Applicant advised BCS in the 6th March meeting that, while they now concede it is physically possible to provide the link to the A12 proposed by BCS, they would not produce a detailed design of the BCS plan. BCS contend that the Applicant, cannot be allowed to continue to avoid a detailed comparison of the merits of the dDCO proposals against those of the BCS proposal. Without such a comparison the ExA cannot weigh up the pros and cons of each design. BCS request that the Applicant be instructed to produce the detailed design for accurate comparisons. The decision regarding maintenance of southbound access has significant impact for hundreds, if not thousands, of residents. It must be based upon a full evaluation of the available options. f) The impact on the local roads of Hatfield Peverel and Boreham is dependent upon whether southbound access to the A12, currently provided by the Junction 20a on-slip, is maintained. If access is not maintained there will be significant and adverse impacts upon the local roads in both Villages. The key factors are the split of the traffic arriving at the Duke of Wellington junction between Junction 21 and the B1137 and the capacity of local roads and junctions to cope with the increases in the volume of traffic. The Applicant asserts that local roads can cope. The Applicant's assertions are simply disputed, modelled predictions. While these have helped the Applicant favourably shape the perceptions of others, they cannot just be accepted as fact. g) The Applicant's modelling of road capacities is challenged and the apparent anomalies raised have yet to be satisfactorily explained. The Applicant undertook, during the recent virtual meeting with BCS, to provide further explanation and this is awaited. h) The Applicant has repeatedly failed to explain why an increase in rat-running traffic is regarded as dangerous everywhere except for Boreham nor why the Applicant seeks to deliberately increase such dangerous rat-running traffic by diverting traffic from the A12 through Boreham. BCS requests that the Applicant now answers this question. BCS add that it is aware of the welcome reductions in such traffic elsewhere in Essex. Boreham residents do not live elsewhere, they live in Boreham. i) The Boreham bypass was built by the Applicant's predecessor to rescue Boreham from traffic on the former A12, now the B1137. The Applicant and its many advisors should be ashamed that their solution to traffic problems on the current A12 is to increase traffic on the

former A12, now the B1137. Boreham must not be accepted as the collateral damage necessary to compensate for the failure of the Applicant and their advisors to find a solution to today's issues. This not only seems ridiculous, but it is also ridiculous.

Applicant's Response

The Applicant notes the Interested Party's comments and provides the following response to each of the points raised following the referencing used by the Interested Party.

REF 4

- a. The Applicant clarifies that the existing junction 20A, 20B and 21 arrangement is below the Design Manual for Roads and Bridges (DMRB) standards for weaving lengths. The proposed all movement junction 21 seeks to provide safe access to and from the A12 in accordance with the DMRB weaving standards.
- b. The existing partial movement junctions at junction 20A and 20B require drivers to travel through Hatfield Peverel to access the northbound and southbound A12 carriageways. The proposed all-movement junction 21 removes this traffic from Hatfield Peverel. Reinstating junction 20A southbound merge would result in the overall arrangement for vehicles moving between Witham, Hatfield Peverel, Maldon and the A12 to be one all-movements junction at junction 21, and a partial movement junction at junction 20A. Accordingly, reinstating the junction 20A southbound on slip would increase the volume of traffic routing through Hatfield Peverel to access the A12 southbound as the link between Maldon Road and the A12 southbound would be along The Street, Hatfield Peverel.
- c. As explained in response to reference 4 in the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012], the Applicant undertook a study during the preliminary design to optimise the location of junction 21 to reduce the impact of traffic routing through the villages of Hatfield Peverel and Boreham to access the A12 southbound at junction 19. This resulted in shifting junction 21 south closer to the Duke of Wellington roundabout as presented in the DCO application. In this location, the majority of traffic is expected to use junction 21 to access the A12 as indicated by the strategic traffic model [APP-253]. The Applicant maintains the assumptions regarding junction performance outlined in the Transport Assessment [APP-253].

- d. The Applicant responded to the oral and written submissions [REP1-025] from Mr Martin in Appendix OFH2A of the Applicant's Response to Open Floor Hearing 2 – Rev 1 [REP1-012]. This technical note was written to assess the alternative design submitted by Mr Martin. As explained in the response to REP1-023 and REP1-026 in the Applicant's Comments on Information Received at Deadline 1 [REP2-030], the Applicant wanted to give the Interested Parties the opportunity to review the new technical note submitted at Deadline 1 which addressed the issues raised by both the Boreham Conservation Society and Mr Martin in REP1-023 and REP1-026 and also further explained the reasoning for discounting the alternative option to reinstate the junction 20A on slip. The Applicant has continued to respond to the Interested Party's comments on the closure of junction 20A in response to submission REP2-039 by the Boreham Conservation Society and REP2-043 by Mr Martin at Deadline 3 [REP3-009 and REP3-015]. The meeting on 6th March 2023 between the Applicant, Mr Martin and BCS was an opportunity to discuss these submissions and the Applicant is of the position that no further response is required to REP1-023, REP1-025 and REP1-026.
- e. The Applicant maintains that whilst the design presented by Mr Martin and BCS may be geometrically possible with departures from standards, the alternative design presented by the Applicant in the Junction 20A Southbound Merge Assessment of Alternatives [Appendix B, REP1-002] is the minimum compliant geometry acceptable to reinstate the junction. The Applicant expressed to the Interested Party in the meeting on the 6th March 2023 that the roundabout option presented in Junction 20A Southbound Merge Assessment of Alternatives [Appendix B, REP1-002] has been designed and assessed in detail in the technical note, and detailed design of the option presented by BCS to comply with the DMRB standards would result in the same footprint shown in the technical note. A smaller footprint was also assessed in the form of the signalised junction and both this and the roundabout option were discounted due to the significant impacts on road user safety, natural and built environment, cost, carbon and construction and drainage challenges. The Applicant maintains that viable geometry is one of many factors considered in the multi-disciplinary assessment and whilst the geometry proposed by the Interested Party may work with departures from standards, the Applicant cannot justify these departures when considering the negative impacts listed above.
- f. The existing capacity of the B1137 and local roads in the village of Boreham have been assessed to provide more capacity than the existing traffic using these roads and the forecast traffic expected to use these roads as a result of the proposed scheme. The Applicant has also considered the safety of increasing traffic in the village of Boreham and the forecast

increase in traffic in the village of Boreham is within the existing capacity of the local road network to accommodate safely. The increase in traffic flow would reduce the frequency of gaps in traffic for pedestrians to cross the road, or drivers to pull out of driveways, but this does not mean the forecast level is unsafe.

- g. The Applicant has responded to the Interested Party previously about the modelling of road capacities. A detailed response was provided in response to sub-question REP2-039-003 in the Applicant's Comments on Written Representations [REP3-009]. The traffic modelling work was undertaken using standard methodologies and parameters as set out in the Department for Transport's Transport Analysis Guidance.
- h. As explained in response to point f), the forecast increase in traffic in the village of Boreham is within the capacity of the existing local road network. Throughout the scheme, where the existing network has sufficient capacity to cater for the forecast increase in traffic and is safe to do so, the Applicant has not proposed intervention works. Where the forecast increase in traffic on the local road network exceeds the existing capacity, such as the B1023 Inworth Road, the Applicant has proposed measures to reduce the forecast traffic to within the road's capacity

The Applicant notes the Interested Party's comments and maintains the position that an appropriate level of mitigation for increased traffic in the village of Boreham has been included in the DCO application

REP4-070-004

Sub-Part

REF 5 a) The crucial prediction which directly impacts local roads in Hatfield Peverel and subsequently the local roads in Boreham is the split of the traffic, arriving at the Duke of Wellington mini-roundabout junction on the B1019, between those who turn right for Junction 21 and those who turn left on the B1137. The Applicant predicts that 88% will turn right to Junction 21 and 12% will turn left onto the B1137 through Boreham. This predicted split is strongly contested, see REF 4 above. b) BCS and many others, including local authorities, have made the points that it is human nature to turn left towards the destination (rather than turn right away from the destination), turning left is an established routine that many will choose to follow, it is less distance

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

followed quickly by a left -hand turn and negotiation of two priority-controlled dumbbell roundabouts to reach the southbound A12. Using the B1137 will be especially attractive during the night-time hours as there is no proposed enforcement of speed limits, no social pressure to obey speed limits nor traffic congestion to impede the journey to Junction 19. f) Hatfield Peverel: Church Road; the expected decrease takes no account of the elongated queue the Applicant predicts stretching back down the B1019 from the Duke of Wellington junction. This queue / red lights braking to queue will be clearly visible on the B1019 at the approach to its junction with Church Road. BCS contend that these queues on the B1019 will cause diversions onto Church Road to then use the B1137 through Hatfield Peverel and Boreham. g) Boreham: Main Road; BCS notes the Applicant introduces the wording "The removal of Junction 20a southbound means that some traffic from the west side of Hatfield Peverel would choose to travel via Main Road to join A12 southbound at junction 19, where they otherwise would have joined the A12 at junction 20a." BCS contend that the Applicant's earlier description that such traffic will "find it too far to travel back to Junction 21 through Hatfield Peverel" is clearer statement of fact. The Applicant cannot minimise, by nuanced words, that closure of Junction 20a on-slip forces these commuters off the A12 and onto the B1137, local road, through Boreham. The Applicant admits that increasing rat-running traffic on local roads is dangerous and states that it is an objective of the scheme's £1.3bn expenditure, to take such rat- running traffic off local roads (where it does not belong) and put it on the A12 (where it does belong). BCS again request the Applicant to explain why increases in rat-running traffic are dangerous elsewhere (but not in Boreham) and why the outcome for these commuters is diametrically opposed to the scheme's objectives. BCS ask the Applicant to refrain from repeating their previous responses that overall traffic on local roads will decrease. Boreham parishioners do not live in "overall", they live in Boreham. BCS note the Applicant's prediction that in the pm peak traffic on Main Road will decrease by 14%. BCS ask that the Applicant publish the traffic flow assumptions in their model. BCS believe that traffic could reasonably be expected to increase in the pm peak e.g. a. The Applicant states that it will be too far for residents from the west of Hatfield Peverel to travel back to Junction 21 in the am peak, will it not similarly be too far for them to travel home from Junction 21 in the pm peak? b. Commuters from Chelmsford may well choose for the reasons given in 2., 3. and 4 above, to choose the B1137 through Boreham rather than the A12. h) Boreham: Church; Road Church Road Boreham meets Hammonds Road at the bridge over the River Chelmer (known locally as Black Bridge). Between Boreham Village and Black Bridge, Church Road is designated as a Protected Lane (REP3-027 refers). The Applicant predicts an increase of 60 vehicles per hour (REP1-002 / RR-074-006 refer) on Hammonds Road and logically, therefore on Church Road. BCS request that the Applicant clarifies the sections of Church Road predicted to have an increase in rat-running traffic. i) Boreham: Plantation Road; the Applicant is requested to clarify the predicted increase of one vehicle per minute / increase in daily traffic of 590 vehicles. The Applicant predicted in January 2022 an increase, in the am peak alone, of 74 vehicles. j) Boreham: Plantation Road; BCS would direct the ExA to REF 37 where BCS raise questions regarding the omission of

Plantation Road from the statutory communication programme and the Applicant's misdirection to REP1-009 as an answer to volatility of predictions, within 3 months or so, from plus 50% to plus 25% increases.

Applicant's Response

(a)

As stated in the response to issue reference 7 in the Applicant's Written submission of Oral Case for Issue Specific Hearing 1 [REP3-012], the assessment of which route drivers would take to access the A12 was produced using the methodologies set out in the Department for Transport's Transport Analysis Guidance, specifically Unit M3.1 section 2.8. This provides standard parameters on how traffic models should weigh up journey time and distance when predicting routing decisions.

(b)

As stated in the Applicant's previous response to the Interested Party in the response to sub-part RR-046-002 in the Applicant's Response to Relevant Representations Rev 2 [REP1-002], the Applicant's traffic model is based on a typical weekday only. It does not explicitly model occurrences when incidents such as accidents cause traffic problems on the A12. However, it is important to note that when incidents do cause traffic problems on the A12 at the moment, this can lead to traffic increases through Boreham. The option for drivers to divert through Boreham to A12 junction 19 instead of joining the A12 at Hatfield Peverel already exists now.

The proposed scheme is expected to reduce the frequency of such incidents, and also make the road more resilient to such incidents when they take place by reducing A12 congestion in general and by the third lane providing additional traffic management flexibility. As a result, we would expect fewer examples of traffic having to divert onto local roads like that in Boreham. The assessment of the reduction in incident-related delay was undertaken using National Highways' MyRIAD (Motorway Reliability Incidents and Delay) software, as recommended in Chapter 6 of the Department for Transport's Transport Analysis Guidance (TAG) Unit A1.3. Further details of the MyRIAD assessment are provided in section 4.13 of the Applicant's Economic Appraisal Package Report [APP-265]. However, this assessment is done at a scheme-wide level and does not provide results for impacts on individual roads such as through Boreham.

(c)

As stated in the response to issue reference 7 in the Applicant's Written submission of Oral Case for Issue Specific Hearing 1 [REP3-012], the assessment of which route drivers would take to access the A12 was produced using the methodologies set out in the Department for Transport's Transport Analysis Guidance, specifically Unit M3.1 section 2.8. This provides standard parameters on how traffic models should weigh up journey time and distance when predicting routing decisions.

(d)

Regarding the need for Average Speed Cameras on the B1137 through Boreham, the Applicant's latest position is set out in the Applicant's Response to ISH3 [Applicant Ref: TR010060/EXAM/9.53] submitted at Deadline 5, item 3.1. The Applicant acknowledges the concerns expressed by Interested Parties during Issue Specific Hearings, written submissions and further engagement, and the Applicant understands that reaffirming the speed limits through additional measures could provide an enhancement. As such, the Applicant within the new requirement 15 of the Draft DCO has committed to the installation of speed cameras, road safety posters and a new controlled pedestrian crossing on the B1137.(e)

Regarding HGV journey times, a comparison of the modelled journey time between Maldon Road and A12 junction 19 is summarised in the table below.

	Journey Time (min/sec)		
	AM	IP	PM
Via B1137 Main Road	11m 15s	9m 29s	10m 19s
Via the proposed junction 21	10m 46s	8m 37s	9m 42s
Difference	0m 29s	0m 52s	0m 37s

For all time periods, the route via junction 21 is quicker for HGVs than the route via B1137 Main Road for HGVs. However, the time saving on that route is lower for HGVs than it is for cars.

Overall, there is not predicted to be a significant change in HGVs on the B1137 in Boreham. Of the predicted overall increase on Main Road in Boreham of 184 vehicles per hour in the AM peak, this includes a reduction of two HGVs per hour. Of the reduction of 93 vehicles per hour in the PM peak, this overall reduction in traffic does include an increase of 4 HGVs per hour.

(f)
The Applicant's strategic traffic model which was used to predict traffic flow changes on local roads does take into account the predicted congestion on the B1019 arm of the Duke of Wellington junction. Page 320 of the Applicant's Comments on Essex County Council's Local Impact Report [REP3-021] confirms that the delay the strategic traffic model predicts on this arm matches well with the delay predicted by the separate detailed junction model produced in the Vissim software.

(g)
Traffic is predicted to decrease through Boreham in the PM as improved journey times on the A12 make alternative routes via B1137 Main Road less attractive. For traffic returning from the A12 or Chelmsford towards B1019 Maldon Road, the route around A12 junction 21 to Hatfield Peverel does not require travelling around the dumbbell roundabouts. Traffic in this direction is therefore more likely to use junction 21 in preference to travelling via junction 19 and Main Road, compared to traffic in the other direction (from B1019 Maldon Road towards Chelmsford or London). In the PM, traffic in this direction (northbound away from Chelmsford and London) is the dominant movement.

(h)
The Applicant refers the Interested Party to its response to REP4-070-008 below.

(i)
The predicted traffic flow changes on Plantation Road are shown in image C.4 of the Transport Assessment – Appendix C [APP-256]. This shows predicted traffic flow changes of:

- An increase of 74 vehicles per hour in the AM peak.
- An increase of 41 vehicles per hour in the PM peak.
- A total increase of 590 vehicles per day.

(j)
The Applicant refers the Interested Party to its response to REP4-070-013 below.

REP4-070-005

Sub-Part

REF 6 a) The Applicant remains the outlier in its opposition to enforcement of the proposed reduced speed limits by the deployment of Average Speed Cameras. Such opposition has been consistent but is unsupported by data. The limited data referenced by the Applicant is for the wrong hours and does not differentiate between commuters and HGV's. The Applicant has successfully run the clock down so that there is no time left within the Enquiry timetable to gather the relevant data. Accordingly, BCS request the ExA to approve the request from Essex County Council (as the relevant road authority) that, should the closure of the Junction 20a on-slip be approved, Average Speed Cameras be installed on the B1137. BCS notes that Average Speed Cameras are supported by Essex Police, Chelmsford City Council, Boreham Parish Council and BCS. b) If the Applicant's proposed closure of Junction 20a is approved the two vital factors are the split of traffic at the Duke of Wellington junction and the mitigation proposed for the B1137 between Hatfield Peverel and Boreham. Predicted traffic splits are dealt with in REF 5 above. c) The Applicant asserts Average Speed cameras are not proposed because "the speeds in Boreham are already more like those expected in a 30mph, and more traffic in Boreham is likely to reduce speeding". BCS does not accept that congestion is an acceptable solution to speeding. BCS contend that it is unacceptable that the Applicant expects that its assertions are accepted at

face value and without comprehensive back up data. People matter and decisions affecting their well-being must be based on facts, not assertions. d) BCS point out, which the Applicant must surely recognise, that the utility of Average Speed Cameras is to enforce the proposed reductions in speed limits for the entire length of the B1137 and not simply the Main Road section through Boreham Village. It is only by ensuring that journey times on the B1137 are slowed that commuters could be deterred from using it. i) BCS contend that, surprisingly at this late stage in the process, the Applicant bases its assertions on incomplete data measurements taken at the wrong location and at the wrong time of day. The Applicant's data refers to the "middle of the day" when a combination of social pressure not to be seen speeding and a much higher proportion of non-commuting traffic would be factors in lowering speeds. BCS are given to believe that one of the measuring devices was located at / near the junctions of Main and Church Roads. BCS request that the Applicant publishes the number and location of the devices used. If a device was located at / near the Main Road / Church Road junction in Boreham village the speeds recorded in the "middle of the day" will have been slowed, at that site, by a combination of junction usage, the Zebra Crossing (a busy crossing, one of only two pedestrian controlled crossings on the Main Road), vehicles (of all types and size) entering and leaving the busy forecourt of Nicks Tyres (the forecourt is directly opposite the Zebra Crossing) and access for vehicles travelling northwards is particularly difficult involving a slow manoeuvre to turn right around the bollards for the Zebra Crossing, vehicles entering / leaving the off street parking for the Barber and Beauty businesses directly opposite Church Road and a bus -stop near the junction. The entrance to the village from Junction 19 can be difficult as, in addition to the Church Road issues, traffic must cope with right hand turns into The Lion Hotel followed in quick succession by an island, right hand turns into Church Road immediately followed by the Zebra Crossing and other issues as previously outlined. It is no surprise to BCS that speeds are low at that site in the "middle of the day". Measurements taken here are unlikely to be representative of speeds elsewhere. ii) BCS contend that it is traffic in the "middle of the night" that is the issue. This is not news to the Applicant, the point has been made to them many times by BCS. The Applicant admits that it is night-time noise that will cause sleep disturbance and annoyance. The Applicant must also know that it is simply and plainly "wrong" to extrapolate day-time data as a response to a night- time issue. Night-time traffic speeds are higher (many BCS members can confirm this from their personal experience) as drivers are unhindered by social pressure to be seen to be near the speed limit, lower volumes facilitate higher speeds as will the absence of Average Speed Cameras to enforce the new reduced speed limits. HGV's are the main source of noise that causes sleep disturbance and annoyance. BCS are alarmed at the prospect of higher volumes of HGV's through the night creating significantly increased adverse impacts for more and more parishioners, REF 5 refers. iii) The Applicant agrees that night-time traffic is the issue and states that: "At other times for example late at night when people might choose to drive much faster, the scheme would not have an adverse effect. Therefore, while speed enforcement, for example through average speed cameras, would have benefits at all times when speeding is possible (principally off-peak), the Applicant has not proposed it as part of the scheme proposals." BCS simply asks, given the above, WHY NOT? e) The Applicant: i. Knows and accepts that speeding night-time traffic is the cause of sleep disturbance. ii.

Seemingly, has not gathered, at any time over the past several years, data regarding night-time traffic, differentiating between cars and HGV's. iii. Nevertheless, remains "firmly of the view that no additional measures are required on Main Road". iv. Expects the ExA to arrive at a decision unencumbered by relevant, comprehensive data. f) The Applicant has had several years to gather acceptable data but has not done so. Instead, the Applicant has run the clock down so that there is insufficient time left to gather data within the Enquiry period. BCS therefore request the ExA to stipulate the installation of Average Speed Cameras as a condition of approval to the dDCO. g) B1137 between Hatfield Peverel and Boreham; The Applicant explicitly admits to a lack of comprehensive data ("While the detail of existing speed profile in this section is limited, it suggests that a lowering of the speed limit is both appropriate and safe" and "The currently available speed data suggests"). BCS contend that it is unacceptable that the Applicant expects the ExA to take decisions, directly impacting the quality of life for thousands of residents in Hatfield Peverel and Boreham, based on incomplete data. BCS would also comment that: i) The Applicant's description of this stretch of the B1137 as "the relatively confined environment; some frontage development and the narrow adjacent footway" does not stand up. BCS know as will the ExA from their drive through that this stretch, which was formerly the A12, is wide and, other than for one bend, straight as befits an ancient roman road. It is true that there is some frontage. It is also true that this frontage is very limited, spaced out along the road and generally set back from the roadside. Many sections of this route run between fields and open countryside. It is not "confined". ii) The footpath between the villages is perfectly adequate for the small volume of pedestrians involved. Those who actually and regularly walk / drive this route do not accept the Applicant's description. iii) BCS advocate Average Speed Cameras to promote the use of the A12 by dissuading the use of the B1137 and contend that these objectives are completely aligned with the stated objectives of the scheme. The Applicant's stance of opposing Average Speed Cameras is directly in contrast with the stated objectives of the scheme. iv) BCS advocate Average Speed Cameras on safety grounds. BCS members who regularly drive this route know that the rationale for these lower limits is not clear. BCS contend that, while the reductions are vital, without enforcement they are: i. Likely to be ignored thus negating their utility as effective mitigation. ii. Likely to cause frustration between those observing the limit and those who see no reason to do so. Such frustration is a known causal factor of road rage and accidents. v) BCS note the Applicant's statement that "Further speed reductions – and associated safety benefits - would be expected if flow increases as expected at some times of day within the capacity of the road". In plain language this means that more traffic and more congestion reduce traffic speeds. BCS agree this is so but point out that more traffic going slower means more pollution and more adverse impact upon air quality and more severance within the Village. BCS do not regard increased congestion as an acceptable mitigation measure. BCS would add that because of congestion on the alternative route from the Maldon area to the A12 southbound i.e., the A414 through Danbury to Junction 18, commuters are already switching to the B1019 to Hatfield Peverel and / using country lanes to find routes from Danbury / Little Baddow to the A12. This part of Essex is "full" and desperately needs the release valve of a new link road from the B1019 to Junction 21.

Applicant's Response

The Applicant notes the Interested Party's comments and provides the following response to each of the points raised following the referencing used by the Interested Party.

REF 6

- a. The Applicant maintains the position that the current recorded speed levels are relatively low (typical for a 30mph limit despite the existing 40mph limit) and expects there to be additional benefit resulting from the proposed speed limit reduction (40mph reduced to 30mph). Therefore, the scheme does not adversely affect speeds in Boreham. That said, acknowledging understand the concerns expressed by Interested Parties during Issue Specific Hearings, written submissions and further engagement, the Applicant understands that reaffirming the speed limits through additional measures could provide an enhancement. As such, the Applicant within the new requirement 15 of the Draft DCO has committed to the installation of speed cameras, road safety posters and a new controlled pedestrian controlled crossing on the B1137.
- b. The Applicant has responded to the Interested Party's comments regarding the split of traffic at the Duke of Wellington junction in REP4-070-004.
- c. Information on the traffic speeds referred to by the Applicant and the source of those traffic speeds is provided in the Applicant's response to comment reference 3.2 in 9.53 Applicant's Written Response to Issue Specific Hearing 3.
- d. As referred to in point (a) above, the Applicant within the new requirement 15 of the Draft DCO has committed to the installation of speed cameras, road safety posters and a new controlled pedestrian controlled crossing on the B1137.
- e. See point (d) above.

<p>f. The Applicant has gathered sufficient data to inform its modelling and assessment of the proposed scheme. Further information on this data gathering exercise is set out in the Transport Data Package Report [APP-262].</p> <p>See point (d) above</p>	<p>REP4-070-006</p>
<p>Sub-Part</p>	
<p>REF 7</p> <p>The effectiveness of directional signs to Junction 21 for commuters (all of whom know where they are commuting to and from) is clearly open to question. The Applicant is requested to answer the point made by publishing the assumed impact of such signs in enticing commuters to use Junction 21.</p>	
<p>Applicant's Response</p>	
<p>The Applicant was specifically asked by Chelmsford City Council whether the proposal to route traffic from Maldon Road at the Duke of Wellington Mini-Roundabout would be supported by amendments to local signs, which the Applicant is able to confirm. The proposed signing interventions, as well as being a statutory requirement of relevant design standards, will help reinforce to drivers that the appropriate route for all traffic wishing to join the A12, southbound and northbound, from this location, would be to turn right and join via Junction 21. The proposed signage supports that this is a more reliable route as it is not subject to the congestion and hazards related with driving through two villages, as well as an overall faster route.</p>	
<p>REP4-070-007</p>	

Sub-Part

REF 8 a) The Applicant opposes enforcement of speed limits and their modelling apparently assumes that the proposed reductions in speed limits will always be voluntarily observed by everyone. BCS understand that, annually, more than 2 million fines for speeding are issued and notes that this 2 million does not include those who do speed but are not caught. BCS request the Applicant to detail its assumptions on these issues and the modelling impact of these assumptions. b) The traffic model assumes that the reduced speed limits will always be observed without the need for enforcement. BCS again put on record that the Applicant stated at the February 2022 Village Hall meeting in Boreham, that this assumption enabled the Applicant to halve its predicted 50% increase in traffic on Plantation Road to a 25% reduction (now 17% in the dDCO). The Applicant has never rebutted this account of the February 2022 meeting.

Applicant's Response

- a. As noted in response REP4-070 -005 above, acknowledging the concerns expressed by Interested Parties during Issue Specific Hearings, written submissions and further engagement, the Applicant understands that reaffirming the speed limits through additional measures could provide an enhancement. As such, the Applicant within the new requirement 15 of the Draft DCO has committed to the installation of speed cameras, road safety posters and a new controlled pedestrian crossing on the B1137
- b. See point (a) above regarding the Applicant's position on the installation of speed cameras. Regarding the Interested Party's comments about a 25% increase in traffic on Plantation Road, the Applicant has responded to this point in response to sub-question REP4-070-009 below.

REP4-070-008

Sub-Part

REF 17

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

Applicant's Response

The section of Church Road being referred to in the Applicant's response to issue 17 in the Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012] referred to Church Road as not having a significant change in traffic. For clarity, this refers to the section between its junction with B1137 Main Road and its junction south of this with Plantation Road. A map showing this location and the predicted change in traffic flow is provided in figure C.4 of the Transport Assessment – Appendix C [APP-256]. The daily flow here is predicted to increase by 2% (100 vehicles per day).

As noted in the Applicant's response to RR-074-006 in the Applicant's Response to Relevant Representations – Rev 2 [REP1-002], there is predicted to be an increase in traffic on Hammonds Road of around 1 vehicle per minute (75 vehicles per hour in the AM peak, 56 vehicles per hour in the PM peak). This increase is due to traffic travelling between A12 junction 18 and Boreham and communities north of Boreham. Based on the Applicant's traffic model predictions, this increase in traffic then uses Plantation Road to join B1137 Main Road rather than Church Road. This increase in traffic on Hammonds Road therefore does increase traffic on the section of Church Road between Black Bridge and Plantation Road, but not the section of Church Road north of that.

As noted above the change in traffic is not significant, from an environment perspective there are no significant new or different environmental effects to result in a change to the protected lane and as such in planning terms it is considered that the protected lane character will not be affected.

REP4-070-009**Sub-Part**

REF 28

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

Applicant's Response

The Applicant has responded to previous queries about the changes in traffic flow in Boreham in chapter 4 of the technical note 'Explanation of Traffic Model Changes', which was provided as Appendix OFH1A in the Applicant's Response to Open Floor Hearing 2 - Rev 1 [REP1-012]. This included information on traffic flows on Plantation Road.

Additional information on the change of the increase in traffic on Plantation Road from +50% in September 2021 to 25% in January 2022 is provided in the Applicant's response to sub-part REP4-070-013.

REP4-070-010

Sub-Part

REF 34

a) BCS requested the Applicant to provide their estimate of the queues, in the first year of construction, on the B1137 between Junction 19 and Boreham Village. Will the Applicant please do so. b) The Applicant's statement that "BCS sought confirmation that there is no intention to link B1137 measures" does not reflect the question that was asked. BCS's question asked requested the Applicant "to confirm that it was not their intention to create a dedicated access lane, avoiding the General's Farm dumbbell, from the B1137 to the southbound A12". BCS await the Applicant's response. c) BCS await the Applicant's clarification regarding "Plate F-1.5; 2025 AM Peak with Construction Traffic- Average Queue Lengths". The Applicant infers that queueing on the A12 will not materially impact the B1137. This contradicts the Applicant's statements that congestion on the B1137 would influence motorists to use the A12. BCS agree and contend that the reverse must also be fact. BCS seek further advice from the Applicant regarding APP-259. BCS recognise the Applicants prediction that, without the proposed scheme, Junction 19 would be gridlocked in the am and pm peaks. BCS do not understand the Applicant's response regarding the queues predicted in the am and pm peaks for 2025, the peak year of construction. In particular, "Plate F-1.5; 2025 AM Peak with Construction Traffic- Average Queue Lengths", seems to illustrate queues on the A12, for the southbound off slip at Junction 19, stretching back from Junction 19 almost to the Waltham Road bridge. BCS request the Applicant to advise if this interpretation of Plate F-1.5 is correct. If so, BCS contend that queues of that magnitude will inevitably cause drivers: i) To divert off the A12 at Junction 21 and onto the B1137 for Junction 19. ii) Arriving on the B1019 at the Duke of Wellington junction in Hatfield Peverel to select the B1137 through Boreham as their route to the southbound A12. iii) To create more congestion and pollution for the residents of Hatfield Peverel and Boreham

Applicant's Response

a)
A detailed traffic modelling assessment of the performance of A12 junction 19 was undertaken and is presented in chapter F.1 of the Transport Assessment - Appendix F: Junction Modelling Technical Notes – A12 Junctions [APP-259]. The results of the

assessment during the construction period are shown in section F.1.6. This shows average queues of 8 metres on the B1137 during the AM peak hour, and 5 metres in the PM peak hour.

However, as noted in the Applicant's previous response to issue 34 in its Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012], this assessment is based on a traffic model where the junction layout is as per the Beaulieu Park junction developed by Mayer Brown Ltd (currently under construction). This layout is predicted to have high levels of congestion if the Applicant's proposed scheme is not built. Due to the high level of congestion in this modelled scenario, it is not possible to treat the detailed model results with certainty.

b)

The Applicant can confirm it is not proposing to create a dedicated access lane avoiding the General's Farm dumbbell from the B1137 to the southbound A12.

c)

As stated above, the assessment of the performance of junction 19 if the proposed scheme is not built (including the period during which the scheme is being constructed) predicts high levels of congestion. Due to the high level of congestion in this modelled scenario, it is not possible to treat the detailed model results with certainty.

However, the Applicant's predictions of which routes drivers will take for their journeys are not based on the detailed junction model from which this queue analysis is taken. Instead, they are based on a separate 'strategic traffic model'. In this strategic traffic model, drivers can re-route their journeys to try and avoid congestion. The traffic flow predictions presented by the Applicant throughout this application for development consent are based on that strategic traffic model. Although the strategic traffic model and detailed junction models usually predict similar levels of delays at junctions, this is not the case at junction 19 due to the uncertainty caused by the high levels of congestion described above.

The Applicant recognises that the response of drivers to congestion on the southbound approach to junction 19 could include those listed by the Interested Party, i.e. traffic travelling on the B1137 through Boreham to avoid congestion on the A12. The Applicant's modelling of the 'without scheme' scenario takes these potential responses into account. However, the traffic modelling predicts that if the proposed scheme is built then congestion on the A12 would be reduced, therefore reducing the need for traffic to use the B1137 to avoid A12 congestion.

REP4-070-011

Sub-Part

REF 35

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

Applicant's Response

Consultation forms a very important part of developing a major road project. It allows for the proposed scheme to be presented and for residents, businesses, landowners and other stakeholders to comment on the design.

The statutory consultation on the proposed scheme was undertaken while the proposals were still at a formative stage. The Applicant acknowledges that “public opinion” of those who responded to the consultation from Boreham did include many raising concerns about the published increase in traffic on Main Road.

As the consultation was taking place at a formative stage, the Applicant was able to consider those responses and proposed speed reductions on Main Road. This change had the effect of reducing the projected traffic. This proposed change was then published as part of the Supplementary Consultation. Responses to both the Statutory and Supplementary consultations and the Applicant's position on those responses can be found in Annex N of the Consultation Report [APP-062].

In light of further comments received in Relevant Representations, regarding the impact of closing the junctions on traffic volumes, a detailed technical note has been produced to assess the possibility of reinstating junction 20A. This can be found in the Junction 20A Southbound Merge Assessment of Alternatives Report in Appendix B of the Applicant's response to Relevant Representations submitted at Procedural Deadline A – PDA-004. The technical note found that the significant impacts on road user safety, natural and built environment, walking, cycling and horse riding connectivity, cost and carbon increases, construction and drainage challenges and increased land take required to construct a compliant junction outweighs the benefits arising from reduced traffic.

The Applicant has responded in writing to REP1-023, REP1-025 and REP1-026. The responses can be seen in REP2-030.

REP4-070-012

Sub-Part

REF 36

a) The Applicant fails to respond to the specific points BCS raised regarding safety including those set out in REP01 -023. The Applicant has stated many different safety concerns regarding the Junction 20a on-slip. BCS contend that none bear scrutiny. The Applicant will know from the often-quoted 2017 consultation exercise that most responses identified Junction 20b on-slip as dangerous with no significant concerns detailed regarding the Junction 20a on -slip. The Applicant initially claimed that the Junction 20a dangers were a short-stacking length and right-hand turns across the B1137. The Applicant no-longer attributes these dangers to Junction 20a on-slip; the dDCO admits the stacking length is acceptable and that oncoming traffic is light and there are good sight-lines from Junction 20a. The Applicant now seeks to attribute every nearby accident on both carriageways to the Junction 20a on-slip. This will not do; BCS requests that the Applicant reviews all the points previously made and produces detailed (if any) rebuttals. b) It seems that BCS may have not been clear regarding HGV journeys between Boreham and Hatfield Peverel. BCS hope that the following will resolve their position and, if so, await a response from the Applicant. BCS's views are: i) The appropriate route for HGV's on the A12 and approaching Junction 19, whose next destination is in Hatfield Peverel, Maldon or Witham, is the A12 via Junction 21. ii) The appropriate route for HGV's on the B1137, whose next destination is in Hatfield Peverel, Maldon or Witham is the B1137. iii) The appropriate route for HGV's in Boreham whose next destination is west of Boreham, is the A12 via Junction 19. It was in this context that BCS described HGV's who rather than use Junction 19, would decide to travel east through Hatfield Peverel to Junction 21 to then reverse direction to travel west, as "lost". BCS apologise for their attempt to use levity to make their case. iv) BCS contend that the responses given by Mr Martin regarding the adoption of a 30mph speed limit on the alternative roundabout design would resolve the perceived safety issues. v) BCS do not grasp the meaning of the words "The Applicant produced a refined plan and the objections from Applicant was that with reducing size, lorries travelling from Boreham would not have enough room. They think that a lorry heading north from Boreham would be lost". The "lost" comment is dealt with in d) above. BCS request the Applicant to clarify the use of "Applicant" in the context of a point that they believe to have been made by BCS.

Applicant's Response

- a. The Interested Party's points are answered in turn below.
- b.

There are several road safety issues with the existing junction 20A and/or its retention; the two points of greatest risk are:

- **The B1137 junction** where five personal injury collisions have occurred in the last five years, three of which resulted in serious injury. Three of the five collisions resulted in injury to cyclists. An uncontrolled junction 20A link (as would occur at a roundabout) would retain this cyclist injury problem.
- **The merge point with A12 mainline.** At present this is a lane-gain where the two lane westbound carriageway through Hatfield Peveral is widened to three lanes between junction 20A and junction 19. This means drivers do not have to merge immediately at the junction but have the whole distance to junction 19 to change lanes if remaining on the A12 towards London. Once the A12 is widened to three lanes, retaining junction 20A would require a short simple merge connection because of the constraints in that area. This increases the likelihood of collisions, and the likely severity of injury when a collision occurs compared to the current junction form. This is both more hazardous, and a more stressful junction for drivers to use.

The Applicant has appraised the design presented by BCS, and whilst compliant taper lengths and nose lengths in accordance with the Design Manual for Roads and Bridges appear possible, there is not space for a compliant length of "near straight" as mandated by the Design Manual for Roads and Bridges to allow vehicles to achieve speeds appropriate for the A12. This is mitigated today by the fact that vehicles do not need to merge with fast moving A12 traffic, and join the A12 by their own lane. The design proposed by BCS would require a rapid merge with fast-moving traffic on an unlit slip road, which makes judgement of other vehicles speed and position more difficult. The lack of a near-straight component at the merge can add to the difficulty judging speed and position of other vehicles which are not parallel. The manoeuvre presents the greatest difficulty to older drivers who typically have more difficulty turning their head back to check the blind spot, and are also the people most likely to sustain severe injuries should a collision occur.

It is not the case that all collisions are attributed to junction 20A, but some significant issues are identified, see above.

<p>c. The issues raised are responded to in turn below:</p> <ul style="list-style-type: none"> i) For traffic on the A12, the outline signing strategy shows Witham, Maldon and Hatfield Peverel signed from J21 as the interested party suggests. Essex County Council have been consulted and not expressed any concerns about signing proposals. ii) For HGVs already on B1137 – these vehicles would be directed at the next junction to the most appropriate route iii) The Applicant is unsure what locations the Interested party is referring to here regarding HGV routeing. The main destination west of Boreham is Chelmsford, which is reached from junction 19 as at present. Further response on HGVs travelling east on the B1137 is provided in response to item v) below. iv) The area of the junction 20A connection is remote from frontage properties and does not meet the criteria to make it suitable for a 30mph limit without significant traffic calming features in advance of a potential roundabout. v) The Applicant wishes to clarify that the issue raised under issue 36 of the Applicant's written submission of oral case for Issue Specific Hearing 1 [REP3-012] should read "BCS produced a refined plan and the objections from the Applicant was that with reducing size, lorries travelling from Boreham would not have enough room. BCS thinks that a lorry heading north from Boreham would be lost." This comment was made in relation to the Applicant's swept path analysis of the refined proposal BCS presented, which indicated that two HGVs could not pass each other on the southern arm of the roundabout. Whilst a high volume of HGVs is not expected to travel north through the roundabout from Boreham to Hatfield Peverel, this movement was not solely about HGVs wishing to join the southbound carriageway of the A12 via the assessed J20A, rather all HGVs approaching the roundabout from the south including the movement from Boreham to Maldon, as an example, and as such cannot be ignored in the assessment of the roundabout
<p>REP4-070-013</p>
<p>Sub-Part</p>
<p>REF 37 a) The Applicant states "In relation to the Duke of Wellington roundabout, saving a minute. It will be difficult to keep the 40mph restriction through Boreham.". BCS appreciate that it can be difficult to summarise issues. Nevertheless, this statement fails on every count; it does not summarise the issue nor correctly reflect the sense of the statement made by BCS. The issues</p>

around the data / assumptions used by the Applicant's model to predict the split of traffic at the Duke of Wellington junction in Hatfield Peverel are crucial for the villages of Hatfield Peverel and Boreham and the mitigation necessary on the B1137. b) BCS categorically did not state that "it will be difficult to keep the 40mph restriction through Boreham". BCS have advocated a 30mph speed limit through Boreham from the start of the consultation processes in 2021. Accordingly, BCS welcomed the proposal to introduce a 30mph limit. The Applicant seems to have forgotten its agreement to a 30mph limit. c) The point made by BCS in relation to the 40mph referred to the dangers of introducing, without enforcement by Average Speed Cameras, a 40mph limit on a largely straight road, constructed to "A" class standards, through open countryside and between the villages of Hatfield Peverel and Boreham. d) Plantation Road: The Applicant refers to REP1-009 in which the Applicant admits that the predicted traffic flow was not published in 2021 statutory consultation period. BCS has a simple question – Why not? BCS contend that other than through questioning from BCS this data would never have been published. Given that the initial prediction, to BCS in September 2021 was for a 50% increase, this is clearly material data. The Applicant compounded their mistake by also omitting the Plantation Road data from the documentation in respect of the supplementary consultation of November 2021. e) The Applicant refers to REP1-009 as its response to the variation in the Plantation Road predictions. REP1-009 deals with the reduction from a 25% increase to a 17% increase. The Applicant knows from numerous communications that BCS seek an explanation of the reduction from the September 2021 prediction of plus 50% to the January 2022 prediction of a plus 25% increase. Could the Applicant please provide this and answer the question – why was this material data withheld?

Applicant's Response

The Applicant accepts that the text provided in the "Questions / Issues Raised at ISH1" section for comment, reference 37, does not accurately reflect the sense of the statement made by Boreham Conservation Society. However, the Applicant considers that the issues raised in Boreham Conservation Society's statement at the Open Floor Hearing have since been responded to in subsequent responses.

The Applicant confirms that its proposals include a 30mph speed limit through Boreham village, and welcomes Boreham Parish Council's support for these proposals.

Regarding the comments on the danger of introducing 40mph speed limit between Hatfield Peverel and Boreham without enforcement by Average Speed Cameras, the Applicant would refer to its comments in the Applicant's Response to ISH3 [Applicant Ref: TR010060/EXAM/9.53] submitted at Deadline 5, item 3.1.

Regarding the provision of traffic data for Plantation Road, as stated in the REP1-009 this data was not presented in the Statutory Consultation. At that consultation traffic data was presented for a selection of roads that would be affected by the scheme, not a list of every road affected. In Boreham, the traffic increase on the B1137 Main Road was presented. Traffic data for Plantation Road was subsequently provided when requested by stakeholders. Updated traffic data for Plantation Road was presented as part of the Transport Assessment – Appendix C [APP-256], in section C.4 (“traffic flows for additional points requested during consultation”).

REP4-070-014

Sub-Part

REF 38 a) The Applicant's summary that "BSC suggested that accepting the alternative plan would be preferable than facing the criticism." Is simply not true and has the effect of trivialising BCS's counterproposals. BCS refer the Applicant to the submissions from Mr Martin and to REF 4 above. b) The Applicant refers again to the "A12 Junction 20a Southbound Merge Assessment of Alternatives, contained within 9.3 Applicant's Response to Relevant Representations - Rev 2 [REP1-002]." BCS refer the Applicant to REP1 – 023, REP1-025, REP1-026 and REF 4 and REF 5 above. c) BCS contend that the Applicant's attempt at designing a suitable roundabout solution for Junction 20a as submitted by them in The A12 Junction 20A Southbound Merge Assessment of Alternatives (Document 9.3) is overdesigned to comply with the wrong speed limit. The Applicant's stance is that as the B1137 currently has a 60mph then any new design must comply with that limit and so the Applicant's design has an extreme effect on Crix House and its environs. Whereas the design submitted by BCS member Charles Martin recognises the proposed reduction in speed limit to 40 mph. Thereafter, there will be a 30mph on the approach to Hatfield Peverel. BCS contend that their proposed roundabout design is the best and most appropriate design of highway infrastructure to achieve the transition from 40mph to 30mph and that this clear change of layout would produce the desired speed reductions. The Applicant advised BCS at a recent informal virtual meeting that they would not be producing a detailed design reflecting the design submitted by BCS. BCS do not believe that the Applicant should be allowed to avoid a detailed comparison of the merits of the submitted dDCO versus the alternative BCS proposal. Without such a comparison the ExA cannot weigh up the pros and cons of each design and BCS request that the ExA insist that the Applicant produce a detailed design for accurate comparison. BCS are confident in the merits of their scheme; it seems that the Applicant is not confident that its design will stand scrutiny and comparison. This decision directly impacts the quality of life for thousands of residents in Hatfield Peverel and Boreham. The dDCO proposes a £1.3bn expenditure and the Applicant was made aware of the BCS design in February 2022; the Applicant must not be allowed to continue to prevaricate until the clock runs out. d) At the virtual meeting referred to above, the Applicant's staff were completely transparent and advised BCS and other Interested Parties that they would not carry out any further design work on any alternatives for Junction 20a and would proceed with the dDCO as submitted. BCS find this an extraordinarily unhelpful stance that strengthens the belief that the actual reason behind the Applicant's stance is the impact on cost and time budgets should the BCS plan be adopted. BCS, which is a voluntary organisation funded by subscriptions, has spent a considerable amount of time on supplying an alternative design for the ExA to consider only to be advised that it would not be investigated properly. BCS respectfully request that the ExA instruct the Applicant to produce a realistic design that will stand up

to proper scrutiny. So far in Document 9.27 the ExA has asked the Applicant to “outline their approach to junctions 20a and 20b”. The Applicant, in response, has listed out the high-level reasons favouring all movement junctions as opposed to part movement junctions, an irrelevant response. They have not mentioned any alternatives for junction 20a, have not fully answered the ExA’s question and should now be instructed to do so.

REF 41 The Applicant refers to the “ A12 Junction 20a Southbound Merge Assessment of Alternatives, contained within 9.3 Applicant's Response to Relevant Representations - Rev 2 [REP1-002].” BCS refers the Applicant to REF 4 and REF 5 above.

Applicant’s Response

The Applicant notes the Interested Party’s comments and provides the following response to each of the points raised following the referencing used by the Interested Party.

REF 38

- a. The Applicant has considered and responded to the points raised by the Interested Party throughout the examination process. Criticism or indeed support from stakeholders is of course a factor that is considered in the decision making process, as is demonstrated in the Junction 20A Southbound Merge Assessment of Alternatives technical note [Appendix B, REP1-002]. This technical note explored options to retain the southbound junction 20A on slip, with consideration given to road user safety, impacts on natural and built environment, walking, cycling and horse riding connectivity, stakeholder feedback, cost and carbon, and drainage and construction challenges. It was found that reinstating junction 20A would introduce significant impacts on the above factors and this would outweigh the benefits that might be realised by reinstating the junction.
- b. The Applicant has responded to the submission from Mr Martin in Appendix OFH2A of the Applicant’s Response to Open Floor Hearing 2 – Rev 1 [REP1-012], and provided a response to REF 4 in REP4-070-003.
- c. The Applicant has provided a response to REF 4 and REF 5 in REP4-070-003 and REP4-070-004 respectively.
- d. As explained in response to REF 4 in REP4-070-003, the Applicant maintains that whilst the design presented by Mr Martin and BCS may be geometrically possible with departures from standards, the alternative design presented by the Applicant in the Junction 20A Southbound Merge Assessment of Alternatives [Appendix B, REP1-002] is the minimum compliant geometry acceptable to reinstate the junction. The Applicant expressed to the Interested Party in the meeting on

the 6th March 2023 that the roundabout option presented in Junction 20A Southbound Merge Assessment of Alternatives [Appendix B, REP1-002] has been designed and assessed in detail in the technical note, and detailed design of the option presented by BCS to comply with the DMRB standards for approach and departure curves would result in the same footprint shown in the technical note. A smaller footprint was also assessed in the form of the signalised junction and both this and the roundabout option were discounted due to the significant impacts on road user safety, natural and built environment, cost, carbon and construction and drainage challenges. The Applicant maintains that viable geometry is one of many factors considered in the multi-disciplinary assessment and whilst the geometry proposed by the Interested Party might work with departures from standards, the Applicant cannot justify these departures when considering the negative impacts listed above. The design presented by Mr Martin and BCS has been assessed in the Appendix OFH2A Junction 20A Southbound Merge Alternative Roundabout Proposal Analysis in the Applicant's Response to Open Floor Hearing 2 [REP1-012]. The Applicant therefore strongly disagrees that the Interested Party's proposals have not been considered and the Applicant does not see the need to undertake a second analysis of this design.

- e. The Applicant welcomes the acknowledgement from the Interested Party that the meeting on the 6th March 2023 was a transparent conversation about the project's position. As previously mentioned in this response, the Applicant has assessed the alternative design presented by BCS in Appendix OFH2A of the Applicant's Response to Open Floor Hearing 2 – Rev 1 [REP1-012]. The Applicant has also outlined their approach to the closure of junction 20A and 20B and assessment of alternative options in numerous responses to Relevant Representations [REP1-002], in the Junction 20A Southbound Merge Assessment of Alternatives technical note [Appendix B, REP1-002] and in response to the ExA's question at Issue Specific Hearing 1 [REP3-012].

<h2>Climate Emergency Planning and Policy</h2>	<p>REP4-073-001</p>
<h3>Sub-Part</h3>	
<p>1 INTRODUCTION</p> <p>1.1 Deadline 4 (D4)</p> <p>1 This is a placeholder submission which respectfully requests to the ExA that further material and submissions from me is deferred until a future deadline.</p> <p>2 The reason for the deferral request is that on March 31st 2023, the Government published its revised Net Zero Strategy – a release of nearly 3000 pages of material under the overarching title “Powering Up Britain” (PUB). I require further time to analyse the policy changes and revised carbon targets for the transport sector in the released documentation. This will enable me to integrate my response to REP2-032 and REP3-090 from the Applicant with consideration of the new policy material.</p>	
<h3>Applicant's Response</h3>	
<p>While it is noted that ‘Powering Up Britain – The Net Zero Growth Plan’ was published on 30 March 2023, this document does not set “revised carbon targets for the transport sector”. Instead, this plan sets out proposed plans and policies to meet the ‘indicative delivery pathways’ defined in the Net Zero Strategy: Build Back Greener published in 2021, which are based on estimated emissions reductions by sector (including transport). Furthermore, while the Net Zero Growth Plan sets out proposed plans and policies to deliver net zero by 2050, the publication of the plan does not alter the planning policy relevant to the proposed scheme (i.e., the National Networks National Policy Statement).</p> <p>The Applicant will respond to any further submissions of the Interested Party if they are accepted into the Examination.</p>	

Essex County Council

REP4-075-001

Sub-Part**2. Speed Limit Review**

In our REP3-035 submission [summary of oral representations made at hearings on 28 February and 1 March], we stated in Appendix C that ECC has or may have concerns with some of the changes to speed limits that National Highways are proposing to make to local roads, for which ECC is the highway authority.

The council is continuing to review the proposed speed limit changes. However, based on the available evidence, many of the proposed speed limits are lower than we would expect and do not comply with the council's Speed Management Strategy (SMS), or the Department for Transport's guidance Circular 01/2013 (Setting local speed limits).

As noted previously, the key principle of the SMS is to ensure that the speed for any road is in keeping with its environment. This is in line with paragraph 29 of Circular 01/2013 which states that a principal aim in determining appropriate speed limits should be "to provide a consistent message between speed limit and what the road looks like, and for changes in speed limit to be reflective of changes in the road layout and characteristics". 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.

ECC's current concerns with the current approach, taking account of Circular 01/2013 as well as the SMS, can broadly be categorised as follows:

- New junctions being introduced on the A12 (junctions 21, 22 and 24), with much of the junction proposed to a speed limit of 40mph. The change in road layout does not objectively justify a 30mph drop in speed limit, and ECC is therefore concerned the

drivers are unlikely to accept and expect lower speed limits on newly constructed roads with no obvious hazards such as accesses, properties etc.

- Significant speed limit reductions on the two stretches of the A12 which are planned to be de-trunked, without substantial changes in the road layout or characteristics of the road.
- Changes to roads which are rural in nature, which are designed to DMRB standards and a 40mph speed limit. While rural in nature, with limited accesses/frontages, the roads will be designed to higher standards than the existing adjoining network but with lower speed limits.

Specific concerns are summarised in the table below.

Applicant's Response

The Applicant has proposed speed limit changes in accordance with the Council's Speed Management Strategy and the Department for Transport's guidance circular 01/2013 and maintains the position that the proposed speed limits are suitable for the conditions and expected traffic on these roads.

The Applicant welcomes the suggestion from ECC to discuss these matters in a workshop. This workshop took place on 5th May 2023. During this workshop the Applicant provided a narrative of the rationale behind speed limit proposals. The Applicant will consider ECC's concerns about the enforceability of some proposed speed limits and should any changes to the proposed speed limits arise from this workshop the Applicant will inform the ExA of the outcome.

REP4-075-002

Sub-Part

3. National Highway's comments on ECC's LIR National Highways submitted a detailed response to the council's Local Impact Report (LIR) [REP2-055] at Deadline 3 [REP3-022]. By exception the council wishes to raise several points on the response provided by National Highways that we would particularly like the Examining Authority to be aware of, as detailed in the table

below. For the avoidance of doubt, the council has taken the view that responding to all aspects of the National Highways response is neither appropriate nor helpful (not least given the shared Statement of Common Ground between NH and ECC) and the lack of comment on any aspect should not be taken to mean that ECC is in agreement with the Applicant on said aspect. As a general point, should National Highways not agree to the further changes ECC is seeking and the Examining Authority take the view that some of these changes are best dealt with via requirements secured by the DCO, the council would be happy to suggest proposed wording and work with National Highways in an effort to agree such requirements.

Applicant's Response

The Applicant notes the comments from Essex County Council and has provided a response to each of the items raised in the subsequent response sub-parts.

REP4-075-003

Sub-Part

The council is concerned about the repeated use of the phrase 'so far as feasible within the parameters of the consent'. We need to be certain about the implications of this.

Throughout the process, we have been concerned that amendments to the DCO scheme (to ensure that the proposed WCH facilities are in accordance with LTN1/20) might require more land than NH have allowed for within their red line boundary. Once the DCO is granted, any change to the WCH facilities that would have been possible with a slightly amended red line will no longer be possible. As a result, we consider it important to see drawings of anything that NH say they are working on, to ensure that it is possible 'within the parameters of the consent'.

It won't help to have an agreement in writing that NH will 'seek to improve' the WCH facilities 'so far as feasible within the parameters of the consent', if the DCO consent will not actually allow the facilities to be improved.

We have shown in our LIR that the preliminary design does not accord with LTN1/20 guidance in a number of important locations. NH have not provided the evidence to demonstrate that geometric or other constraints are, in fact, limiting the implementation of LTN1/20 in these locations; they have simply presented layouts that do not accord with LTN1/20 and stated that they will seek to improve these layouts in the detailed design stage. ECC has no guarantee that these WCH facilities will be improved in detailed design. ECC would add that NH has stated that it expects to make minor amendments to design (for example the minimum radii of the new overbridges) within Requirement 10 of the DCO. ECC has already noted at the ISH2 on 1 March 2023 on the draft DCO that as currently drafted, ECC has no rights of approval over any of the detailed design that affects the local highway network and is merely a consultee.

Applicant's Response

The Applicant submitted updated Streets, Rights of Way and Access plans at Deadline 4 to include limits of deviation (LoD) for the walking, cycling and horse-riding facilities [REP4-003 and REP4-004]. The purpose of including the LoD on these plans is to clearly indicate that the flexibility that exists for the Works Plans, i.e., constructing the works within the LoD (in accordance with the Order), also exists for the ultimate location of the WCH routes proposed by the A12 scheme. Where the Applicant is seeking to implement requests from Essex County Council, such as the 5m external radius for bridge approaches, the revised LoD demonstrates that this can be achieved within the Order Limits and it accords with the preliminary design.

LTN1/20 is hierarchical guidance, and the Applicant recognises the need to strike a balance between the attractiveness of bridges to cyclists regarding their alignment, and the visual intrusion that these bridges may cause. The Applicant maintains the preliminary design accords with the minimum standards contained within this guidance and acknowledges that there is potential to meet higher standards contained within LTN1/20 within the limits of deviation already contained in the order.

The Applicant has submitted a Letter of Intent to ECC regarding improvements to proposed walking, cycling and horse-riding bridges that have developed during detailed design [AS-060].

These matters are currently in discussion with ECC, and the Applicant has proposed that these refinements are secured by way of a new requirement 14 within Schedule 2 of the Draft DCO which has been submitted at Deadline 5. The Applicant anticipates that describing these changes by way of a new requirement in consultation with ECC will satisfy the above request.

REP4-075-004

Sub-Part

The council welcomes the ongoing discussions with NH regarding additional intervention measures for Main Road. However, NH have shown an unwillingness to consider providing average speed cameras. ECC (together with other stakeholders including Essex Police) considers average speed cameras to be the key element of the package of measures necessary to ensure better adherence to the proposed speed limit reductions. The road narrowings will be important visual reminders, but they are unlikely to bring about a consistent reduction in speed along the whole length of Main Road. This is why the average speed cameras are so important. All the measures proposed by ECC should be included in the DCO scheme. As per the comment above, ECC considers average speed cameras to be the key element of the package of measures necessary to ensure better adherence to the proposed speed limit reductions on the B1137. This is especially so between Boreham village and Hatfield Peverel. Average speed cameras should be included in the DCO scheme.

Applicant's Response

The Applicant maintains the position that the current recorded speed levels are relatively low (typical for a 30mph limit despite the existing 40mph limit) and expects there to be additional benefit resulting from the proposed speed limit reduction (40mph reduced to 30mph).

Therefore, the scheme does not adversely affect speeds in Boreham. That said, acknowledging the concerns expressed by Interested Parties during Issue Specific Hearings, written submissions and further engagement, the Applicant understands that reaffirming the speed limits through additional measures could provide an enhancement. As such, the Applicant within the new requirement 15 of the Draft DCO [Applicant Reference TR010060/APP/3.1 rev 5] has committed to the installation of speed cameras, road safety posters and a new controlled pedestrian crossing on the B1137.

REP4-075-005

Sub-Part

ECC has noted at the ISH1 on 28 February 2023 that we understood that the design of junction 21 will be amended to ensure it is compatible with future plans, that we are keen to ensure that these amendments are appropriately secured and to that end are in discussion with National Highways on this matter. The Applicant's position as set out in REP3-022 is therefore disappointing, and we will raise this with the Applicant to better understand what works to the slip road arrangements are planned. If need be we will suggest a new Requirement that could potentially be added to the DCO as a means of ensuring the junction is compatible with other plans.

Applicant's Response

The Applicant notes the comments from the Interested Party.

As confirmed in correspondence to the Interested Party on 21 February and 13 March 2023, the proposed scheme can provide a two-lane exit from both the junction 21 northern roundabout to the A12 northbound slip road and from the junction 21 southern roundabout to the A12 southbound slip road to minimise later works to the A12 slip roads at junction 21 should a Maldon Link Road come forward. The Letter of Intent to ECC on 24 April 2023 should be considered the Applicant's commitment to delivering these features in its detailed design proposals.

The Applicant does not believe a requirement is necessary on this topic. However, due to the council's ongoing raising of this matter, the Applicant has provided a draft requirement Without Prejudice within the National Highways and Essex County Council – draft requirements matrix [TR010060/EXAM/9.59] if the Examining Authority is minded to recommend one.

REP4-075-006

Sub-Part

We would be content for Gershwin Boulevard overbridge to be relocated, if this better enables good access for users, as long as it ties in with existing networks (as detailed in Section 4 of this submission).

In order to accord with LTN1/20, Gershwin Boulevard overbridge (along with Little Braxted Lane, Snivellers Lane and Potts Green overbridges) should all be a minimum of 4m wide between parapets. In addition, their approach ramps should:

- be a minimum of 4m wide between parapets
- have a reduced number of foldbacks, where possible
- have minimum 5m external radii at turns (providing a 4m actual turning radii in one direction)
- have a maximum gradient of 5% (with 30m max length of gradient)

Applicant's Response

Where possible the Applicant has accommodated Essex County Council's requests as part of the detailed design whilst according with the preliminary design. As noted in the correspondence to Essex County Council on 24 April 2023, the Applicant has amended the design of Little Braxted, Snivellers Lane and Potts Green overbridges to include 5m external radii at the turns and the Applicant has proposed that these refinements are secured by way of a new requirement 14 within Schedule 2 of the Draft DCO which has been included as part of Deadline 5. The northern ramp of Little Braxted bridge has also been straightened to reduce the number of turns.

Due to the ongoing discussions regarding Gershwin Boulevard bridge, the design intent for this bridge has not been finalised, however the Applicant is not proposing to relocate Gershwin Boulevard bridge to the location proposed by the Interested Party. The location proposed by the Applicant for the bridge would connect the two sections of footpath 121_95 on either side of the A12, the eastern section of which links to Maldon Road. There would be a short on-road section (approximately 200m) of the route that connects to the ongoing Public Rights of Way network to the left of the entrance to Oliver's Nurseries in the vicinity of a number of premises and residences. The alternative location for the bridge being suggested by interested parties, west of the location proposed for the bridge by the Applicant, would ultimately connect to a section of Maldon Road remote from any built-up

area and no clear onward facility, and would not be considered by the Applicant to provide enhancement to the existing local public right of way network.

REP4-075-007

Sub-Part

National Highways' current plans to retain dual carriageways in these locations do not align with Essex County Council's placemaking agenda or wider Government policies, including the emerging updated National Policy Statement for National Networks (NPSNN) which places significantly greater emphasis on sustainability, net zero and improved environmental outcomes. ECC's assessment of the draft revised NPSNN with particular regard to de-trunking is included in Appendix A of this submission.

Forecast future traffic flows simply do not warrant dual carriageways and while it is proposed to introduce new lower speed limits on these sections, we and Essex Police strongly believe that retaining them in their current form would result in speed limit exceedances, anti-social driver behaviour and an increased risk of road traffic collisions, as has been seen elsewhere including at Copdock after this stretch of the A12 was de-trunked in the 1980s. Retention of the dual carriageways would also place an unnecessary, significant ongoing maintenance burden on the council.

In line with local and national priorities, ECC's alternative proposals would encourage sustainable travel, provide green infrastructure to help offset the carbon impacts of this and other schemes, and offer considerable placemaking, biodiversity, and wider environmental benefits. There are lots of precedents of similar transformations where roads have been detrunked in the past, and we don't see why that shouldn't be the case here.

As already set out, this is a key issue for ECC. National Highways has explained in response to recent correspondence on this issue (included for reference as Appendix B to this submission) that the scale of change proposed by the council cannot be easily accommodated as part of the scheme itself, that there are a number of technical complexities that would need to be worked through and that an assessment of environmental impacts and public consultation would be required. ECC does not dispute this and we acknowledge that the alternative proposals put forward require significant further work. That said, National Highways has

known about the council's concerns with their approach to de-trunking for many months and could have resolved to make changes to the scheme to address these concerns before submission of the DCO application; therefore the point about difficulties in making a change at this late stage of the examination process does not, in ECC's view, have merit.

Moreover, the council is not asking for all of this work to be completed now and for the change to be incorporated within the DCO should this be approved. Instead, as put forward by the council's Counsel at ISH2 on 1 March 2023 and detailed in REP3-035 (page 13), the council considers that a new requirement should be added to Schedule 2 of the DCO that provides for National Highways producing a de-trunking scheme for ECC's approval that National Highways should then be required to implement. This would give National Highways sufficient time to undertake the further work required, in consultation with stakeholders, and recognises that simply passing over de-trunked assets in a safe and serviceable state, seemingly without regard for the local context or future use of the road, is not appropriate nor in accordance with various policies including the NPSNN.

Applicant's Response

The Applicant notes the comments from the Interested Party regarding detrunking. The Applicant submitted a technical note at Deadline 4, A12 Technical Note on Detrunking Proposals [REP4-057], to explain the timeline of engagement with ECC regarding detrunking, and the detrunking proposals considered by the Applicant.

ECC's proposal to change the de-trunked section of the A12 to a single carriageway and convert the northbound carriageway to an active travel corridor was first presented to the Applicant after the DCO application had been submitted.

The Applicant has provided a written response to address the comments raised regarding de-trunking at Issue Specific Hearing 3. This can be found in response to comment reference 3.9, 3.10 and 3.11 in 9.53 Applicant's Written Response to Issue Specific Hearing 3.

REP4-075-008

Sub-Part

ECC as the local highway authority does not agree that Manual for Streets is the correct design standard for this roundabout, and despite several requests NH has not provided satisfactory detail on the optioneering that has been undertaken for this roundabout. The council is of the view that the roundabout has been designed to lower standards than would typically be expected in a location such as this because of the land-take constraints that exist in the vicinity of the proposed roundabout, namely residential uses to the immediate north and south. While the intent to minimise impacts on residential properties is understood, the implication is that a range of measures are in direct consequence required to help ensure that vehicles approach the roundabout at a safe and appropriate speed. As things stand National Highways has only agreed to some of the measures ECC considers are required (as set out in our LIR) and the council remains firmly of the view that further measures are necessary. Please also note Section 2 of this submission which relates to this issue.

Applicant's Response

The Applicant notes the Interested Party's comments and maintains the design intent for the Inworth Road roundabout as described in the Applicant's Written Submission of Oral Case for Issue Specific Hearing 1 reference 45 [REP3-012] and in the Applicant's comments on Essex County Council's Local Impact Report [REP3-021].

The Applicant maintains the reduced speed limit proposed between Inworth Hall and the Inworth Road roundabout is suitable for the environment and additional measures are not required to control speed in this area. However, the Applicant acknowledges the council's concerns and is open to meeting to discuss further measures to control speed between Inworth Hall and the Inworth Road roundabout as part of the detailed design.

REP4-075-009

Sub-Part

ECC remains of the view that Hinds Bridge should be widened so that it can accommodate two large vehicles passing in opposite directions. By 2042 there is predicted to be an increase in peak hour traffic and incidents are most likely to occur at these busier times.

We would challenge NH's comments on speed through Inworth Village. ECC's own records, based on a full year's data from Teletrac, show AM & PM peak period average speeds to be 35-40mph in both directions. 85th percentile speeds will be even higher.

Applicant's Response

Under the proposed scheme, Hinds Bridge will no longer be on the route for vehicles wishing to join the A12 from the south. As explained in the Applicant's response to ECC's Local Impact Report [REP3-021], while there is a forecast increase in traffic in the PM peak, the overall daily traffic over Hinds Bridge and the volume of heavy goods vehicles is predicted to be reduced by the proposed scheme. Swept path analysis of the bridge indicates that two cars can safely pass one another.

The Applicant maintains the position that the speed of existing traffic in this location is already in good compliance with the speed limit and there is no evidence that suggests additional traffic increases likely speed and/or risk associated with that speed. Further information is provided in 9.53 Applicant's Written Response to Issue Specific Hearing 3 reference 3.17.

REP4-075-010

Sub-Part

Marks Tey overbridge is one of two key 'gateway' overbridges on the A12 widening scheme (the other being Paynes Lane overbridge), where future growth in pedestrian and cycle usage is particularly likely if it can be encouraged sufficiently. As such, the importance of providing a segregated walking/cycling bridge should not be underestimated.

In order to ensure that both Marks Tey and Paynes Lane overbridges provide an attractive, pleasurable experience that will encourage future growth in active travel, they should be redesigned as segregated walking cycling bridges. As such, in order to fully accord with LTN1/20 guidance, the bridge decks should be 5.5m wide between parapets. In addition, the ramps should:

- be 5.5m wide between parapets
- have 4m minimum actual turning radii for cyclists in both directions
- have a maximum gradient of 5% (with 30m max length of gradient)
- have an absolute minimum number of foldbacks

Applicant's Response

As explained in the response to REP4-075-003, the Applicant has proposed that refinements to walking, cycling and horse-riding bridges are secured by way of a new requirement 14 within Schedule 2 of the Draft DCO which has been included as part of Deadline 5.

The Applicant has provided details of an updated 'flow' bridge alignment to the Interested Party in correspondence on 24 April 2023. This design provides a 4-metre internal radius on each of the curves and also on the single switchback, a maximum gradient of 5% with 30m maximum length of this gradient, and the minimum number of foldbacks within the constraints of London

Road and the A120 either side of the A12. The Applicant maintains that 4 metre width between parapets is sufficient for the expected shared use traffic on the bridge.

The Applicant has assessed the environmental effects of the changes to the layout and concluded that it does not give rise to new environmental effects. The Applicant has proposed that this refinement is secured by way of a new requirement 14 within Schedule 2 of the Draft DCO which has been submitted at Deadline 5.

REP4-075-011

Sub-Part

4. Comments on Deadline 3 submissions ECC would like to take the opportunity to comment on some of the Deadline 3 submissions made by other parties and the issues raised therein.

Gershwin bridge – mentioned in multiple submissions including REP3-011, REP3-038, REP3- 046 and REP3-080 The council has no issue in principle with the bridge being constructed further to the west as has been requested by some stakeholders. In fact, we consider that there could be a small overall network benefit insofar as it could provide a more direct route for cyclists. If the location of the bridge was to change to the alternative location suggested, it would directly connect two highways so we would respectfully ask that:

- The bridge be designed for use by cyclists.
- A suitable at-grade crossing of Gershwin Boulevard from the bridge to the footway be provided to facilitate safe access to the bridge.
- The footpath links to the southern section of footpath 95 (Witham), indicated by pink dots in the plan extract below. A footpath link is created on the southern side of the A12 between the bridge/Howbridge Hall Road and the southern section of footpath 95. It is expected that the northern section of footpath 95 would be extinguished as it would no longer be necessary due to the new alignment.

<p>Applicant's Response</p>
<p>As explained in response to REP4-075-006, the Applicant is not proposing to relocate Gershwin Boulevard bridge to the location proposed by the Interested Parties. The location proposed by the Applicant for the bridge would connect the two sections of footpath 121_95 on either side of the A12, the eastern section of which links to Maldon Road. There would be a short on-road section (approximately 200m) of the route that connects to the ongoing Public Rights of Way network to the left of the entrance to Oliver's Nurseries in the vicinity of a number of premises and residences. The suggested route west of the bridge would ultimately connect to a section of Maldon Road remote from any built-up area and no clear onward facility and would not be considered by the Applicant to provide enhancement to the existing local public right of way network.</p>
<p>REP4-075-012</p>
<p>Sub-Part</p>
<p>Coleman's Cottage Fishery – mentioned in REP2-094 and REP3-079</p> <p>The council has no objection to the path moving to the south side of the fishing lakes (not inside the red line boundary), but it should not be moved closer to the A12 as this would not create a pleasant environment for users of this path.</p> <p>We understand an alternative suggestion is to create a path south instead, linking footpath 103 with footpath 121, a route that would follow alongside the A12 within the red line boundary (indicated by pink dots in the plan extract below). This would be our preferred outcome. We would be happy for these paths to follow vehicle access tracks / maintenance tracks once the build is complete.</p>
<p>Applicant's Response</p>
<p>The Applicant has responded to Colemans Fishery and to the Examining Authority on this matter most recently at deadline 4[REP4-056 and REP4-055 respectively].</p>

The response to EXQ2 states

'The Applicant will consider the following during the ongoing detailed design of the scheme:

- 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'.

The Applicant is currently consulting on a number of non-material amendments, which includes a new Replacement Land strategy. Once the consultation has closed, in lieu of any warranted objection, the Applicant will submit an application to bring in these proposed changes. Should the proposed change to Replacement Land for the benefit of Witham Town Council be accepted into the application by the ExA, then the plot 9/1h would no longer be dedicated as open space.

The Applicant's response to REP2-030-004, in Deadline 3 Submission - Applicant's Comments on Written Representations [REP3-009], refers to 'a series of interventions that could enable future opportunities, by others, outside of the DCO which cannot be realised at this time'. One of these interventions may have been to create a permissive path over land to be retained by National Highways (and also co-incident to the Private Means of Access (PMA) that would have been for the benefit of Witham Town Council) to link parcels 9/1a and 9/1h (from north of Whetmead to South of Colemans Fishery. As the PMA would no longer be needed, nor 9/1h be replacement land, the opportunity outside of the DCO to link the Whetmead Nature Reserve to the rights of way over Little Braxted Bridge is reduced. However, land would remain within the Order Limits over which a future Permissive Path or public footpath could be created.

The Applicant is aware of concerns by Witham Town Council and others relating to existing anti-social behaviour, particularly unauthorised use of trails bikes in the area. Creating a footpath from the Whetmead towards the fishery may have the unintended consequence of providing a simpler route for the unauthorised use of land on trail bikes, and bring the anti-social behaviour

towards the fishery. Due to these concerns, the Applicant maintains that the proposed public right of way indicated on the Streets, Rights of Way and Access Plans [REP4-004] is the most reasonable alternative route for the extinguished right of way.

REP4-075-013

Sub-Part

Messing and Inworth Action Group – Comments on ECC LIR and Essex Highways Inworth, Messing and Tiptree technical note [REP3-058]

The council notes the points raised by the Messing and Inworth Action Group (MIAG) within the above submission [REP3-058] including concerns regarding the council's LIR [REP2-055] and the approach taken to junction 24.

ECC does not agree with some of the points made in the submission and considers that it includes some inaccuracies. For example, Essex Highways (EH) is a long-term delivery partnership created in 2012 that comprises both ECC and Ringway Jacobs staff; to all intents and purposes EH is part of ECC and it is not correct to infer that ECC has taken no note of EH observations. The council notes that the submission requests information and/or views from ECC, and we are happy to respond to specific requests if the Examining Authority would find it useful.

A key concern raised is that ECC has not adequately considered the 'main alternative' for junction 24, which MIAG consider will reduce the impacts of junction 24 on the communities of Inworth and Messing through the provision of a new bypass to discourage traffic from routing via Inworth and Messing to the junction. Several variants of the bypass have been considered by NH in their 'Junction 24, Inworth Road and Community Bypass Technical Note' [APP-095], all of which provide a direct new highway link between the southern dumbbell roundabout of the junction and Inworth Road south of its junction with Windmill Hill. Option DS4 represented the 'main alternative', as it also included a link from the northern dumbbell roundabout to Inworth Road, north of the A12.

The council did not include reference to the bypass within our LIR on the basis that this is not proposed by NH; our LIR is based on the scheme put forward by NH and the changes that we think are required to this. The council has nonetheless considered the case for and against the bypass, and acknowledges the positive impact a bypass could have on reducing traffic flows through Inworth and Messing. Aside from the additional cost, land-take and environmental issues, based on the information available the council has however reached the conclusion that the disbenefits in traffic terms to the network in Tiptree and Kelvedon would outweigh the benefits seen elsewhere. The council consequently considers that the preferred approach is to ensure additional mitigation is provided to minimise the impacts on local communities, as set out in our LIR and submissions made to the examination hitherto.

Applicant's Response

The Applicant welcomes the Interested Party's assessment of the Main Alternative and agrees with the outcome that the disbenefits to the traffic network in Tiptree and Kelvedon outweigh the benefits of seen elsewhere.

The Applicant has considered the mitigation measures proposed by Essex County Council and has provided a response to the technical note submitted at Deadline 3 in the Applicant's Comments on Information Received at Deadline 3 REP3-033-001 [REP4-056] and the ExA's question 2.17.1 in the Applicant's Comments on Responses to ExQ2 [REP-055]. Further to this, the Applicant has addressed this issue at Issue Specific Hearing 3 of which a written response can be found in 9.53 Applicant's Written Response to Issue Specific Hearing 3 reference 3.17.

REP4-075-014

Sub-Part

Appendix A – ECC observations on draft revised NPSNN The Department for Transport published the draft revised National Policy Statement for National Networks (NPSNN) for consultation on 14 March 2023. The consultation closes on 6 June 2023. Within our Local Impact Report [REP2-055] the council stated that the current NPSNN, published in 2014, is deemed outdated in some areas. We understand it has been due an update for some time and together with many other bodies welcome the consultation. While the current NPSNN makes clear that mitigation measures for schemes should be proportionate and reasonable and focused on promoting sustainable development, which in the council's views is for this scheme of direct relevance

to de-trunking, the proposed update has a greater focus on sustainability, net zero and supporting improved environmental outcomes through the development of national networks. More specifically, the proposed update notes in paragraph 3.1.7 that “Any national network NSIP should seek to improve and enhance the environment irrespective of the reasons of developing the scheme” and adds that “there may be instances where infrastructure interventions are required to bring about improvements to environmental outcomes”. The council’s view is that the revised draft NPSNN provides a clear direction of travel for national network NSIPs, that it supports the council’s alternative proposals for de-trunking on this scheme and that as a draft of the revised document is current undergoing consultation this is a material consideration in respect of this scheme and should be given appropriate weight by the Examining Authority. Specific ECC observations on the draft revised NPSNN, with a focus on the implications for de-trunking, are set out below.

Applicant’s Response

Supplementary to 7.1 Appendix A: National Networks National Policy Statement Accordance Table [APP-250], the Applicant has produced Appendix G: Draft National Networks National Policy Statement (NNNPS) Accordance Table [REP4-062] as a result of the draft NNNPS being released for consultation in March 2023. This table details the proposed schemes compliance with relevant draft NNNPS policies.

The Applicant notes the Interested Party’s observations on the draft National Networks National Policy Statement (NNNPS) policies and directs the Interested Party to Appendix G: Draft National Networks National Policy Statement (NNNPS) Accordance Table [REP4-062] where relevant policies have been assessed.

The Applicant notes the Interested Party’s reference to infrastructure interventions that are required to bring about improvements to environment outcomes in relation to the Interested Party de-trunking proposal. The Applicant’s position on the Interested Party’s detrunking proposal is that it would be likely to result in new significant effects that have not been assessed in the Environmental assessment accompanying the application. Furthermore, the Applicant’s proposal to reuse rather than replace exiting road and its associated infrastructure is more sustainable (less materials, imbedded and released carbon), which in line with the Applicant’s proposal for landscape and habitat creation along the scheme will deliver improvements to the current environmental outcomes.

<p>As the proposed scheme was accepted for examination before the publication of the 2023 replacement draft NNNPS, the 2014 NNNPS will remain in force in its entirety and have affect as per paragraphs 1.16 of the draft NNNPS. It is noted by the Applicant that the draft NNNPS is potentially capable of being an important and relevant consideration in the decision-making process, but its materiality is currently limited due to it still being at the consultation draft stage.</p>
<p>REP4-075-015</p>
<p>Sub-Part</p>
<p>Appendix B – Recent correspondence between ECC and NH on de-trunking ECC together with Braintree District Council and Colchester City Council wrote to National Highways on 21 March 2023 concerning the proposed approach to de-trunking. ECC considers that this letter and National Highways' response dated 28 March 2023 is of relevance to the examination and both are included herewith.</p>
<p>Applicant's Response</p>
<p>The Applicant acknowledges the submission of the correspondence between National Highways and Essex County Council regarding de-trunking proposals and agree that this is relevant to submit to the examination. The Applicant thanks the Interested Party for bringing this to the Examiner's attention.</p>

Maldon District Council	REP4-077-001
Sub-Part	
<p>Dear Sirs, RE: 20033123 - PROCEDURAL DEADLINE 4 SUBMISSIONS I write on behalf of Maldon District Council with regards to the Deadline 4 and its request for the above. The authority submits the following appendices as responses to the deadline; submitted as separate Appendices to assist with uploading to the online portal: • Appendix A - ExQ2 • Appendix B -Additional Comments</p> <p>The Council trusts this information is to your satisfaction. Yours sincerely,</p> <p>Paul Dodson Director of Strategy, Performance & Governance</p>	
Applicant's Response	
<p>The Applicant notes the Interested Party's comments.</p> <p>The Applicant has responded to the submitted Appendices in the following documents;</p> <ul style="list-style-type: none">• Appendix A – ExQ2: section 2.3.1, 2.11.7 and 2.17.2 of Deadline 5 submission - Applicant's Comments on Others' Responses to ExQ2 [Applicant Reference TR010060/EXAM/9.52]• Appendix B – Additional Comments: section REP4-077-002 of this document	

REP4-077-002

Sub-Part

Appendix B Additional Comments

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

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

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

Applicant's Response

The Applicant stands by its statement to the above concerns held by MDC included on Page 61 (ref. 70) of the Deadline 3 submission - Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012] and in response to points 6.2.11 and 6.2.12 in the Applicant's Comments on Maldon District Council's Local Impact Report [REP3-018]. The Applicant does not

disregard the traffic on any part of the network. It follows the application of objective scoping criteria prescribed in Section 2 of the DMRB LA 105, which provides a UK-wide framework for assessing, mitigating and reporting the effects of all-purpose trunk road projects on air quality, including by determining whether the impacts of a project on human health or designated habitats can trigger a significant air quality effect. Where potential impacts arise but do not meet the scoping criteria in DMRB LA105 they are not impacts that would give rise to likely significant effects and so are not the subject of further assessment. This ensures a proportionate approach. The Applicant would be criticised for not following this methodology

The Applicant acknowledges recommendations by MDC to factor in air quality monitoring in the Danbury and Maldon AQMAs. However, there is no justification to do so or provide mechanisms to support mitigation given the outcomes of the air quality assessment as reported in the Environmental Statement Chapter 6: Air quality [APP-073]. The Applicant would point Maldon District Council to Figure 6.1 Air Quality Assessment Area Sheet 1 of 1 [APP-205] which shows the extent of the Affected Road Network (ARN) or roads that trigger the DMRB LA 105 traffic screening criteria and are likely therefore to be subject to a change in air quality owing to the proposed scheme. The traffic on roads within the Danbury and Maldon AQMAs did not trigger the DMRB criteria and so were not included in the assessment of air quality impacts.

The Applicant notes that air quality monitoring is currently ongoing by the relevant LPA within the Danbury and Maldon AQMAs.

The Applicant reinforces the statement on Page 61 (ref 70) of the Deadline 3 submission - Written Submission of Oral Case for Issue Specific Hearing 1 [REP3-012] that the impact, if any, would be temporary and would not significantly affect air quality. Junction 20b would be operational until it is connected to the new junction 21 in quarter four of 2025 over a weekend closure and junction 20a would be operational until quarter 1 2026, when the new junction 21 would be complete in all directions.

Cllr Paul Thorogood

REP4-081-001

Sub-Part

Submission ID: 15736

Cllr Katherine Evans, of Feering Parish Council, brought to my attention the ECC representations made by Michael Humphries KC that "A plan for the monitoring and management of wider impacts on the local highway network" should be included in this A12 DCO [see REP3-035 page 13 etc].

I support Feering Parish Council's formal request that ECC include the following locations in the Feering and Kelvedon Ward for inclusion in the post-operational monitoring programme that ECC are seeking to get included in the Development Consent Order:

1. Inworth Road north, including Hinds Bridge; 2. Gore Pit Corner junction (Inworth Road/London Road/Feering Hill) 3. New Lane, Feering as the Network Rail representation has alerted us to the fact that around 20-50 additional vehicles per day are forecast to use New Lane and its railway overbridge [see REP2-092-006] 4. Coggeshall Road, Feering 5. Coggeshall Road / Station Road, Kelvedon AND also 6. Station Road / Swan Street / Kelvedon High Street junction

The locations and forecasts are National Highways documents:

APP-256: 7.2 Transport Assessment Appendix C Traffic Flow Diagrams Communities & A12 mainline ~~â€¢~~ REP1-009 National Highways response to OFH1 - Technical note on Traffic appendix

Feering Parish Council is concerned about the forecasting which has been undertaken by National Highways on the local roads, particularly as another 835 homes are due to be built in the village before 2033, being the majority of the 1000 homes in the

adopted BDC Local Plan Policy LPP21 Strategic Growth Location - Land at Feering. It has been stated that these homes and the up to 4ha of employment generating uses (LPP 2) cannot be included in the modelling due to there being no planning consent in place. If the monitoring shows that traffic volumes on local roads are higher than forecast then National Highways will be required to contribute towards alleviation schemes.

Applicant's Response

The Applicant's traffic model has been developed in line with national traffic modelling guidance set out in the Department for Transport's Transport Analysis Guidance (TAG). This guidance is in place to ensure consistency of traffic modelling assumptions for transport schemes across the country. The Applicant's traffic model follows this guidance and provides the required level of certainty needed to assess the proposed scheme, inform the design decisions taken and ensure that those decisions and the effects of the scheme are robustly assessed. Further information on the robustness of the traffic modelling is provided in the Applicant's Response to ExQ2 – Rev 2 [REP4-055], section 2.17.3.

Regarding the developments being considered in the Applicant's traffic model forecasts, these forecasts were developed in accordance with TAG Unit M4. Only developments classified as 'Near Certain' or 'More than Likely' (i.e., those with planning applications) were included within the forecasts. As described in the response to RR-004-009 within the Applicant's Response to Relevant Representations - Rev 2 [REP1-002], the traffic model includes the first phase of development at the Feering strategic growth location, containing 162 dwellings. 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. Any future developments coming forward would deal with potential requirements to mitigate their own impact on local traffic as part of the planning process for those developments.

With regard to the monitoring of traffic flows after the proposed scheme would be open, such monitoring would be undertaken as a part of National Highways' standard post-opening evaluation process. Nevertheless, to provide additional assurance to Essex County Council and others, we have included within the revised Draft DCO a new Requirement 17 which will provide traffic monitoring at the following locations:

1. B1137 Main Road, Boreham
2. The Street/Maldon Road (Duke of Wellington) junction, Hatfield Peverel;
3. Little Braxted Lane, Little Braxted;
4. Braxted Road/Braxted Park Road;
5. B1023 Kelvedon Road, Inworth;
6. Kelvedon Road, Messing; and
7. B1023 Church Road, Tiptree

The locations outlined above fully accord with the request provided by Essex County Council in paragraph 8.2.36 of its Local Impact Report and as such the Applicant is not proposing additional locations but will continue to liaise with the county council on this matter.

With regard to the Applicant contributing to alleviation schemes if traffic volumes are higher than expected, as confirmed in section 3.20 of the Applicant's Written Response to ISH 3 [Applicant Reference TR010060/EXAM/9.53] there are many factors that could influence future traffic flows on the network which would not be attributable to the proposed A12 scheme itself and as such any commitment to alleviate such changes would be entirely unworkable.

The Interested Party is correct to note that one such factor that could affect traffic flows is local development and is of course important that, when considering applications for planning permission, the local planning and highways authority consider what impacts such development may have on the local road network.

Jordan Hallam and Rosalind Bay	REP4-083-001
Sub-Part	
<p>Dear Sir/Madam,</p> <p>RE: A12 Chelmsford to A120 Widening Scheme Proposed construction and site of Gershwin Boulevard Bridge at Witham</p> <p>We have recently inspected plans to reintroduce a decades-lost public footpath near to our home, that many residents were and are unaware of, with a multi-use bridge for pedestrians, cyclists and horses.</p> <p>We're writing to you today to oppose this plan as it stands, seeing it as a waste of time and effort that would undoubtedly have a negative impact on the residential area around Gershwin Boulevard, Howbridge Hall Road, Olivers Drive, Kinloch Chase, and Halfacres streets.</p> <p>The reasons for this are multiple:</p>	
Applicant's Response	
The Applicant notes the Interested Party's comments.	

REP4-083-002

Sub-Part

1. Removal of Green Area & Air Ambulance Landing Zone: The proposed building of the multi-use bridge would see the green area at the end of Olivers Drive turn into a worksite, removing a pleasant area where people now take dogs for walks, children play, and insects populate.

More importantly, the area is an air ambulance landing zone, having recently played an important role in treating an elderly woman hit by a car at the Ashby Road/Maltings Lane junction just 0.3 miles away.

Applicant's Response

The Applicant clarifies that the Gershwin Boulevard bridge is designated for use by pedestrians and wheelchair users only and is not considered multi-use.

The Applicant has considered the loss of open space, including north of the proposed Gershwin Boulevard Bridge, in the Replacement Land Statement [APP-279]. For each of the open space areas being lost to the proposed scheme, Replacement Land is being offered. The open space north of the proposed Gershwin Boulevard Bridge is described as Areas 2-4 within the Replacement Land Statement [APP-279]. Whilst this small area of land (approximately 0.35ha) is required to construct and mitigate the proposed bridge, replacement land for Areas 2-4 is situated south of the A12 at the proposed Gershwin Boulevard Bridge, and this land would also provide a connection to Maldon Road via a much larger area of open space (approximately 2.1ha).

Regarding the area on which an Air Ambulance has landed, emergency services are engaged in identification and management of operational issues during construction and in the operational phase of the proposed scheme. This area has not been raised as

a concern by the emergency services. The Applicant will continue to engage with the emergency services throughout the development of the proposed scheme.

REP4-083-003

Sub-Part

2. A Forgotten Footpath, Leading to Nowhere: The footpath lost 60 years ago when the A12 was built has been forgotten. We know of no one campaigning to restore this link. However, having lived in the area for several years, we are aware that there are several public footpaths in the fields south of the A12. None of these lead along Howbridge Hall Road from Maldon Road. Currently, Howbridge Hall Road runs parallel to the A12 for over 300 metres, but this does not end in a public footpath.

This means that pedestrians would have to walk south down Howbridge Hall Road to join Maldon Road, which is a national speed limit road (60mph limit) with no pathways, or trespass on farming land used for crops and shooting game. This is dangerous and I see no reason to believe that local residents would use the footbridge because of it. Likewise, the local gamekeepers would be none too happy about bumbling pedestrians getting lost in fields.

Granted, the proposed bridge could cut time for cyclists who would be using the road anyway, but they already have a route option. Residents who want to cross the A12 do so by going under the dual carriageway at Maldon Road, a little over 0.3 miles away. Footpaths can then be found around Benton Hall and the golf course. As a cyclist and a pedestrian/rambler, we have used these pathways many times without issue.

Applicant's Response

The Applicant is proposing to divert the right of way for pedestrians between footpath 121_95 either side of the A12 with the new bridge providing a safe location to cross and allowing for the stopping up of the existing crossing of the A12 on the level. 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 footpath 121_95 would need to be stopped up. Owing to the nature of the proposed scheme, the standards for its design require that pedestrians are prohibited from the altered A12. This would effectively confirm the current practical severance

of the existing right of way owing to the volume of traffic and the safety concerns for pedestrians along with other classes of road user as described in DMRB GD300 who try to use the current legally permissible route. While this prohibition is primarily related to preventing pedestrians walking alongside the A12, it would also have the effect of prohibiting use of the current crossing of the A12 via the provided steps and central reserve barrier gap.

Under the Planning Act 2008, where a public right of way is proposed to be extinguished, the Applicant is obligated to provide a reasonable alternative right of way unless re-provision is not required. The Applicant has proposed the position of Gershwin Boulevard bridge as the most reasonable alternative diversion route.

The Applicant's proposal would connect the two sections of footpath 121_95 on either side of the A12, the eastern section of which links to Maldon Road. There would be a short on-road section (approximately 200m) of the route that connects to the ongoing Public Rights of Way network to the left of the entrance to Oliver's Nurseries.

The Applicant's proposal does enable onward journeys to Maldon Road via the replacement land that would be Open Space for Braintree District Council. The bridge would land adjacent to the open space, enabling direct access to the open space. The Applicant has intentionally connected the replacement land to Maldon Road near to Oliver's Bridge so it both replaces the lost open space and also facilitates ongoing journeys.

REP4-083-004**Sub-Part**

3. A Lack of Horses in the Area: In the local area of South Witham, there are no farms or horse-riding schools. The idea that a multi-use bridge connecting to the green at the end of Oliver's Drive would be used for horse riding is dubious at best.

Taking a horse across one of the busiest dual carriageways in Essex would likewise be a risk for riders, meaning the bridge would have to be caged like the one going over the mainline railway at Motts Lane. This would make the bridge an eyesore on what is otherwise a nice plot of land.

Applicant's Response

The Applicant is proposing to designate Gershwin Boulevard bridge for use by pedestrians and wheelchair users only. The nature of the bridge design allows for the bridge to be easily adapted by others in the future for use as a cycleway and/or bridleway. This would be a matter for Essex County Council should they wish to change the dedication of the bridge to include cyclists and horse riders.

Visual impact is further addressed in response to REP4-083-005 in this document.

REP4-083-005

Sub-Part

4. An Increase in Pollution & Removal of Carbon Reducing Mature Trees: Most importantly for us, the proposed bridge would mean the felling of several well-established trees along the side of the A12.

Not only would this remove necessary carbon reducing trees from the area, which are doubtless helping to remove pollutants before they reach the residential area and therefore protecting health, it would also impact the UK's ability to reach its net zero target.

Mature trees can absorb 22 kilograms of carbon dioxide per year, but the saplings that may replace these trees will be planted in an artificial way and will not absorb similar volumes of pollutants for decades. Similarly, mature trees provide habitats for birds, insects and small mammals, all of which will be effectively removed from the area. Rewilding has been proven to have immense carbon reducing abilities, it therefore makes little sense to remove what little wildlife there is from the area. We should instead be

aiming to increase wildlife, not take action to harm wildlife, even if it would be in the short term (which is still a term that would take decades for wildlife to recover from).

Applicant's Response

The Applicant has provided a technical note which assesses the visual impacts that would be caused by the proposed A12 Chelmsford to A120 Widening Scheme in the vicinity of the proposed Gershwin Boulevard bridge and 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.

Further responses on the proposed Gershwin Boulevard bridge have been submitted in the Applicant's Responses to ExQ2 2.13.2 [REP4-055] and in the Applicant's Comments on Information received at Deadline 3 [REP4-056] in answer to REP3-046, REP3-047 and AS-047.

Loss of vegetation in relation to the proposed scheme in the vicinity of Gershwin Boulevard bridge is illustrated on Sheet 8 of the Retained and Removed Vegetation Plans [APP-035]. Vegetation loss in this area includes loss of trees.

The Applicant acknowledges the Interested Party's comments regarding biodiversity. As presented in Chapter 9: Biodiversity of the Environmental Statement [APP-076], there would be a net gain of 42ha of woodland and forest. While the proposed scheme has been designed to avoid the loss of mature trees where practicable (as committed to in LV4 of the Register of Environmental Actions and Commitments [REP4-023]), in areas where mature trees cannot be retained, replanting of trees of the same species has been incorporated into the proposed scheme designs. Where practicable, trees would be planted close to the trees being lost. This design will be refined at the detailed design stage (paragraph 9.10.12 of Chapter 9 [APP-076]). Larger stock would be used where practicable, and to achieve quicker establishment or height within planting mixes.

Chapter 9 [APP-076] also concludes no likely significant effects on protected or notable species, including birds, invertebrates or species and mammals (Table 9.29 and Table 9.31).

As noted in paragraph 15.11.5 of Chapter 15: Climate [APP-082], changes in forestry as a result of the proposed scheme are estimated to result in a small increase in carbon sequestration (i.e., a net benefit) during its operation. Furthermore, as stated in paragraph 15.11.8 of Chapter 15: Climate [APP-082], estimated changes in greenhouse gas (GHG) emissions as a result of the proposed scheme are negligible in comparison to relevant UK carbon budgets. On this basis, GHG emissions associated with the proposed scheme are considered unlikely to have a material impact on the ability of the UK Government to meet its carbon reduction targets and are therefore considered to be 'not significant', in line with the Design Manual for Roads and Bridges LA 114 and the National Networks National Policy Statement.

While the Applicant acknowledges the importance of trees and vegetation for their visual and landscaping effects, the assessment of air quality does not consider trees and vegetation to have beneficial effects. The benefits of trees as a method for reducing air quality concentrations from sources such as roads is limited. This is because air and pollutants can still flow through the trees (i.e. a permeable barrier) unlike solid barriers. As such trees are not typically considered as an air quality mitigation measure.

REP4-083-006**Sub-Part**

5. An Increase in Noise Pollution: The organic barrier of trees along the A12 currently helps to block noise pollution as well as limit gaseous pollution to the residential area. By removing these trees, local streets will have less protection against noise.

You only need to compare the noise in winter to that in summer to truly understand how much impact this barrier has. With full leaf coverage, the noise from the A12 is greatly reduced, while in winter it is noticeably louder. But without even the bare trees to line the dual carriageway, noise in the residential area will beggar belief.

Given that the entire A12 widening scheme is intended to increase traffic on the dual carriageway, this will compound the increase in noise levels affecting the residential area around the proposed footbridge.

An impact on mental health, sleeping patterns and physical health would follow. Financially, it would also make nearby homes more difficult to sell and could lock residents into homes that their families aren't fit for.

Applicant's Response

The Applicant does not consider that the removal of some of the trees to accommodate the proposed Gershwin Boulevard footbridge would change the propagation of noise. The use of shrubs or trees to reduce noise has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation. This is not the case for the majority of the vegetation between the dwellings and the A12 at Witham.

To mitigate the increase in noise caused by the increase in traffic flow on the A12, the Applicant is proposing to use of a surface with better noise reducing properties than a conventional low noise surface. This is proposed to be used on both carriageways along the entire length of the Witham bypass and is described within paragraph 12.10.16 of Environmental Statement Chapter 12: Noise and vibration [APP-079]. The use of this surface is secured by commitment NV10 within the Register of Environmental Actions and Commitments (REAC) [REP4-023].

By using these mitigation measures there is predicted to be a widespread reduction in noise alongside the A12 in Witham. This is shown on sheet 4 of Environmental Statement Figure 12.8: Noise change contour map – opening year 2027 [APP-235].

On the basis of this predicted noise reduction, no increase in sleep disturbance and annoyance (as defined in the WHO Noise Guidelines, 2018) in this area due to traffic noise from the A12 is likely, and the reduction of noise in this area would be positive for physical health, although the levels of noise change are unlikely to result in significant changes in health outcomes. Existing evidence suggests that the impact of general traffic noise on serious physical health outcomes in a population is very small. The health evidence which underpins this understanding of potential noise impacts is set out in section 2 of Appendix 13.1 of the Environmental Statement [APP- 153].

REP4-083-007

Sub-Part

Proposed Action All of these points contribute to a clear picture that the proposed bridge at the end of Olivers Drive would be a non-starter. It is in our opinion that the residential and green area surrounding the streets outlined in the opening paragraphs should remain untouched.

However, we understand that some residents may feel differently. In this instance, our proposed compromise would be to move the planned multi-use bridge to the corner of Gershwin Boulevard, crossing the A12 at the shortest point to link up with Howbridge Hall Road to the south of the A12. This would provide a straight, short crossing that would minimise the impact to established trees, preserve the green area and air ambulance landing zone near Olivers Drive, maintain as much of a barrier to noise and gaseous pollution as possible, and make use of an existing road rather than trying to re-establish lost pathways.

Even still, we do not believe that this footbridge would be much used by local residents and it is our primary opinion that this footbridge should not be constructed.

We appreciate your time in considering this letter and opinion, and hope that our opinions will be taken into consideration for the next steps of the development.

Applicant's Response

The Applicant has considered the alternative proposal suggested by the Interested Party in the Applicant's Gershwin Boulevard Bridge technical note [REP3-011] submitted at Deadline 3. Further responses on the Gershwin Boulevard bridge have been submitted in the Applicant's response to ExQ2 2.13.2 [REP4-055] and in the Applicant's Comments on Information received at Deadline 3 [REP4-056], answers to REP3-046, REP3-047 and AS-047.

While the Applicant sees potential merit in the creation of a new footpath west of the proposed bridge as indicated by the Interested Party, footpath 121_95 south of the A12 serves an area of Maldon Road with a number of premises and residences. The suggested route west of the bridge would ultimately connect to a section of Maldon Road remote from any built-up area and no clear onward facility. The Applicant does not consider this to provide enhancement to the existing local Public Right of Way network and relocating the proposed bridge to an alternative location would also result in a further 550m of diversion to the existing Public Right of Way.

As described in response to REP4-083-002, Replacement Land has been nominated south of the A12 at Gershwin Boulevard Bridge to provide open green space and a connection to Maldon Road. The Applicant has also committed to providing tree and shrub planting to offset the lost vegetation and help mitigate views of the new bridge and the A12. Mitigation planting is shown on Figure 2.1 Environmental Masterplan Part 1 Sheet 8 [APP-086] and Figure 2,2 Illustrative Cross Sections Part 1 Sheet 5 Section D-D [APP-089] of the Environmental Statement.

Mark East	REP4-086-001
Sub-Part	
Submission ID: 15747	
<p>I refer to DEFRA's Clean Air Strategy, in particular page 7, which recognises the importance of reducing PM 2.5 to below 10 by 2025 in recognition that public exposure levels above this level represents a significant health risk and a shortening of life expectancy! As previously pointed out National Highways calculations confirm that levels will be above 10. In NH 'Consultation Document' in states "Congestion may reduce but the volume of traffic could increase as more drivers use the free flowing A12" Further the same documentation states that "Air Quality could worsen slightly between junctions 19-25. Their modelling has confirmed that this will be the outcome although the magnitude of change varies from medium, small and imperceptible across sources of pollution and sensitive receptor (Residential). See Link for 'Clean air Strategy 2019': https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-002213-Mark%20East%20-%20DEFRA's%20Clean%20Air%20Strategy%202019%201.pdf</p>	
Applicant's Response	
<p>The Applicant acknowledges the statement on page 7, Chapter 2 of the Clean Air Strategy (2019) concerning PM_{2.5}, which states the following:</p> <p><i>"We will progressively cut public exposure to particulate matter pollution as suggested by the World Health Organization. We will set a new, ambitious, long-term target to reduce people's exposure to PM_{2.5} and will examine what action would be needed to meet the WHO annual mean guideline limit of 10 µg/m³."</i></p> <p>It should be noted that this is an aspiration and is not legally binding.</p>	

Since the publication of the Clean Air Strategy (2019), which provided the basis for a continued improvement in air quality, the Government has published the new Environmental Targets (Fine Particulate Matter) (England) Regulations 2023, which implement an approach to achieve the Clean Air Strategy target for PM_{2.5} by 2040. The aspirations for PM_{2.5} within the Clean Air Strategy are now legislated for by the above regulations.

The Applicant has responded previously on PM_{2.5} and the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 in the Deadline 4 submission - Applicant's Responses to ExQ2 - Rev 1 [REP4-055], in response to ExQ2 2.2.3. In particular, the annual mean concentration target for PM_{2.5} of less than or equal to 10 µg/m³ to be achieved by 2040 only applies at specific locations, i.e. at a relevant monitoring station, and is not to be applied generally. It is not a target which is legally required to be met in 2040 at locations other than at a relevant monitoring station. Furthermore, the nearest such monitoring station is in Southend-on Sea and will not be affected by emissions associated with the proposed scheme.

As stated in Section 12 within Defra's Impact Assessment - Environment Act Targets Impact Analysis: Air Quality (06/05/2022), *"the annual mean concentration target (AMCT) is expected to be achieved in most of England, except in London and limited areas in South-East England where several hotspots remain, with average PM_{2.5} concentrations declining to levels below 10µg/m³ by 2030."*

The results of the air quality assessment shown in Environmental Statement Appendix 6.5: Air Quality Modelling Results [APP-104] indicate annual mean PM_{2.5} to be greater than 10 µg/m³ both in the peak construction and opening years (2025 and 2027 respectively).

However, the air quality assessment for the worst-case receptors was assessed against the current applicable standard for PM_{2.5} of 20 µg/m³, which was not predicted to be exceeded.

During operation the greatest predicted change in the annual mean PM_{2.5} concentration between Do Minimum (DM) and Do Something (DS) in 2027 is a reduction of 2.2 µg/m³ at receptor R103 with the maximum concentration being 10.4 µg/m³. The predicted background concentration at this location (R103) was 9.3 µg/m³. The scheme therefore represents a reduction of 21.2 % of the predicted maximum concentration of 10.4 µg/m³. This benefit and benefits to an additional 51 other human health

receptors are a consequence of emissions sources moving further away from receptors owing to the proposed offline sections of the scheme.

The Applicant acknowledges the statements made on page 28 of the A12 Chelmsford to A120 widening - Public consultation document (EB/043), which are "*Congestion may reduce but the volume of traffic could increase as more drivers use the free flowing A12*", and "*Air quality could worsen slightly between junctions 19-25*". The Applicant has assessed the air quality impacts to be compliant with current legally binding UK Standards, which are set for the protection of human health and the environment.

Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council	REP4-088-001
Sub-Part	
Submission ID: 15748 Our client, Messing and Inworth Action Group Ltd, has prepared the attached document which responds to issues raised in ExQ2 (re: the Conservation Area etc. in Messing). We submit this document on MIAG's behalf.	
Applicant's Response	
The Applicant notes the Interested Party's comments.	

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

REP4-089-001

Sub-Part

MIAG- report on summary benefits of the Main Alternative

Date of Issue 2. 31st May 2022 Benefits of Main Alternative

The villagers of Messing and Inworth are facing a dramatic change to their quality of life and to their right to enjoy the quiet peace of the countryside. However, they also recognise that the UK transport infrastructure is a vital part of modern life and it is necessary for this to be constantly upgraded and maintained to the highest possible standard. This is why, despite the changes and challenges to be faced by the two villages, there has been no opposition to the development of the A12 corridor. The villages and their representatives fully acknowledge the need to upgrade that major arterial route and new entry and exit junctions are a necessary part of this. The villages of Messing and Inworth are not opposed to the creation of a junction on the A12 at point 24 but safety is paramount. The concerns of the villagers, expressed through the actions and endeavours of the Messing and Inworth Action Group, (MIAG), are to ensure the best possible standards of safety for those living in the villages, and, equally importantly, for the road users on the A12 and surrounding roads. This includes horse riders, cyclists, pedestrians and school children. The concerns voiced by all stakeholders, from Essex County Council, Parliament and the MIAG about the National Highways proposal for Junction 24 are dealt with in great detail in other reports and will not be addressed here. This document is solely to review the benefits of the Main Alternative, (MA), and no mention has been made of the concomitant negatives. On the stated basis that Essex County Council 'will never have enough money' to bring all roads surrounding the proposed Junction 24 up to minimum Highways Standard levels of safety, the Main Alternative (MA) offers the following solutions and benefits; 1. The route of the MA new road system across land that does not create land 'islands' surrounded by roads. The dangers of access and egress for farmers, or subsequent house developments, are clear and obvious. The MA follows, for large part, the old "Cockle line" route. This means that much of the gradient and shaping work has already been outlined. 2. The substrate of the MA route would be constructed to Highways Standard, whereas the route today is of a substandard construction incapable of supporting high volumes of traffic and heavy goods vehicles. 3. Road safety standards would be intrinsically woven into the MA route design,

whereas today these roads are dangerous in multiple respects including the fact that they are not sealed, no kerbs, have no formalised passing places, inadequate road surface drainage, causing the B1023 to be flooded on a regular basis. 4. Major disruption to traffic flow would be avoided, as the connections to B1023 and A12 would only need to be completed when all the other parts of the road building are finished. 5. Construction of the MA route would provide a safe working environment for road construction staff and residents, eliminating all safety hazards / risks associated with working on a "live road" (existing B1023). 6. The route of the MA avoids bottle necks and pinch point issues that would require major land acquisition and massive disturbance to residents and road users on the B1023 (Inworth Road). The difficulties of Hinds Bridge and Kelvedon Road would be completely negated; 7. The B1023 stretch of road serving Inworth is already a Royal Mail 'no go' area as postal services will not deliver to properties on the road as it is deemed too dangerous. The MA allows normal expected delivery services to operate safely, and this would include food delivery and parcel services. Safe access and egress from private properties is also assured with the adoption of the MA; 8. The need to conduct major upgrade works on all local roads that would act as feeder and 'rat run' routes to Junction 24 would be obviated by the creation of the MA; 9. Ancient village buildings, including the Church in Messing and the Conservation Area at the heart of Messing would be preserved, as there would be no material advantage for traffic to use these roads. The original Messing Action Group report highlights all the dangers of this anticipated traffic flow. The corollary rational is that by adopting the MA all these issues and safety risks are removed. 10. The safety of schoolchildren whilst both walking to and from school on the existing roads, and their wellbeing from breathing clean air, is also maintained by the benefits of adopting the MA. 11. Safety is an absolute priority for NH and the MA enables the safety of all road users, motorised or other, to be maintained to the highest possible and practical levels; 12. The adoption of the MA route would provide NH with a "Right First Time" culture. There would be no additional expense in rectifying deficiencies associated in an attempt to modify B1023 road configuration and roundabout improvements. 13. Design and construction of the MA road will provide better sound proofing/barriers mitigating noise levels from increased traffic volumes. 14. Road speed can be increased as the road will no longer be residential. (*Special road surface material can be used to reduce noise, no benefit under 30mph) 15. Point 13 will improve and protect historical buildings from vibrations caused by increase of traffic volumes. 16. Sustainability – MA will be purpose built to accommodate future increase in traffic volumes from surrounding developments in Tiptree, Tolleshunt D'arcey, Maldon and other villages and communities. 17. Adoption of MA by ECC – Because the road will be constructed to latest specifications and regulations, the maintenance of the road and its surface condition will provide financial relief for ECC/Essex Highways for a considerable period than if the B1023 was amended. 18. The MA will permit the B1023 to return to being a village road, allowing walkers, cyclists, and horse riders to use the entire length of B1023 (from Feering boundary to Perrywood Nursery) with confidence and safety. 19. Traffic calming measures could be deployed along B1023 making point 14 safer for walkers, cyclists and horse riders. 20. If MA is required to be maintained or due to a vehicle accident the road is closed, the B1023 can provide temporary relief for traffic to access Jct 24. If the NH B1023 plan was to experience the same scenario, there would be no

alternative route (e.g., Hines Bridge Closure). 21. Adoption of the MA plan will improve resident's wellbeing and enjoyment of their properties.

Applicant's Response

The Applicant has previously responded to this report from May 2022 in its response to REP2-083-009 as part of 9.31 Applicant's Comments on information received at D2 [REP3-015].

It is important to reaffirm that any robust assessment doesn't just look at the benefits, but also looks at impacts of any given proposal as is the case in Junction 24, Inworth Road and Community Bypass Technical Report [APP-095].

The Applicant has carefully considered the above points in its assessment of the proposed main alternative, and the Applicant does not believe the benefits overall present a sufficiently compelling case in the public interest for the compulsory acquisition of third-party land required for delivery of the main alternative. The potentially significant effects of the Main Alternative such as potentially significant adverse noise impacts forecasted if it were to be constructed, must also be weighed in the overall balance - as are presented in Table 8.3 of the aforementioned Technical Report.

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

REP4-090-001

Sub-Part

Report on the Design of the Main Alternative for Junction 24.

Compiled and researched by the Messing and Inworth Action Group (MIAG)

1.0 Overview

This report is to discuss the technical aspects of the Main Alternative for Junction 24 as proposed by Messing-cum-Inworth Parish Council. The Main Alternative has been produced to replace the National Highways (formerly Highways England) (NH) proposal for the construction of a new junction 24 connected to the B1023.

It is our belief that the original NH proposal will create increased and unsustainable traffic flows through the narrow lanes leading to Messing and through Inworth village itself. The Main Alternative Proposal seeks to reduce the impact of these changes by moving the connections to the B1023 to outside the limits of Inworth village. This report demonstrates that the provision of the alternative proposal is technically feasible and would achieve the required objectives.

This report is supplementary to the report produced by MAG on the impact of the Junction 24 proposals, and should be consulted for further information.

2.0 National Highways Proposal for Junction 24

The Proposal, from National Highways, (NH) was to 'Construct a New Junction 24 on the A12, south of Inworth Road. (To) Provide slip roads terminating where the Messing Road meets Inworth Road so that all traffic joining or leaving the A12 would use the Inworth Road'. Refer to the map in Appendix A. The technical design of this proposal is the subject of a separate report by MIAG.

Applicant's Response

The Applicant has previously responded to this report in its response to REP2-083-004 as part of the Deadline 3 submission - 9.31 Applicant's Comments on information received at Deadline 2 [REP3-015] and maintains this position.

REP4-090-002

Sub-Part

3.0 The Main Alternative Proposal

Messing-Cum- Inworth Parish Council have put forward a proposal for an alternative to Junction 24 that joins the B1023 south of Inworth village, and also north of the A12. (Refer to the map in Appendix C). This proposal would divert all traffic away from Inworth and Messing villages, greatly reducing the problems of increased traffic through the villages and rural lanes. The route would for the most part follow the line of the former railway and pass to the west of Inworth village before re-joining the B1023 south of Inworth. This alternative route would have the effect of diverting traffic away from Inworth itself where road widening, surfacing and drainage works would be required under the NH proposal to bring the road up to standard. The roads through Inworth and Messing would therefore only serve local traffic and would be signposted as such.

The Main Alternative Proposal has been the subject of a detailed design review by the Messing and Inworth Action Group (MIAG), and this review is the subject of this report. The proposal is a concept design only to demonstrate that the route is a viable proposal and will need a full design if adopted by NH.

The Main Alternative has the backing of Priti Patel MP, Essex County Council, Colchester District Council and the local Parish Councils.

It is understood that NH have not considered this proposal in any detail at this point in time.

Applicant's Response

The Applicant has previously responded to this report in its response to REP2-083-004 as part of the Deadline 3 submission – 9.31 Applicant's Comments on information received at Deadline 2 [REP3-015] and maintains this position.

REP4-090-003

Sub-Part

4.0 Assessment of Messing Action Group Alternative Proposal

4.1 Overview

The Main Alternative route would start to the south of Inworth and run west before following the route of the former Tiptree to Kelvedon railway line until it connected with the proposed south roundabout of A12 Junction 24. The route would continue across the proposed Junction 24 to the north roundabout. A further link road from A12 Junction 24 north roundabout connecting to the B1023 would then be necessary. This route could allow for a road alignment which would be compliant with National Highways design standards.

Applicant's Response
<p>The Applicant has previously responded to this report in its response to REP2-083-004 as part of the Deadline 3 submission – 9.31 Applicant's Comments on information received at Deadline 2 [REP3-015] and maintains this position.</p>
REP4-090-004
Sub-Part
<p>4.2 Detailed Assessment</p> <p>From a new roundabout junction on the B1023 to the north of Perrywood Garden Centre car park a new link road alignment would run to the west before intersecting with Windmill Hill close to where the entrance to Bunting's Nest and Inworth Hall Farm is currently positioned. At the start of the new link, it would run through an area identified for flood plain compensation works, these works might need to be re-positioned. By using a design speed of 85kph for the whole alignment (since the existing B1023 is currently subject to a 50mph speed limit in this area) a design compliant with DMRB standards could be achieved. The horizontal alignment would be a simple straight of 200m length with a 1% gradient.</p> <p>Where the proposed alignment would intersect with Windmill Hill, there is an access track which follows the route of a dismantled railway line and provides access to Bunting's Nest and Inworth Hall Farm. The Main Alternative link road could run alongside this track, the access track would need some realignment.</p> <p>A roundabout at the intersection of the alternative link and Windmill Hill would be useful to change the direction of the alternative link alignment without using sharp horizontal curves. It could also provide for a revised entry to the access track off the roundabout. A short connection to Windmill Hill on the west side of the roundabout would also have to be provided. Windmill Hill to the east of the roundabout could be stopped up.</p>

From the new Windmill Hill roundabout, the alternative link would follow approximately the route of the former railway line until crossing a private road from Inworth Hall. Another junction would be needed at the intersection of the private road from Inworth Hall and the alternative link. A roundabout would provide the best option here since the flows of vehicles along the private road would be considerably less than on the alternative link road. A roundabout would give the best opportunity for vehicles, which would include farm vehicles, from the private road to access gaps in traffic to cross the alternative link road.

The horizontal alignment of the alternative link between Windmill Hill roundabout and the roundabout at the intersection with the private road from Inworth Hall would be straight. The length of this section would be about 725m long and would allow sufficient length for an overtaking section. The existing ground profile is on the crest of a hill but is reasonably flat and would allow for a Crest curve with K value of 285 or greater to be used which would allow full overtaking sight distance.

From the roundabout at the intersection with Inworth Hall private road the alternative link would follow approximately an existing field boundary and tree line before connecting to the south roundabout of A12 Junction 24. This section would be approximately 350m in length, which would not be long enough to provide an overtaking section. It would also go into cutting so that it could tie in vertically with the NH proposed A12 Junction 24 south roundabout. The alignment would need to use horizontal radii of less than 360m to make it clear it was not an overtaking section. It is usual to reduce the vertical alignment crest curve K values by 1 step for a non-overtaking section but in this case the vertical curve would fall within the "immediate approach" to the junction at either end of this section of the link. In that case the desirable minimum crest K would be needed in order to maintain forward visibility on approaching the junctions.

From the north roundabout of the proposed A12 Junction 24 a new link would be required to connect to the B1023 on the north side of the A12. This should be a relatively simple alignment across open fields. In order to discourage overtaking on this relatively short segment it is proposed to adjust the horizontal alignment by providing a straight, transition ($L = \sqrt{24R}$), circular curve $R = 360\text{m}$ (a 1 step relaxation), transition ($L = \sqrt{24R}$), straight. Because the $R = 360\text{m}$ curve with a 1 step relaxation would not be within the "immediate approach" to the junctions at either end of the alignment a reduction in stopping sight distance of 1 step would also be allowed. The link would have to cross Domsey Brook and therefore need a new structure to carry the link over the brook. A pre-cast box type structure would probably be sufficient for this purpose. To connect to the B1023 at the northern end of this link another roundabout would be required. As the B1023 has a longitudinal gradient of approximately 7% north of

where the A12 crosses this would not be a good position for a roundabout. The gradient is flatter where there is an entrance into Threshelfords Rural Business Park. This would be a suitable place to site a new roundabout, which could include an arm providing access into the business park.

Applicant's Response

The Applicant has previously responded to this report in its response to REP2-083-004 as part of the Deadline 3 submission – 9.31 Applicant's Comments on information received at Deadline 2 [REP3-015] and maintains this position.

REP4-090-005

Sub-Part

5.0 Conclusions

5.1 Design

The Main Alternative Proposal has been assessed and can provide a route that is fully compliant with the required design standards and achieves the objectives of removing through traffic from Inworth and Messing villages. The proposal avoids the problems of the pinch-points of Hinds Bridge and various locations within Inworth itself and avoids impacting local businesses.

5.2 Costs

The cost of the Main Alternative has not been fully evaluated at the time of this report.

This proposal would have a longer alignment than the NH proposed link from B1023 to A12 Junction 24 south roundabout. The NH proposed link would be about 500m long, but the alternative would be about 1435m on the south side of the A12 Junction 24

and a further 685m for the link on the north side. It would also require three more roundabout junctions than the NH proposal. That would increase the cost of a link from B1023 to Junction 24. Additional land would need to be purchased and there could be objections from any landowners affected.

The alternative proposal would remove the requirement for road widening works on the B1023 through Inworth. There is also a large area identified in Inworth village for an attenuation pond and flood plain compensation, which might have to remain in place in order for the proposed drainage design to work.

Applicant's Response

The Applicant has previously responded to this report in its response to REP2-083-004 as part of the Deadline 3 submission – 9.31 Applicant's Comments on information received at Deadline 2 [REP3-015] and maintains this position.

Messing and Inworth Action Group Limited and Messing-cum-Inworth Parish Council	REP4-091-001
Sub-Part	
<p>Submission ID: 15752</p> <p>We write on behalf of Messing and Inworth Action Group Limited (MIAG). MIAG is keen to highlight the Main Alternative proposal to the ExA, which is explained in the two documents submitted with this note (MIAG report on Main Alternative 19-05-2022 and MIAG - Benefits of Main Alternative).</p> <p>MIAG notes that - to date - the ExA has not interrogated NH's approach to its proposals along the Inworth Road and its assertions regarding the scoring used by NH to discount the Main Alternative (which MIAG maintain is flawed and unreasonable). The purpose of the enclosed documents is to encourage engagement with this issue and ensure that it is properly accounted for by the ExA during the Examination process.</p>	
Applicant's Response	
The Applicant notes the Interested Party's comments.	

Shoosmiths LLP on behalf of Parker Strategic Land and Henry Robert Siggers

REP4-095-001

Sub-Part

1 INTRODUCTION

1.1 This commentary is made on behalf of Henry Siggers (“Mr Siggers”) and Parker Strategic Land Limited (“Parker”). It relates to the proposed A12 Chelmsford to A120 widening scheme (the “Scheme”) being promoted by National Highways (“NH”) by way of an application for a Development Consent Order (the “Order”).

1.2 We refer to our Written Representations which outline our clients’ interests in the Order land and their serious concerns with the Scheme.

1.3 Counsel also attended Compulsory Acquisition Hearing 1 (“CAH1”) on our clients’ behalf and made a number of oral submissions.

1.4 Since then, NH has submitted the following documents which aim, in part, to respond to our clients’ Written Representations and oral submissions at CAH1:

1.4.1 Applicant’s Comments on Written Representations [Document 9.24] 1.4.2 Written Submission of Oral Case for Compulsory Acquisition Hearing [Document 9.29] 1.4.3 Borrow Pits Cost Information [Document 9.39] 1.5 Our clients have the following comments on the documents listed at paragraph 1.4 above:

<p>2 COMMENTS</p> <p>2.1 The additional information provided by NH is generally lacking in detail and analysis. It does little to strengthen NH's case for the acquisition of our clients' site for use as a borrow pit.</p> <p>2.2 We highlight the below points. However, we reserve our right to make further observations on the above documentation and any other documentation submitted by NH in the course of the examination.</p>
<p>Applicant's Response</p> <p>The Applicant has provided significant detail on the rationale for inclusion of borrow pits in the proposed scheme as well as why this is critical to the timely and effective delivery of the scheme. These documents include:</p> <ul style="list-style-type: none"> • The Borrow Pits Report [APP-278] • The Borrow Pits Supplementary Technical Note [REP1-011] • The Borrow Pits Cost Information [REP3-023] • <p>The Applicant will continue to engage with the Interested Parties representative and seek to address any specific questions they raise.</p>
<p>REP4-095-002</p>
<p>Sub-Part</p> <p>Importation of fill material from off-site 2.3 The "Applicant's Comments on Written Representations" and "Written Submission of Oral Case for Compulsory Acquisition Hearing" do not properly respond to our submission that an allowance is already being made to import 650,000m3 of inert material from off-site in the event Colemans Quarry needs infilling.</p>

2.4 NH simply suggest that the quarry is unlikely to need much infilling and that, if 650,000m³ of inert material did need to be imported, “the environmental and traffic impacts...would be outweighed by using local scheme borrow pits”.

2.5 That is not a logical or complete response. The documents indicate that importing additional volumes of fill material from off-site in lieu of extracting it from borrow pit I is both possible and economically viable. No cogent argument or evidence has been presented to suggest otherwise.

Applicant's Response

2.3 and 2.4 – As the Applicant has previously stated, the potential to import material is part of a contingency allowance made for the unlikely event that the quarry cannot be backfilled by the quarry operator in the manner and timescales required for the delivery of the scheme.

It is entirely appropriate that the Applicant should provide for this contingency to ensure the deliverability of the scheme. However, in doing so, the Applicant has made no judgement that import from external sources generally would be acceptable to meet the needs of the wider scheme, and the inclusion of this contingency should not be taken as such by the Interested Party.

A total of 950,000m³ of fill material is required to backfill the quarry. The quarry operator has access to 350,000m³ of material from within the quarry and the scheme includes 300,000m³ of overburden from Borrow Pit J. This leaves a further 300,000m³ that may need to be sourced from external sources in the unlikely event that the quarry operator does not backfill the quarry as currently expected. The risk of this event occurring is considered low. In the extremely unlikely event that the quarry operator is no longer operating before the available on site volume of 350,000m³ is used to backfill the void, then the highest total volume of external import required would be 650,000m³.

As a very worst case for environmental assessment purposes, traffic movements from the sourcing and placing of 950,000m³ of quarry backfill material have been assessed to ensure that this can be achieved without exceeding the peak movement in 2025.

However, as explained above, the likelihood of this contingency being required is considered to be very low. The Applicant has entered into a commercial arrangement with the quarry operator to ensure the quarry is backfilled in a timely manner, and the necessary planning permissions are currently being secured by the quarry operator in order to facilitate this. Indeed, the planning authority has already resolved to grant permission for this, subject to completion of a section 106 agreement. Nonetheless, the risk remains, and it is therefore right and proper that the Applicant should include a contingency to provide for this.

Providing a contingency for the low risk of importation for the backfill of (all or part of) the quarry, whilst promoting the use of borrow pits for the wider scheme to reduce environmental impacts, reduce cost and provide programme certainty, is very far from illogical. It is exactly the approach which would be expected of a prudent developer. Accepting that there may be requirement for importation for a low contingency risk does not, in any sense, mean that the environmental benefits of using borrow pits or the cost and programme imperatives for doing so, which have been fully explained in the Borrow Pits Supplementary Technical Note [REP1-011] and the Borrow Pits Cost Information [REP3-023], should carry any less weight when determining the need for the borrow pits.

In summary, the Applicant has clearly demonstrated that:

- The sources of supply for the required material are not reliable and therefore cannot guarantee that the proposed scheme could be delivered if relied upon solely.
- The impact on local traffic and the climate would be significantly adversely affected by the volume and frequency of road import lorries required to meet the proposed scheme deficit.
- The cost of the proposed scheme would be significantly increased, by as much as £25M.

REP4-095-003

Sub-Part

Extraction of greater volumes of fill material from other borrow pits

2.6 NH have not fully responded to our submission that borrow pits E, F and J are suitable alternative sources of fill material instead of our clients' site.

2.7 In respect of borrow pits E and F they simply state that extracting additional material from them would "drive up cost and time". However, no analysis has been provided on the comparative cost and time of extracting additional material from those pits verses using borrow pit I.

2.8 NH have also ignored our point about borrow pit J entirely, despite noting its relative proximity and that it could supply an additional 300,000m³ of fill material in the event Colemans Quarry needs infilling. NH suggest that the need to fill the quarry is unlikely to arise; in fact, in the "Written Submission of Oral Case for Compulsory Acquisition Hearing" it is noted that "350,000m³ of suitable material is already available in the quarry limits to backfill the void". This could free up the additional 300,000m³ of material from borrow pit J and significantly reduce the need to take material from our clients' site.

2.9 NH have not provided any analysis on the option to use borrow pit J more intensively, which presents an obvious and sensible alternative (in addition to importing more material from off- site) to acquiring our clients' site.

Applicant's Response

A very detailed and considered assessment of borrow pit sites was conducted to ensure that they are located at the most appropriate sites relative to their purpose and to minimise environmental impacts as set out in Borrow Pits Supplementary Technical Note [REP1-011]. Any suggestion that greater volumes can therefore be taken from a different borrow pit shows a lack

of understanding of this approach and is an oversimplification of the numerous considerations which are balanced in determining the most appropriate site locations for the borrow pits.

Off road haulage routes between Borrow Pits E, F and J and the proposed fill location at junction 22 are not feasible due to several physical constraints including crossing the A12, Maldon Road and the river Blackwater. Therefore, the 400,000m³ of material required for the proposed junction 22 would have to be moved by road.

For Borrow Pits E and F this would mean significantly increasing the volume of construction traffic that passes over the existing Woodend bridge and Wellington bridge, which would completely contradict the commitments made in the Outline Construction Traffic Management Plan (OCTMP) [REP4-033] to reduce construction traffic over these structures for local receptors (para 2.5.1). At the other end of the haulage route, Coleman's bridge and Eastway's junction would also be impacted by the increased construction traffic, also contradicting commitments made in the OCTMP.

For the 400,000m³ that is required to be moved, this would equate to an extra 50,000 lorry movements over the structures, increasing the impacts to any receptors local to the haul route.

A temporary bridge between Borrow Pits E and F to reduce these movements over the structures would not be a viable solution because this would significantly compromise the construction programme by preventing the early delivery of the J21 slip roads. These slip roads are necessary to allow construction phases to proceed at Hatfield Peverel. Extending the construction programme through this sensitive corridor is not considered to be a suitable option.

The volume of overburden from Borrow Pit J is also insufficient for that required at the proposed junction 22 and would therefore need to be supplemented by the other borrow pits or by road import, both of which have detrimental cost and carbon impacts associated with the activity.

If the 300,000m³ of Borrow Pit J overburden material were to be used to supplement the deficit at the proposed junction 22 (instead of from Borrow Pit I) the haulage length would change from a sub-4km off-road return journey in Articulated Dumper

trucks to an approximate 27km on-road return journey in road going tipper trucks. This is because the only suitable turn around for road traffic to get from junction 22 back into Borrow Pit J is via junction 25.

This increases the overall mass haul distance by over 13 times (from circa 75,000km to over 1 million km) for this material.

The movement of granular engineering fill material, which is available from Borrow Pit J at the required quantities, will be used throughout the scheme, and has been assessed as considerably lower cost and environmental impact than importing from further outside of the Order Limits. However, if the overburden from Borrow Pit J is included in the material to be moved from Borrow Pit J, then the environmental benefits are no longer achieved.

In order to maintain the proposed scheme programme, additional work fronts (or earth moving teams) would have to be introduced into the remaining borrow pit areas to ensure both junction 21 and 22 are fed material at the planned rate. For Borrow Pits E and F this would add spatial constraints to currently planned working arrangements (such as access and egress points), which will potentially limit the haulage rate that can be achieved, with consequential impacts on the scheme risk profile and scheme cost.

The switch to predominantly using road haul also introduces an element of double handling, which is not otherwise required at borrow pits E and F. This is because borrow pit and tipping areas are generally not suitable for road-going lorries. Therefore, excavators would be required at both ends of the haulage operation to transfer the material into articulated dump trucks to manage the off-road element of haulage.

The combination of the volume of road lorries and additional element of doubling handling increases the cost of the direct works associated with more plant being involved and hauling the material over a greater distance. The distance travelled from Borrow Pits E, F and J would also be much further than the off-road haul route currently planned for Borrow Pit I, which would increase the carbon generation associated with this activity as described in the Applicant's Responses to ExQ2 - Rev 1 [REP4-055].

Further to the above, the understanding of palaeolithic archaeology in borrow pits E and F has increased and it is now worth noting that excavating beyond the current maximum dig depths increases the risk of encountering deposits with palaeolithic potential. Further work may be required to gain a more accurate understanding of where the deposits lie before a plan for excavating deeper can be established, potentially limiting the total depth of the borrow pits meaning that the required volumes might not be achieved.

Borrow Pit F also has an area sterilised by the local high-pressure gas main and buried water main which puts different spatial constraints on the borrow pit, making working from multiple fronts very challenging, further limiting the dig depth that could be achieved beyond the current depth of 4m.

A key reason for the inclusion of borrow pits is to reduce environmental impacts, and the borrow pits and their associated quantities and materials to be extracted have been sited to give effect to this. The full environmental benefits would not be achieved if the Interested Party's suggestion is adopted, or even partially adopted. Similarly, scheme costs would increase both directly (through increased haulage) and indirectly through mitigation measures that would be needed to be introduced to reduce the risk of delay to project delivery.

REP4-095-004

Sub-Part

Inadequate costs information

2.10 There is still a lack of information about costs and alternatives. NH have provided a new document titled 'Borrow Pits Cost Information'. However, relevant costs information is either redacted or not included because it contains "commercially sensitive information for the Applicant".

2.11 We struggle to see how no comparable costs information can be provided (for example, overall costs figures for off-site material and/or averaged costs across various unnamed suppliers). As it stands, the information is inadequate. 2.12 In the

absence of clearer evidence on costs, NH cannot demonstrate that the use of greater quantities of off-site fill material is not appropriate or economically viable.

Applicant's Response

In order to provide the Interested Party with further information to demonstrate the cost benefits of using borrow pits, the Applicant has revised the presentation of the borrow pits cost information in 9.56 Borrow Pits Summary Report. [Applicant Reference TR010060/EXAM/9.56] It should be noted that one supplier, who did not give permission to share their information, has been removed from the revised presentation.

REP4-095-005

Sub-Part

3 CONCLUSION

3.1 Mr Siggers and Parker continue to strongly object to the proposed Order on the following basis:

3.1.1 There is no compelling case for the acquisition and sterilisation of the site. 3.1.2 There are reasonable alternatives to the use of borrow pit I and NH has failed to adequately explore those alternatives. 3.1.3 The application for the Order is flawed and the approach taken by NH is inadequate.

Applicant's Response

The Applicant has demonstrated a consistent, clear and compelling case for the use of borrow pits on the proposed scheme. In summary, borrow pits are critical to the delivery of the scheme by:

- ensuring the requisite volume of the right material is available for the construction works to meet the proposed scheme programme

- controlling the costs associated with material extraction / haulage and placement of both suitable and unsuitable materials
- minimising impacts on the environment, particularly from impacts of construction traffic on the local and strategic road networks and the associated GHG emissions

Alternatives to borrow pits have been explored in detail in the Borrow Pits Supplementary Technical Note [REP1-011] and the Borrow Pits Cost Information [REP3-023] as well as summarised in the response to REP4-095-003. This demonstrates, for the reasons identified above, that there is no acceptable alternative to the use of borrow pits as currently proposed which can deliver the wider scheme benefits.

Tiptree Parish Council	REP4-096-001
Sub-Part	
<p>TR010060/EXAM/9.24 Applicant's Comments on Written Representations (page 415 forward). A full assessment was undertaken which concluded the best performing solution would be to relocate the junction from its existing location to Inworth Road. A number of benefits for the proposed location were identified, which were not limited to traffic impacts. TPC Response Unfortunately the impact of the increased traffic through the shopping and commercial area of the designated District Centre that is Tiptree was not considered.</p>	
Applicant's Response	
<p>As detailed in the response to REP2-126-001 in the Applicant's Comments on Written Representations [REP3-009], the impact of increased traffic through Tiptree was considered during the scheme development process, including when the proposed location of junction 24 was selected. This included a road safety assessment which concluded that the roads could operate safely without changes being made to the existing road.</p>	
REP4-096-002	
Sub-Part	
<p>This proposed location of J24 allows long-distance traffic to join the A12 without going through Kelvedon and Feering, TPC Response As I'm sure NH is aware, few if any vehicles heading from Tiptree to the A12 south drive through Feering and Kelvedon due to the congestion caused by parked cars in Kelvedon High Street. Rather this traffic currently uses Braxted Park Road to access the A12 at Rivenhall. The origin of much of the extra traffic in Kelvedon is apparently Coggeshall.</p>	

<p>Applicant's Response</p>
<p>The Applicant acknowledges that the majority of traffic from Tiptree heading to the A12 south would currently travel via Braxted Park Road to access the A12 at Rivenhall End. However, traffic from Tiptree heading to the A12 north is likely to drive through Feering to join the A12 at the existing junction 24.</p>
<p style="text-align: right;">REP4-096-003</p>
<p>Sub-Part</p>
<p>.... reduces the desirability of joining the A12 southbound at J22 from Tiptree. In doing so it improves the operation of J22, it minimises the visual impact to Prested Hall, addresses requests made by several statutory stakeholders in Stage 2 for moving the junction towards Inworth Road, minimises impact on The Crown Estate land, and provides an opportunity to construct the junction in cutting, which reduces the amount of construction material needed to be brought onto site. TPC Response In this list of improvements gained from the relocation of Junction 24 there is no mention of the impact upon Tiptree. The computer modelling by NH only extended as far as the double mini round- a-bout at the cross roads of the B1022 and B1023. It did not assess the impact upon Church Road. Consequently the impact upon Church Road did not figure in the responses by Stakeholders or even Tiptree residents, who would, on first glance, consider that the new junction 24 in Inworth Road was desirable. The inconvenience caused to 10,000 residents plus other users of the District Centre, not to mention the increase in ground-level pollution, should surely trump the suggested benefits listed by the Applicant.</p>
<p>Applicant's Response</p>
<p>As noted in the response to REP4-009-001 in this document, the impact on Tiptree was considered during the scheme development process. This includes consideration of traffic changes based on traffic model predictions. The traffic model that was used to inform this does not end at the double mini roundabout between the B1022 and B1023 – it extends over a wide area across north Essex including south-east from Tiptree towards Tollesbury and Mersea.</p>

Although the traffic information provided at previous consultations (such as the Statutory Consultation in June 2021) did not include predictions on the B1023 in Tiptree itself, those consultations did describe the traffic increases on the B1023 through Inworth.

Environment has been a key consideration throughout the proposed scheme option selection process and design development, including the development of junction 24. The options that were considered for junction 24 were scored against the environmental objective 'Improve the environmental impact of transport on communities along the existing A12', which included consideration of air quality impacts on communities. All options scored the same for this objective. From an air quality perspective, this is because all options had the potential to have adverse impacts on air quality, but were unlikely to result in any exceedances of the UK Air Quality Standards and were therefore unlikely to result in significant air quality effects.

Air quality modelling for specific receptors was undertaken for the Environmental Statement in accordance with traffic criteria in DMRB LA 105. The traffic model results feeding the air quality assessment indicated that residents along Church Road, south of Grove Road, did not meet the criteria for modelling in DMRB LA 105 and therefore air quality issues are not anticipated in this area. There was, however, a predicted increase in pollutant concentrations along Church Road between the B1022 and Grove Road junctions. The largest increases in predicted annual mean nitrogen dioxide (NO₂) and Particulate matter (PM₁₀) concentrations at properties along Church Road (between the B1022 and Grove Road junction) were 0.5µg/m³ (at Receptors R90 and R94) and 0.2µg/m³ (at Receptor R94) respectively, which equate to small and imperceptible changes. The maximum annual mean PM₁₀ concentration predicted was 14.2 µg/m³ (at Receptors R90 and R94) and for NO₂, 14.2 µg/m³ for receptor R90, which is well below the air quality objective of 40 µg/m³ (for both pollutants) determined for the protection of human health.

REP4-096-004

Sub-Part

The Applicant has met with the Parish Council on several occasions starting in 2016. The most recent information on the predicted traffic impacts in Tiptree was shared as part of a meeting between the Applicant and Tiptree Parish Council in March 2022. This showed that:

- On the B1023 Church Road to the south of the double mini roundabouts, traffic is predicted to increase by 166 vehicles in the AM peak hour, and 132 vehicles in the PM peak hour.
- On the B1023 Kelvedon Road to the north of the

double mini roundabouts, traffic is predicted to increase by 171 vehicles in the AM peak hour, and 100 vehicles in the PM peak hour. • On B1022 Maypole Road to the east of the double mini-roundabouts, traffic is predicted to decrease by 168 vehicles in the AM peak hour, and 151 vehicles in the PM peak hour. • On B1022 Maldon Road to the west of the double mini-roundabouts, traffic is predicted to decrease by 54 vehicles in the AM peak hour, and 76 vehicles in the PM peak hour. TPC Response The PowerPoint slide below is how these figures were presented to TPC on 15th March 2022.

Please note: □ The figures differ from those claimed by the Applicant above. □ The predicted morning peak increase in Kelvedon (Inworth) Road of only 110 vph was the last in a long line of predictions, each of which predicted less traffic than the previous, and which had begun with a predicted increase of over 1000 - albeit lower down Inworth Road (but see next point). The predictions have changed so much that it is impossible for TPC to have any confidence in regard to just how great the increase in Church Road traffic will be. □ The Applicant's figures above suggest that the increase is +166vph (not +110) but this is still hard to equate with the +345 vph predicted lower down Inworth Road (TR010060-000369- 7.2-Transport Assessment –Appendix C diagram C.9). By far the majority of traffic entering Inworth Road does so at this double roundabout. TPC did request a diagram showing the sources of the traffic that makes up the 345 vph but this has not been forthcoming. □ The Applicant states, 'The traffic changes of 92% and 42% shown in consultation brochures in June and November 2021 respectively were for a section of the B1023 through Inworth in the AM peak hour. In contrast, the traffic increase of only 110 vehicles per hour quoted in Tiptree Parish Council's Written Representation as having been presented in March 2022 was for a different section of the B1023 – on the B1023 Kelvedon Road in Tiptree village, north of the double-mini roundabouts in the centre of Tiptree – during the PM peak hour. These traffic figures are therefore not directly comparable, and there has been no change in traffic predictions since those presented in November 2021.' As stated above TPC contends that the vast majority of traffic in Inworth Road enters at this crossroads and therefore the figures at this point are broadly comparable with the figures near the proposed junction 24 and even more so for Inworth village. Furthermore please note that the increase of +110 vph in the PowerPoint slide above refers to AM peak, not PM peak. TPC has to ask, where did these March 2022 figures come from if there has been no change in predictions since November 2021?

Applicant's Response

The Interested Party has provided a snapshot from a presentation provided to Tiptree Parish Council on 15th March 2022, which includes traffic information. Unfortunately, this slide contains an annotation error, which says that the traffic flows shown are two-

way traffic flows. Instead, the numbers shown are actually one-way, peak-hour traffic flows entering the double mini-roundabouts in Tiptree.

The rest of the traffic flows shown throughout the consultation process have generally been two-way traffic flows. The correct two-way traffic flow changes in Tiptree are those quoted by the Interested Party in the sub-part above, i.e., those provided by the Applicant in response to sub-part REP2-126-001 in the Applicant's Comments on Written Representations [REP3-009].

A summary of the reasons for general changes in traffic modelling numbers in Tiptree was provided by the Applicant in response to sub-part REP2-126-001 in the Applicant's Comments on Written Representations [REP3-009]. For clarity, the numbers presented in bullet points in that response (i.e., an increase of 166 vehicles on Church Road in the AM peak and 132 in the PM peak) are the correct numbers as used to inform the Development Consent Order assessment process.

Regarding the Interested Party's queries about how the +166vph changes on Church Road can be reconciled with the +345vph increase further north on the B1023 through Inworth, this information was provided by email to Tiptree Parish Council on 19th August 2022. This stated that:

The traffic increase that the proposed scheme causes on the B1023 through Tiptree (Church Road / Kelvedon Road) is not as high as the predicted increase on the B1023 north of Tiptree (Inworth Road).

The reasons for this include the following:

- Without the proposed scheme in place, some traffic turns off at Vine Road / Grange Road to travel to Rivenhall End via Braxted Park Road. With the proposed scheme in place, some of this traffic instead continues north on the B1023, to join A12 at junction 24. This increases B1023 traffic north of Vine Road but does not increase traffic south of Vine Road.

· There is a small increase in traffic travelling via Oak Road and turning right to travel on the B1023 towards junction 24. This increases B1023 traffic north of Oak Road, but not south of Oak Road.

Regarding the Interested Party's request to see the sources of traffic that make up the +345vph traffic increase on the B1023, it is difficult to generate traffic model outputs to show this. Instead, traffic model plots have been provided which show the sources (both origin and destination) of traffic on the B1023 separately in the Do Minimum (without proposed scheme) and Do Something (with proposed scheme) scenarios. These plots were provided in Appendix B of the Applicant's Comments on Essex County Council's Local Impact Report [REP3-021], in the section titled "Junction 24 and surrounding network".

REP4-096-005

Sub-Part

The Applicant is satisfied that the roads can operate safely without changes. TPC Response Tiptree Parish Council considers that the work provided by National Highways lacks clarity: The double roundabout at Tiptree is overloaded before this work commences. Should the new A12 access go live, it will attract even more traffic. But National Highways consider this to be satisfactory (for a roundabout which is already overloaded). By the same token, NH justifies no requirement for any additional work on the Appleford Bridge (Braxted Road), as a significant portion of the traffic will now use the new Junction in Inworth Road. It appears that they are playing both access points off against each other as a reason to do nothing. This makes no sense, especially in view of the fact that NH is aware that the double roundabout in Tiptree is already overloaded. The Parish Council fails to understand how neither site requires improvement to cope with the additional density of traffic. Even if it can be shown that the roads can operate safely without changes, this conclusion overlooks the main point that Church Road is not just a normal road. It is the main road through a District Centre that includes 3 supermarkets, numerous shops and businesses and a primary school. Traffic levels are already high and there is no realistic prospect of a by-pass. The road is already difficult to cross and shoppers and children (including those at St Luke's school) are already being exposed to significant levels of ground level pollution. A likely 42% increase in traffic in Church Road is totally unacceptable. The double mini roundabout is already over capacity so there is every likelihood of queuing traffic here bringing Church Road to a standstill at peak times. TPC contends that had traffic modelling been extended to consider the impact upon Tiptree a different conclusion would have been reached regarding the position of Junction 24.

Applicant's Response

The proposed scheme's impact on the double mini-roundabout between the B1022/B1023 in Tiptree is summarised in the Applicant's response to a sub-part posed by Colchester City Council (RR-110-004) in the Applicant's Response to Relevant Representations – Rev 2 [REP1-002]. This states that “as a result of these increases and decreases in traffic flow on different arms, the junction's operation is not predicted to change significantly. A very slight improvement in performance is predicted, as described in Appendix G: Junction Modelling Technical Notes – Local Road Junctions, of the Transport Assessment (Section G.4.4) [APP-260]”. The junction is predicted to be approaching or exceeding its capacity and therefore congested even if the Applicant's proposed scheme is not built. However, because the Applicant's proposed scheme is not predicted to make it worse, the Applicant is not proposing any alterations to the junction.

The Applicant's position on Appleford Bridge is similar and is outlined in response to sub-part REP2-126-001 of the Applicant's Comments on Written Representations [REP3-009]. Because the proposed scheme is predicted to decrease traffic over Appleford Bridge, the Applicant does not consider it necessary to include the improvements proposed by Tiptree Parish Council as part of the proposed scheme.

As noted in the Applicant's response to REP4-009-001 in this document, the impact on Tiptree was considered during the scheme development process. This includes consideration of traffic changes based on traffic model predictions. The traffic model that was used to inform this does not end at the double mini roundabout between the B1022 and B1023 – it extends over a wide area across north Essex including south-east from Tiptree towards Tollesbury and Mersea.

REP4-096-006

Sub-Part

Further traffic information showing the origin and destination of traffic on the B1023 and Braxted Park Road in the traffic model has been provided in Appendix C of the Applicant's response to Essex County Council's Local Impact Report [TR01600/EXAM/9.37]. TPC Response The two PowerPoint slides below illustrate the inconsistencies and ambiguities that have marked this consultation process. Both slides were presented to TPC on 15th March 2022 in the same presentation. Please note

the highlighted contradiction regarding traffic in Braxted Park Road. Whilst this may be a simple oversight on the part of NH, the contradiction does nevertheless illustrate the degree to which predicted traffic modelling has changed over the last four years. Whether or not the predictions referred to by the Applicant in the statement quoted above prove to be correct, clearly more traffic will continue to use the Braxted Park Road route than was envisaged when the various options for Junction 24 were considered (The Highways England A12 Chelmsford to A120 widening, Scheme Assessment Report Addendum, 2020, Appendix D Junction 24). This does rather undermine the case for the new position of Junction 24. However, regardless of the outcome of this examination, it is vital that the Braxted Park Road route remains a viable option for A12 SB traffic. In particular, the doubling of Appleford Bridge is considered essential, and all the more so if Junction 24 is moved to the proposed position. This would be the best hope to keep traffic levels in Church Road at acceptable levels and is the least TPC would expect by way of mitigation.

Applicant's Response

The Applicant acknowledges the apparent ambiguity in the PowerPoint slides presented in the Interested Party's response. Although the first slide does state that flow changes are "driven by changes in traffic patterns for traffic from Tiptree itself", the subsequent bullet points could more clearly have used the wording "Traffic from the east part of Tiptree" rather than "Traffic from east of Tiptree", and "Traffic from the west part of Tiptree" rather than "Traffic from west of Tiptree".

For clarity, the second slide shows that for traffic approaching from the south and east of Tiptree (i.e., settlements beyond Tiptree such as Mersea), that traffic is predicted to use the Braxted Park Road route to join the A12 southbound at junction 22 and not travel via the B1023 to join at junction 24.

Regarding the comments about changing traffic model figures and whether the case for the position of junction 24 is undermined by subsequent traffic predictions, these points were addressed in the response to Tiptree Parish Council's sub-part REP2-126-001 in the Applicant's Comments on Written Representations [REP3-009].

3 Applicant's Comments on Additional Submissions accepted by the Examining Authority after Deadline 4

Mr and Mrs Allen	AS-050-001
Sub-Part	
<p>Dear Sir/Madam, Re: A12 Chelmsford to A120 Widening scheme Proposed Footbridge at Witham Our understanding is that a footbridge which is meant to provide access for pedestrians, cyclists and horse-riders, to cross from one side of the A12, over to the other side. We cannot believe any rider would choose to use such a footbridge. This action would involve disruption to the grass area. The works will include the removal of several mature trees that currently line the A12. We live 150 metres from the intended location of the footbridge. We wish to object to the footbridge proposal for the following reasons.</p>	
Applicant's Response	
<p>The Applicant notes the Interested Party's comments regarding the proposed Gershwin Boulevard footbridge.</p> <p>The Applicant has provided a technical note which assesses the visual impacts that would be caused by the proposed A12 Chelmsford to A120 Widening Scheme in the vicinity of the proposed Gershwin Boulevard bridge during construction and operation and 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.</p> <p>Further responses on the Gershwin Boulevard bridge have been submitted in the Applicant's Responses to ExQ2 2.13.2 [REP4-055] and in the Applicant's Comments on Information received at Deadline 3 AS-047 [REP3-046], [REP3-047] and AS-047 [REP4-056].</p>	

The proposed bridge is designated for use by pedestrians and wheelchair users only and has been designed to allow for future cyclist and equestrian use. The futureproofing of the proposed bridge for equestrian use would not affect the overall structural form and therefore the impact for nearby residents would be unaffected.

The Applicant has responded to the Interested Party's objections in the following sub-parts AS-050-002, AS-050-003 and AS-050-004.

AS-050-002

Sub-Part

1. There is already a perfectly good route providing access from one side of the A12, over to the other. It is called Maldon Road. It goes underneath the A12. It provides access for motorists, cyclists, horse-riders and pedestrians 2. In order to get to and from the footbridge would mean cyclists and horse-riders would have to go through a large residential estate

Applicant's Response

The Applicant is proposing to divert the right of way for pedestrians between footpath 121_95 either side of the A12 with the new bridge providing a safe location to cross. 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 footpath 121_95 would need to be stopped up. Owing to the nature of the proposed scheme, the standards for its design require that pedestrians are prohibited from the altered A12. This would effectively confirm the current practical severance of the existing right of way owing to the volume of traffic and the safety concerns for pedestrians along with other classes of road user as described in DMRB GD300 who try to use the current legally permissible route. While this prohibition is primarily related to preventing pedestrians walking alongside the A12, it would also have the effect of prohibiting use of the current crossing of the A12 via the provided steps and central reserve barrier gap.

Under the Planning Act 2008, where a public right of way is proposed to be extinguished, the Applicant is obligated to provide a reasonable alternative right of way unless re-provision is not required. The Applicant has proposed the position of Gershwin Boulevard bridge as the most reasonable alternative diversion route.

The Applicant's proposal would connect the two sections of footpath 121_95 on either side of the A12, the eastern section of which links to Maldon Road. There would be a short on-road section (approximately 200m) of the route that connects to the ongoing Public Rights of Way network to the left of the entrance to Oliver's Nurseries.

The Applicant notes that some users may choose to use Maldon Road to cross under the A12, however the proposed Gershwin Boulevard bridge provides an off-road connection between footpath 121_95 either side of the A12 and enables onward journeys to Maldon Road via the replacement land that would be Open Space for Braintree District Council. The bridge would land adjacent to the open space, enabling direct access to the open space. The Applicant has intentionally connected the replacement land to Maldon Road near to Oliver's Bridge so it both replaces the lost open space, but also facilitates ongoing journeys.

AS-050-003

Sub-Part

3. It will involve the removal of several well established trees which currently line the A12. Removal of the trees would involve more noise and pollution from the A12 motorway, so close to a residential area 4. It would be an un-necessary expense and a eyesore on a piece of green which local people value. The grass field area is currently used for children to play, people, walking/exercising, and dog walks. Our understanding is the whole field would be used during construction to be a work site

Applicant's Response

The Applicant has provided a technical note which assesses the visual impacts that would be caused by the proposed A12 Chelmsford to A120 Widening Scheme in the vicinity of the proposed Gershwin Boulevard bridge and 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.

Loss and replacement of open space

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 responses on the Gershwin Boulevard bridge have been submitted in the Applicant's Responses to ExQ2 2.13.2 [REP4-055] and in the Applicant's Comments on Information received at Deadline 3 [REP4-056], responses to REP3-046, REP3-047.

Loss of trees

Loss of vegetation in relation to the proposed scheme in the vicinity of Gershwin Boulevard bridge is illustrated on Sheet 8 of the Retained and Removed Vegetation Plans [APP-035]. Vegetation loss in this area includes loss of trees. It should be noted that Register of Environmental Actions and Commitments (REAC) [REP4-023] at LV 4 requires that '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 which would be retained in accordance with, as a minimum, the Retained and Removed Vegetation Plans' [REP4-007].

Noise and Air Quality

However, the Applicant does not consider that the removal of some of the trees to accommodate the proposed Gershwin Boulevard footbridge would change the propagation of noise. The use of shrubs or trees to reduce noise has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation. This is not the case for the majority of the vegetation between the dwellings and the A12 at Witham.

To mitigate the increase in noise caused by the increase in traffic flow on the A12, the Applicant is proposing to use a surface with better noise reducing properties than a conventional low noise surface. This is proposed to be used on both carriageways along the entire length of the Witham bypass and is described within paragraph 12.10.16 of Environmental Statement Chapter 12: Noise and vibration [APP-079]. The use of this surface is secured by commitment NV10 within the Register of Environmental Actions and Commitments (REAC) [REP4-023].

By using the mitigation measure there is predicted to be a widespread reduction in noise alongside the A12 in Witham. This is shown on sheet 4 of Environmental Statement Figure 12.8: Noise change contour map – opening year 2027 [APP-235].

While the Applicant acknowledges the importance of trees and vegetation for their visual and landscaping effects, the assessment of air quality does not consider trees and vegetation to have beneficial effects. The benefits of trees as a method for reducing air quality concentrations from sources such as roads is limited. This is because air and pollutants can still flow through the trees (i.e., a permeable barrier) unlike solid barriers. As such trees are not typically considered as an air quality mitigation measure.

Construction

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-050-004

Sub-Part

As far as we are aware no consultation has taken place with residents of this area and were shocked to hear this proposed footbridge. We object to this proposal

Applicant's Response

The Applicant has carried out various consultations for the proposed scheme.

In June 2021, the statutory consultation ran for eight weeks and included six public events, six webinars and a virtual exhibition available 24 hours a day during the consultation period. An extensive letter drop took place, advertising the consultation to over 33,000 households in the area. The bridge was shown on the plans illustrating the proposal in map books which were available online and at the 14 pick-up points along the route which detailed plans of the proposed scheme.

In November 2021, a supplementary consultation was held for a duration of 6 weeks and included three public events. An extensive letter drop again took place, writing to over 33,000 households, three webinars were held and a virtual exhibition was made available 24 hours a day during the consultation period. Residents of Gershwin Boulevard, Olivers Drive and the surrounding area were part of the distribution area advertising the consultation. Under the supplementary consultation, the proposals for Gershwin Bridge were included in the updated General Arrangement Plans and was noted as a one of the Category 3 changes annotated within these plans, due to a more developed ramp geometry being shown. These plans were available through the consultation scheme website and from 15 pick-up points along the route.

Further information on the consultation process and methods used, including details of map book locations, can be seen in the Consultation Report [APP-045].

Right Honourable Priti Patel - Member of Parliament for Witham	AS-051-001
Sub-Part	
<p>Our Ref: ZA81315 18 April 2023</p> <p>Proposals for the Gershwin Boulevard Bridge I have been contacted by constituents living in the vicinity of Maldon Road and the A12 who have expressed concerns about the impact of the current designs of the widening scheme in this locality. You will note from the correspondence attached that they feel that the design and location of the bridge needs changing. I am aware that on 26 April 2023 the hearing taking place is due to include an item on the bridge. I would be grateful if you could confirm the arrangements for the meeting and to give details of the opportunities for representations to be made to the hearing. Yours sincerely,</p> <p>Rt Hon Priti Patel Member of Parliament for Witham</p>	
Applicant's Response	
<p>The Applicant notes the Rt Hon Member of Parliament's comments and has addressed the concerns raised in the referenced correspondence in the responses to AS-051-002 and AS-051-003 in this document.</p>	
AS-051-002	
Sub-Part	
<p>Unfortunately we, as residents, only found out recently about one aspect of the development, the restoration of a historical footpath - ie. the new Bridge across from Olivers Drive (which by way of a smokescreen is being named "Gershwin Boulevard Bridge") to a footpath that's not been used for over 58 years, and ends on a dangerous bend on Maldon Road.</p>	

Surely we as residents should have been better informed of this project so we could have all been prepared for these changes? Instead we have had it put upon us with no say in the matter.

We feel as Residents that this Bridge will have a major impact on all of us, especially the Residents of Olivers Drive and Halfacres, with this bridge passing straight across the front of their HOMES and an amenity area of grass that is used by many local residents for childrens' play, exercise and dog walking, being ruined.

Applicant's Response

As part of the statutory consultation in June 2021, the Applicant wrote to over 33,000 properties near the proposed scheme to notify of the consultation and this included residents of Gershwin Boulevard and the surrounding area. The consultation ran for a period of 55 days.

As part of this consultation, press releases were issued to 16 local and national news outlets and notices were published in both local and national newspapers across two weeks. A virtual event space was set-up on the National Highways website where stakeholders could view consultation material and provide comment 24 hours a day.

The Applicant also had 14 deposit locations across the scheme, including Witham Library, where consultation materials were made available. Six online webinars were held during the consultation period along with six public information events, including two in Witham. The consultation, along with the individual events, were advertised via the National Highways social media pages and the scheme website.

The proposals for Gershwin Boulevard Bridge were shown in the flyover video, which was available on the scheme website. These proposals are also shown in A12 Chelmsford to A120 Widening Scheme Preliminary Design Map Book 1 General Arrangements 2 of 3 June 2021, which is also available on the scheme website.

In November 2021 the Applicant ran a Supplementary Consultation, again residents of Gershwin Boulevard and the surrounding area were part of the distribution area advertising the consultation. Further advertising for this consultation included issuing press releases to local and national news outlets and publishing notices in both local and national newspapers. A virtual event space was also set-up on the National Highways website where consultation material was available 24 hours a day. The consultation was supported by 3 webinars and 3 in person events including one in Witham on 26 November 2021.

The Applicant can confirm that it did receive feedback c regarding Gershwin Boulevard Bridge during the Supplementary Consultation, the responses to which can be found in section 2.3 of Consultation Report - Annex N: Tables evidencing regard had to consultation responses (in accordance with section 49 of the Planning Act 2008) [APP-062].

The Applicant is looking to divert an existing public right of way (Public Footpath 121_95) which currently crosses the A12 on the level, by rerouting it on to the proposed bridge. The Applicant is looking to do so in a way that minimises the length of the diversion occasioned by the change to the route of the footpath. The Applicant believes that the new bridge is therefore in an appropriate location and addresses historic severance in accordance with paragraph 5.205 of the NNNPS. Whilst some acquisition of open space will be required for the bridge approach on the land adjacent to Olivers' Drive, this will be replaced by new open space land on the other side the A12, linked by the new bridge, whilst the land being taken will remain publicly available in any event.

The Applicant has provided a technical note which assesses the visual impacts that would be caused by the proposed bridge. The Gershwin Boulevard Technical Note [REP3-011] provides further details of the proposed bridge and the assessment of the impacts anticipated as a result of the construction of the bridge.

AS-051-003

Sub-Part

Please as our Member of Parliament will you be able to intervene with National Highways and the Planning Inspectorate, and object on Behalf of the Residents of Olivers Drive, Halfacres and Maldon Road, by supporting the MOVE of the proposed bridge around 300 meters West so that it actually joins Gershwin Boulevard to Howbridge Hall Road, and so give a better access to James Cook Wood?

A Local land owner, Mr Charles Willet, is willing to grant a Permissive Access to reach the Wood and link to the footpaths that continue on around the golf course and even access to a complete circle of Witham if some residents wish to do so.

Surely the safety of walkers should be paramount?

The risk of walking on a part of Maldon Road with narrow verges and sharp bend roads should be avoided if possible Mr Willet is offering a far better route to the Wood, where a lot of people exercise and walk their dogs, and this is best achieved via Howbridge Hall Road.

This makes good sense and we don't think would cause to much inconvenience to the Highways agency.

We are sorry to say this, but it would nice if we as Residents actually had a say in OUR Town -- we just feel we are put in a position and that the Highways Agency have a right to dictate their View of our Town and our Homes.

We ask again if you as our Member of Parliament would act on our Behalf and Talk to the Highways Agency and so take away the worry and sleepless nights that a Lot of us have had and, will continue to have, if this Bridge is built as the drawings are at

Present. Again we appeal to you to speak on our behalf and have the position of the GERSHWIN BOULEVARD BRIDGE moved to Gershwin Boulevard.

With regards and respect,

The Residents of Maldon Road, Olivers Drive and Halfacres

Applicant's Response

The Applicant is proposing to divert the right of way for pedestrians between footpath 121_95 either side of the A12, with the new proposed bridge providing a safe location to cross and allowing for the stopping up of the existing crossing of the A12 on the level. 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 footpath 121_95 would need to be stopped up. Owing to the nature of the proposed scheme, the standards for its design require that pedestrians are prohibited from the altered A12. This would effectively confirm the current practical severance of the existing right of way owing to the volume of traffic and the safety concerns for pedestrians along with other classes of road user as described in DMRB GD300 who try to use the current legally permissible route. While this prohibition is primarily related to preventing pedestrians walking alongside the A12, it would also have the effect of prohibiting use of the current crossing of the A12 via the provided steps and central reserve barrier gap.

Under the Planning Act 2008, where a public right of way is proposed to be extinguished, the Applicant is obligated to provide a reasonable alternative right of way unless re-provision is not required. The Applicant has proposed the position of Gershwin Boulevard bridge as the most reasonable alternative diversion route.

To provide an enhanced provision for users of Maldon Road on foot would require land from the residential and business properties adjacent to Maldon Road. The Applicant does not believe it would have a compelling case to seek powers compulsorily as the issue is an existing one and is not required mitigation for the A12 scheme.

As noted in AS-051-002, the Applicant the proposed bridge was included in the pre application consultation material in June 2021 and the supplementary consultation in November 2021.

The Applicant has provided a technical note which assesses the visual impacts that would be caused by the proposed A12 Chelmsford to A120 Widening Scheme in the vicinity of the proposed bridge and 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.

Network Rail Infrastructure Limited

AS-052-001

Sub-Part

Written Submission 1. The Panel have stated that it may be helpful for Network Rail to attend the second CAH on 27 April 2023. However, in the interests of efficiency, Network Rail is providing this written statement rather than attending the hearing. 2. Network Rail's position remains as it was at the first CAH on 1 March 2023, in summary: a. Network Rail (whilst supporting the principle of the project) has an outstanding objection, and that objection remains in place; b. Network Rail's concerns are set out in detail in the written representation (Examination Library Reference REP2-092) and summarised in its CAH 1 submissions (Examination Library Reference REP3-074). 3. It remains the case that, 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. 4. However, the parties are continuing to negotiate the terms of an agreement and amendments to the protective provision for Network Rail which could resolve Network Rail's concerns. It is intended that the draft SoCG (Examination Library Reference REP3- 075) will be updated at Deadline 5 (10 May 2023) to reflect this, and the progress made by the technical teams in resolving Network Rail's concerns. 5. Network Rail respectfully requests that if the Panel has any specific queries for Network Rail which it intended to raise at the hearing, that these are instead included in the Panel's Third Written Questions to be issued by 22 May 2023, and Network Rail will respond accordingly.

Applicant's Response

2a. The Applicant notes Network Rail's objection and is working through the issues. The Applicant is awaiting feedback on its responses and additional information provided to Network Rail's objections.

2b. The Applicant has responded to REP2-092 and we continue to engage in the process.

3. The Applicant is precluded under the protective provisions included in the draft DCO from compulsorily acquiring land or rights from Network Rail and from extinguishing their rights in third parties' land. The Applicant cannot therefore enter Network Rail's land without first obtaining land and or rights from Network Rail through voluntary agreement. The Examining Authority can therefore be reassured that Network Rail has adequate protections against any serious detriment arising to its assets, including signalling, since either their safety concerns will have to be allayed or a technical solution will have to be found which removes their safety concerns before they will allow the Applicant on their land.

Regarding the Interested Party's Concerns on signalling, the Applicant has sought, and continues to seek further clarification so that it can address Network Rail's concerns so that the clearance can be granted, allowing the Applicant to acquire the land and rights it needs from Network Rail.

4. We note the Interested Parties comments and are progressing both the Protective Provisions and the SoCG. To date, we have not been able to properly address specific concerns from the IP's technical teams because we have not been provided with adequate feedback/detail. However, the Applicant continues to seek this information and is committed to resolving these issues.

5. The Applicant notes the Interested Party's request.

Brenda Freeman	AS-055-001
Sub-Part	
<p>I am writing to express my opinion referring to the new bridge development as a resident on the near the field where the works are being proposed to be set up. We would like to oppose works site being set up here as we do not want this site being spoilt as is used a lot in the Summer months by our Children. This is also a very popular area for dog walkers and also we feel that the noise level from the A12 would increase if many trees are cut down. We feel a more appropriate site would be the grass area opposite ie. Gershwin Boulevard side. We hope you will take these comments into account.</p>	
Applicant's Response	
<p>The Applicant notes the comments from the Interested Party.</p> <p>The Applicant is proposing to divert the right of way for pedestrians between footpath 121_95 either side of the A12 with the new bridge providing a safe location to cross. 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 footpath 121_95 would need to be stopped up. Owing to the nature of the proposed scheme, the standards for its design require that pedestrians are prohibited from the altered A12. This would effectively confirm the current practical severance of the existing right of way owing to the volume of traffic and the safety concerns for pedestrians along with other classes of road user as described in DMRB GD300 who try to use the current legally permissible route. While this prohibition is primarily related to preventing pedestrians walking alongside the A12, it would also have the effect of prohibiting use of the current crossing of the A12 via the provided steps and central reserve barrier gap.</p> <p>Under the Planning Act 2008, where a public right of way is proposed to be extinguished, the Applicant is obligated to provide a reasonable alternative right of way, unless re-provision is not required. The Applicant has proposed the position of Gershwin Boulevard bridge as the most reasonable alternative diversion route.</p>	

The Applicant's proposal would connect the two sections of footpath 121_95 on either side of the A12, the eastern section of which links to Maldon Road. There would be a short on-road section (approximately 200m) of the route that connects to the ongoing Public Rights of Way network to the left of the entrance to Oliver's Nurseries.

The Applicant has considered the loss of open space, including north of the proposed Gershwin Boulevard Bridge, in the Replacement Land Statement [APP-279]. For each of the open space areas being lost to the proposed scheme, Replacement Land is being offered. The open space north of the proposed Gershwin Boulevard Bridge is described as Areas 2-4 within the Replacement Land Statement [APP-279]. While this small area of land (approximately 0.35ha) is required to construct and mitigate the proposed bridge, replacement land for Areas 2-4 is situated south of the A12 at the proposed Gershwin Boulevard Bridge, and this land would also provide a connection to Maldon Road via a much larger area of open space (approximately 2.1ha).

The Applicant does not consider that the removal of some of the trees to accommodate the proposed Gershwin Boulevard bridge would change the propagation of noise. The use of shrubs or trees to reduce noise has been shown to be effective only if the foliage is at least 10m deep, dense, and consistent for the full height of the vegetation. This is not the case for the majority of the vegetation between the dwellings and the A12 at Whitham.

To mitigate the increase in noise caused by the increase in traffic flow on the A12, the Applicant is proposing two types of noise mitigation in this area.

The first mitigation measure is the use of a surface with better noise reducing properties than a conventional low noise surface. This is proposed to be used on both carriageways along the entire length of the Witham bypass and is described within paragraph 12.10.16 of Environmental Statement Chapter 12: Noise and vibration [APP-079]. The use of this surface is secured by commitment NV10 within the Register of Environmental Actions and Commitments (REAC) [REP4-023].

The second mitigation measure is the use of noise barriers in the area where Maldon Road passes under the A12. These noise barrier locations are shown on sheet 2 of Environmental Statement Figure 12.4: Additional noise mitigation [APP-079]. These noise barriers are described within paragraph 12.10.14 of Chapter 12: Noise and vibration [APP-079] and are secured by commitment NV9 within the REAC [REP4-023].

By using these mitigation measures there is predicted to be a widespread reduction in noise alongside the A12 in Witham. This is shown on sheet 4 of Environmental Statement Figure 12.8: Noise change contour map – opening year 2027 [APP-235].

The Applicant has provided a technical note which assesses the visual impacts that would be caused by the proposed A12 Chelmsford to A120 Widening Scheme in the vicinity of the proposed Gershwin Boulevard bridge during construction and operation and 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. The assessment of the alternative location for the footbridge on the western side of Gershwin Boulevard found that there is no clear benefit for this location with regard to operational road safety, or landscape or visual grounds, and would not connect into the local footpath network.

John Holt	AS-057-001
Sub-Part	
I refer to my letter dated 8 March 2023, regarding the proposed construction of a footbridge over the A12. I have subsequently had the opportunity of examining a document with the reference TR010060/EXAM/9.26 - TECHNICAL NOTE GERSHWIN BOULEVARD BRIDGE.	
Applicant's Response	
The Applicant notes the Interested Party's comments.	
AS-057-002	
Sub-Part	
The document refers to a footpath that existed some sixty plus years ago. It is understood that certain features remain in place - a flight of steps, and a gap located within the central reservation - intended to allow the use of the footpath. However because of the obvious dangers from the A12 traffic, it has proved to be impractical to use the footpath. The Witham bypass, was opened in 1963, and since that time it has not been possible to make use of the footpath. As far as I am aware there has been no request for a footpath to be provided. So who exactly would need such a provision now? It is unlikely that it would be horse riders, or cyclists. They already have a perfectly adequate route that provides access from north of the A12, over to the southern side. Maldon Road goes underneath the A12. And provides both vehicular and pedestrian access. There is, therefore, no justification for the additional expenditure, and disruption, of providing the proposed footbridge.	
Applicant's Response	
The Applicant is proposing to divert the existing right of way for pedestrians between footpath 121_95 either side of the A12 with the new bridge providing a safe location to cross. 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 footpath 121_95 would need to be stopped up. Owing to	

the nature of the proposed scheme, the standards for its design require that pedestrians are prohibited from the altered A12. This would effectively confirm the current practical severance of the existing right of way owing to the volume of traffic and the safety concerns for pedestrians along with other classes of road user as described in DMRB GD300 who try to use the current legally permissible route. While this prohibition is primarily related to preventing pedestrians walking alongside the A12, it would also have the effect of prohibiting use of the current crossing of the A12 via the provided steps and central reserve barrier gap.

Under the Planning Act 2008, where a public right of way is proposed to be extinguished, the Applicant is obligated to provide a reasonable alternative right of way, unless reprovion is not required. The Applicant has proposed the position of Gershwin Boulevard bridge as the most reasonable alternative diversion route.

The Applicant's proposal would connect the two sections of footpath 121_95 on either side of the A12, the eastern section of which links to Maldon Road. There would be a short on-road section (approximately 200m) of the route that connects to the ongoing Public Rights of Way network to the left of the entrance to Oliver's Nurseries.

The Applicant notes that some users may choose to use Maldon Road to cross under the A12, however the proposed Gershwin Boulevard bridge provides an off-road connection between footpath 121_95 either side of the A12 and enables onward journeys to Maldon Road via the replacement land that would be Open Space for Braintree District Council. The bridge would land adjacent to the open space, enabling direct access to the open space. The Applicant has intentionally connected the replacement land to Maldon Road near to Oliver's Bridge so it both replaces the lost open space, but also facilitates ongoing journeys.

AS-057-003**Sub-Part**

The Technical Note also makes comment on various assessments that have been carried out in relation to the effect such a footbridge would have. Such assessments, have not, however, considered the effect the footbridge would have on the substantial residential areas that have been constructed since the 1970's, and early 1980's. The original footpath was in use longer before that development, when the area was only fields. However, should the footbridge be provided, any would be user will be required

to go through a built up area before actually getting to the footbridge. Hardly conducive for horse riders, or cyclists. Furthermore it is considered that the number of possible pedestrians would be extremely small, if at all. On that basis, and the previous statement, it would be a misuse of public money.

Applicant's Response

The bridge is proposed as a pedestrian and wheelchair use-only right of way, reflecting that the connecting rights of way are public footpaths with no bridleways in the immediate area of the proposed bridge.

The Applicant recognises that the built-up area of Witham has expanded since the A12 was realigned to its current position. That extension of residential areas provides greater scope for the number of potential users of the proposed bridge. The proposed bridge provides a route for residents in the Witham area to make use of public footpath 121-95 and will also allow for the public to easily access the proposed new open space land to be provided by the Applicant on the eastern side of the A12. The bridge is supported, in principle, as a reversal of that historic severance, by both the County and District Councils, reflecting the potential for it to enable many people to enjoy the land and footpath networks in the area.

AS-057-004

Sub-Part

The world of today is vastly different to that of the early 1960's. Car use has increased many times over. At the same time the number of people walking anywhere has decreased. I wonder if there has been any market research carried out. It is quite likely that there would be very little demand for the footbridge. I wish to object to this footbridge proposal for all of the reasons previously stated, augmented by the observations herein.

Applicant's Response

The Applicant has considered that it cannot demonstrate that the reprovision of footpath 121-95 is not being required under S136 of the 2008 Act. It remains open to the Secretary of State to decide the footpath is not required, based on reasonable evidence provided to the Secretary of State, but that is not the Applicant's case.

John Holt	AS-058-001
Sub-Part	
<p>I refer to my previous letters dated 8 and 19 March 2023, regarding the proposed construction of a footbridge over the A 12. I have subsequently had the opportunity of examining a document with the reference 9.41 APPLICANTS RESPONSE TO RELEVANT REPRESENTATIONS. I was disappointed to note that it would seem that the suggestion (by Essex Ramblers Association) of an alternative location for the proposed footbridge. Has been rejected because of an issue regarding land ownership.</p>	
Applicant's Response	
<p>For the purpose of responding to the Interested Party, the Applicant has assumed that the referenced document that the Interested Party has reviewed is 9.41 Applicant's Responses to ExQ2 [REP4-055].</p> <p>The Applicant clarifies that the alternative location for Gershwin Boulevard bridge, as presented by Essex Ramblers Association, was considered but not taken forward, based on a number of aspects, not solely land ownership. The Applicant has documented this assessment in Technical Note Gershwin Boulevard Bridge [REP3-011].</p> <p>In summary, the Applicant does not believe the alternative proposal should be taken forward because:</p> <ul style="list-style-type: none">• it does not create a route to the proposed Replacement Land south of the A12 and the wider rights of way network• the land required to deliver the bridge in the alternative location is outside of the current Order Limits• the alternative proposal does not resolve the concerns raised by the community but instead relocates the impacts on the receptors while increasing the diversion length of the public right of way that is being diverted	

AS-058-002

Sub-Part

The suggested alternative site is approximately ninety metres further to the west of the currently planned position. It is shown on the following extract from Google Maps. It is considered that the alternative location would have several advantages over the current site. (a) The current site is approximately ninety metres away from existing residential property. The alternative site would be approximately 162 metres from the nearest residential property. As a result the visual impact on the local inhabitants, would be greatly reduced. (b) It is posed that a number of trees will be removed in order to accommodate the footbridge. It is further proposed that additional trees would be planted in order to hide e the footbridge, and mitigate the visual impact. However any new trees will take at least 15 or more years to provide any meaningful screening. However, at the alternative proposed site there are several mature trees already in existent. If the footbridge was constructed within the tree areas there would be lees need for additional planting. The screening already exists. Therefore the visual impact would reduced further. (c) The alternative location would allow for the footbridge to provide direct access to the existing footpath on the southern side of the A 12.

Applicant's Response

The Applicant has provided a technical note which assesses the visual impacts that would be caused by the proposed A12 Chelmsford to A120 Widening Scheme in the vicinity of Gershwin Boulevard bridge and 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.

At the suggested alternative location, vegetation would need to be removed to construct and accommodate the bridge and ramps. Whether the proposed Gershwin Boulevard Bridge is provided in the proposed location or at the suggested alternative location, a similar amount of vegetation that screens the A12 would need to be removed.

There would be a greater distance between residential properties at Gershwin Boulevard and a bridge at the Interested Party's suggested alternative location, when compared to residential properties at Olivers Drive and the Applicant's proposed bridge. The Applicant, however, considers there would be greater scope for landscape and visual mitigation at the location proposed by the

Applicant. At the suggested alternative location, there would be limited opportunity to replace lost vegetation and mitigate open views across the lake that would be experienced by residents in this area. This is due to the presence of the Gershwin Boulevard and a lake north of it. The Applicant's proposed location is adjacent to amenity land where it is proposed to provide tree and shrub planting to offset the lost vegetation and help mitigate views of the new bridge and the A12.

While the landscape and visual effects of a bridge in either location would likely be comparable, there would be greater scope for landscape and visual mitigation at the location proposed by the Applicant.

Year 15 is the design year for assessment required by the Design Manual for Roads and Bridges LA 107 based on the industry standard Guidelines for Landscape and Visual Impact Assessment Third Edition, not when trees would be mature. Vegetation establishes at different rates depending on species, size of stock at the time of planting and local growing conditions. The Applicant states in 9.41 Applicant's Responses to ExQ2 [REP4-055], in response to ExQ2 2.13.2, that during detailed design, the inclusion of evergreen species, larger stock and fast-growing species would be considered to provide early establishment and screening.

The Applicant's proposed location for Gershwin Boulevard bridge reinstates the severed right of way 121_95 over the A12 and provides onward connection to footpath 121_96 and 268_4 via Maldon Road.

AS-058-003

Sub-Part

It is considered that the alternative site would provide a cost saving; it would have far less impact on the local residents; and be far more acceptable. It has been sixty years since the original footpath was lost due to construction of the A 12. Taking some additional time now to consider where, and how the footbridge would go, could be extremely beneficial to all concerned.

Applicant's Response

As previously noted in response to AS-058 -001 and AS-057, the Applicant has assessed the alternative location for Gershwin Boulevard bridge and maintains that the proposed design presented by the Applicant in the DCO application is the most suitable location for the bridge. There is not expected to be a discernible difference in cost between the Applicant's proposal and the alternative proposal. The Applicant is obligated under the 2008 Planning Act, Section 136, to provide a suitable alternative when proposing to extinguish an existing right of way over the A12. The alternative suggested by the Interested Party does not resolve the concerns raised by the community, but simply relocates the impacts on receptors while increasing the diversion of the public right of way by approximately 600m. While it is appreciated that the existing route is not well used, it is currently lawful to cross the A12 on the level at this location and the Applicant's proposed bridge is the most appropriate way to divert and reconnect footpath 121-95.

Keith Lomax	AS-059-001
Sub-Part	
<p>Dear Sirs,</p> <p>Firstly, thank you for including my submissions so far on the project documents library so that they can be considered by the inspectorate, in particular those relating to the Deadline 3 submissions.</p> <p>In reviewing the numerous documents released in relation to Deadline 3, one of these is document reference TR010060/EXAM/9.26 - TECHNICAL NOTE GERSHWIN BOULEVARD BRIDGE. It is clear that National Highways and/or their contractors have had the opportunity to review my submissions and those of several of my neighbours in relation to the proposed bridge located adjacent to Olivers Drive and Halfacres in Witham, in order to produce this extensive document. It is only fair that I, and others if they wish to do so, have the opportunity to respond to this technical note, which I believe to be significantly flawed.</p>	
Applicant's Response	
<p>The Applicant acknowledges comments from the Interested Party on the 9.26 Technical Note Gershwin Boulevard Bridge [REP3-011] and has provided a response to each point raised in the following sub-parts.</p>	
AS-059-002	
Sub-Part	
<p>Section 1.2 - Context. Clause 1.2.1 refers to the existing Public Right of Way footpath 121_95 which crosses the A12 in the vicinity of Olivers Drive. Whilst this footpath exists, for the past approximately sixty years use of this footpath has involved crossing a busy two lanes each way dual carriageway so in reality has not been useable. The houses on Olivers Drive and the</p>	

surrounding residential roads were constructed some fifteen to twenty years after the dual carriageway and as such the historic context is not relevant.

Clause 1.2.4 states that footpath 121_95 links with footpath 268_4. In fact this link is via 121_96. However, this requires the user to walk alongside, and at some point cross, a 220 metres* long section of Maldon Road (B1018) which is a single carriageway National Speed Limit road linking Witham with Maldon and onward to the villages on the Dengie peninsula. It has narrow verges bounded with mature trees and fencing for the whole length.

Image 1 - captured from Google Streetview close to the Southern End of footpath 121_95

Applicant's Response

To provide additional clarity on the purpose of the Gershwin Boulevard bridge, the Applicant is proposing to divert the right of way for pedestrians between footpath 121_95 either side of the A12 with the new bridge providing a safe location to cross. 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 footpath 121_95 would need to be stopped up.

Owing to the nature of the proposed scheme, the standards for its design require that pedestrians are prohibited from the altered A12. This would effectively confirm the current practical severance of the existing right of way owing to the volume of traffic and the safety concerns for pedestrians along with other classes of road user as described in DMRB GD300 who try to use the current legally permissible route. While this prohibition is primarily related to preventing pedestrians walking alongside the A12, it would also have the effect of prohibiting use of the current crossing of the A12 via the provided steps and central reserve barrier gap.

Under the Planning Act 2008, where a public right of way is proposed to be extinguished, the Applicant is obligated to provide a reasonable alternative right of way, unless re-provision is not required. The Applicant has proposed the position of Gershwin Boulevard bridge as the most reasonable alternative diversion route.

The Applicant's proposal would connect the two sections of footpath 121_95 on either side of the A12, the eastern section of which links to Maldon Road. There would be a short on-road section (approximately 200m) of the route that connects to the ongoing Public Rights of Way network to the left of the entrance to Oliver's Nurseries. The Applicant confirms that Maldon Road provides a connection between footpath 121_95 and footpath 121_96, which connects onwards to footpath 268_4.

The section of Maldon Road of on-road walking has narrow verges. This is an existing issue for the local highway authority. To provide an enhanced provision for users of Maldon Road on foot would require land from the residential and business properties adjacent to Maldon Road. The Applicant does not believe it would have a compelling case to seek powers compulsorily as the issue is an existing one and is not required mitigation for the A12 scheme.

The Applicant's proposal does enable onward journeys to Maldon Road via the replacement land that would be Open Space for Braintree District Council. The bridge would land adjacent to the open space, enabling direct access to the open space. The Applicant has intentionally connected the replacement land to Maldon Road near to Oliver's Bridge so it both replaces the lost open space, but also facilitates ongoing journeys. Ongoing journeys could either return to the north of the A12, or onwards via Blue Mills Hill to the Rail Trail, via the Essex County Council replacement land to the River Walk or into the Whetmead Nature Reserve.

AS-059-003

Sub-Part

Section 3. Consideration of alternative suggested location for the new footbridge. Clause 3.2.2 - This states "The suggested route west of the bridge would ultimately connect to a section of Maldon Road remote from any built-up area, and no clear onward facility". Although it is remote from built up area, it is a similar distance (around 290 metres*) and with better visibility from the end point for footpath 121_96, which is adjacent to the car park gate of Olivers Nursery.

Image 1 - captured from Google Streetview close to the junction of Howbridge Hall Road and Maldon Road mage 3 - captured from Essex County Council Interactive PRoW map. Added indicators show approximate position and direction of images 1 and 2.

James Cooke Wood is a publicly owned space managed by Witham Town Council for the benefit of the people of Witham. Although footpath 268_4 bounds this, there is no current access. The only practical means to access this is by car, parking on a parking area on the track to the South of the wood (indicated by a yellow rectangle). The lake indicated is a privately owned fishing lake and not part of the wood.

The land between the wood and Maldon Road is part of the Olivers Nursery complex. Footpath 121_96 crosses this land.

A new piece of information is that the owner of Olivers Nursery has agreed that if footpath 121_95 is diverted onto Howbridge Hall Road, he would be prepared to grant Permissive Access along the Western Boundary of his land to provide access to James Cooke Wood.

As well as allowing increased use of the wood, this would enable an alternative link to footpath 268_4.

Applicant's Response

The Applicant's proposed location for Gershwin Boulevard bridge provides more direct access to footpath 121_96 over a distance of approximately 200m, compared to the alternative location which the Interested Party states is 290m from 121_96.

With regards to James Cooke Woods, providing new access to the woods from the eastern or western side would be a matter for the relevant local authorities. The bridge over the A12 facilitates the eastern access to this area using the established route along Maldon Road between footpaths 121_95 and 121_96. As explained in 9.53 Applicant's Written Response to Issue Specific Hearing 3 reference 4.3, the Applicant met with the landowner of Oliver's Nurseries on the 21 April 2023 and the landowner stated they would consider a permissive path across their land but did not say that they would accept one. Additional works would be required to facilitate this path.

AS-059-004

Sub-Part

3.4 Landscape and visual. Clause 3.4.1 - The residents that would be visually impacted by the proposed alternative location are at least double the distance from the location than those who would be impacted by the original proposed location. That distance is characterised by a drainage lake and a busy spine road (Gershwin Boulevard) - Viewpoint B in the Technical Note.

Image 4 - captured from Google Streetview on Gershwin Boulevard adjacent to the closest residence to the proposed alternative location - red arrow indicates where Howbridge Hall Road is closest to the A12 Image 5 - Viewpoint B from the Technical Note - showing the approximate location of Howbridge Hall Road beyond the A12 which is the proposed alternative location and not where indicated by National Highways' blue arrow.

Clause 3.4.2 - The Technical Note states that a similar amount of vegetation would need to be removed for the two proposed locations. What it fails to mention is that the vegetation to be removed by the original proposed location are mature trees established over fifty or more years, whilst that which would need to be removed at the proposed alternative location is less than fifteen years old so barely mature.

Although images are included in the document (Viewpoints 2 and 4), these clauses only consider the impact on properties to the North of the A12. Under National Highways' proposed location there would also be a detrimental impact on approximately twenty properties on the Western side of Maldon Road to the South of the A12. However, the proposed alternative location is adjacent to a minor road (Viewpoint A) that provides access to an electricity sub- station, and to one commercial and one residential premises that both lie around 400 metres west of the location and less than 50 metres from the A12 so much less of an overall impact than the original proposed location.

Applicant's Response

There would be a greater distance between residential properties at Gershwin Boulevard and a bridge at the Interested party's suggested alternative location, when compared to residential properties at Olivers Drive and the Applicant's proposed bridge. The Applicant, however, considers there would be greater scope for landscape and visual mitigation at the location proposed by the Applicant. At the suggested alternative location, there would be limited opportunity to replace lost vegetation and mitigate open views across the lake that would be experienced by residents in this area. This is due to the presence of the Gershwin Boulevard and a lake north of it. The Applicant's proposed location is adjacent to amenity land where it is proposed to provide tree and shrub planting to offset the lost vegetation and help mitigate views of the new bridge and the A12.

The Applicant agrees that the red arrow marked on Image 5 - Viewpoint B by the interested party indicates the location of Howbridge Hall Road. The blue arrow marked by the Applicant and assessed in the Technical Note indicates the location of the alternative location suggested by the interested party in their deadline 3 submission [REP3-046]. Impacts would be similar at both locations.

Loss of vegetation at either bridge location would exacerbate views towards the A12. Appendix 8.4 Arboricultural Impact Assessment [APP-122] identifies the vegetation in the vicinity of both bridge locations, between the A12 and the southern edge of Witham, as a linear group of semi mature trees which includes highway planting and trees for the screening of development. The group is assessed as category B, trees of moderate quality and value.

Appendix A within 9.26 Technical Note Gershwin Boulevard Bridge [REP3-011] considers visual effects from viewpoints to the north and south of the A12. Viewpoint GB-VP4 considers the visual effects from private arable land at the rear of housing along Maldon Road, south of the A12 facing west. The assessment concludes that there would be very large visual effects from GB-VP4 during construction and during operation in year 1, and moderate adverse effects during operation in year 15.

Although there are fewer visual receptors south of the A12 at the suggested alternative location when compared with at the Applicant's proposed location, the visual effects on visual receptors to the north of the A12 would be similar. Overall, the landscape and visual effects of a bridge in either location would likely be comparable.

AS-059-005

Sub-Part

Appendix A.5 - Visual effects. The appendix takes 16 pages to describe in detail that the impact of the construction at viewpoints 1 to 4 will be severely impacted at construction and year 1 reducing to moderate adverse at year 15. However, a bridge at the proposed location would be prominently located at the top of a sloping grass field (Viewpoints 1 and 3) so the long term impact has to be more than "moderate".

There is no equivalent analysis for viewpoints A and B. If there were to be such an analysis conducted, the impact at Viewpoint A would be considerably less than at viewpoints 2 and 4 due to the functional location of Howbridge Hall Road and this location not being a public amenity.

Similarly, at Viewpoint B, the proposed alternative location is separated from the Viewpoint by a drainage lake surrounded by a metal railing fence, a busy 40mph road, and a much greater distance. This could be further mitigated by the design of the access ramp, which could potentially be aligned as a continuation of the bridge line rather than parallel with the A12 and run alongside the retained vegetation at this point. This would also address the concern submitted by Braintree District Council in their response also release with the Deadline 3 submissions.

Applicant's Response

The methodology used to assess visual effects within Appendix A of 9.26 Technical Note Gershwin Boulevard Bridge [REP3-011] is based on the requirements of Design Manual for Roads and Bridges (DMRB) LA 107 Landscape and Visual Effects, Revision 2 (Highways England, 2020), DMRB LA 104 Environmental Assessment and Monitoring (Highways England, 2020) and guidance

within Guidelines for Landscape and Visual Impact Assessment, Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013).

The visual effects at year 15 consider a winter and summer scenario in the fifteenth year after opening, when planted mitigation would have taken effect. The magnitude and significance of effect during operation in year 15 at all four viewpoints assessed within Appendix A of 9.26 Technical Note Gershwin Boulevard Bridge [REP3-011] is moderate adverse. Although visual effects at all four viewpoints during operation in year 15 would be reduced by planting mitigation once established, visual effects would remain significant. DMRB LA 107 notes that 'significant effects comprise of effects that are/remain within the moderate, large or very large categories once design development has identified the necessary mitigation to be taken into account.'

Visual effects at the alternative suggested location for the new footbridge cannot be assessed from illustrative viewpoints GB-VPA and GB-VPB in the absence of a proposed design of the structure, details relating to loss of vegetation and mitigation planting. However, likely landscape and visual effects that would be caused by a footbridge at the alternative suggested location have been considered to allow comparison between the two locations in Section 3.4 of 9.26 Technical Note Gershwin Boulevard Bridge [REP3-011], based on professional judgement.

Whether the proposed Gershwin Boulevard Bridge is provided in the proposed location or at the suggested alternative location, a similar amount of vegetation that screens the A12 would need to be removed. At the suggested alternative location, due to the presence of the Gershwin Boulevard and a lake north of it, there would be limited opportunity to replace lost vegetation and mitigate open views across the lake that would be experienced by residents in this area. The Applicant's proposed location is adjacent to amenity land where it is proposed to provide tree and shrub planting to offset the lost vegetation and help mitigate views of the new bridge and the A12.

Whilst the landscape and visual effects of a bridge in either location would likely be comparable, there would be greater scope for landscape and visual mitigation at the location proposed by the Applicant.

AS-059-006

Sub-Part

Loss of Amenity Another aspect that should come under the heading of "Landscape and Visual" is that fact that the green area between the A12 and Olivers Drive, Halfacres and Ashby Road is designated "Amenity Space". Not only will this be significantly affected (virtually no access at all) during the construction phase, the overall area of the space will be reduced not only by the bridge itself, but also by whatever screening trees are planted to mitigate the visual impact.

Applicant's Response

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-059-007

Sub-Part

Conclusion The Technical Note is an incomplete and in some cases incorrect document that does not make a persuasive case for retaining the proposed location of the Gershwin Boulevard Bridge.

Applicant's Response

The Applicant does not accept the Interested Party's comment that the 9.26 Technical Note Gershwin Boulevard Bridge [REP3-011] is incomplete and has provided further clarity on the points raised by the Interested Party in response to AS-059-001 to AS-059-006. The Applicant maintains that the correct position for the bridge which reconnects the severed footpath 121_95 is that which has been submitted by the Applicant to the Examining Authority as part of the DCO application.

Ron Elliston

AS-061-001

Sub-Part

Dear Sirs,

Ref: TR010060 & A12C-AFP301. A12 Chelmsford to A120 Widening Scheme.

I refer to the Examination Library (updated 21st March), specifically document APP- 094: 6.3 Environmental Statement - Appendix 3.2: Maldon Road and Hatfield Peverel Bypass Technical Report, and make the following comments.

Seven route options were apparently investigated but all with the possible exception of 3B, being the farthest away from the village itself, are too close to the built area and would hardly encourage traffic away from Hatfield Peverel (particularly vehicles travelling between Maldon and Chelmsford), which is contrary to the whole concept of a bypass.

The sketch shown at plate 5.2 on page 27 shows preferred option 2B crossing land on which outline planning permission for up to 110 dwellings has already been granted by Braintree District Council (application 20/01264/OUT) following statutory consultation with Essex County Council and others. This also shows preferred route 2B connecting to the Green in Maldon Road, which comprises part of the village, and is no more than 800 metres from the junction of Maldon Road with The Street.

Point 10.1.3 on page 50 attempts to distance NH from any recognition of the need for a bypass and one might question the veracity with which this subject has been treated in the preceding pages to arrive at its conclusion.

Point 10.1.4 refers to environmental challenges posed by a bypass passing through what is described as 'rural countryside' but much of this comprises farmland disturbed by former adjacent gravel workings and the landowner has previously put all this area

forward for potential development. In fact a portion of their land already forms a major part of the development under planning application 20/01264/OUT, mentioned above

NH has recommended a bypass is not included as part of the A12 scheme and, whilst its concern for the rural countryside may appear commendable, it completely ignores the environmental challenges and pressures its scheme will create for the residents of Hatfield Peverel, including increased air pollution, noise, as well as safety of pedestrians and cyclists and added congestion on roads within and around the village. Yours sincerely, Ron Elliston

Applicant's Response

The Applicant has considered the Interested Party's comments regarding the assessment that was undertaken of bypass options in Environmental Statement Appendix 3.2: Maldon Road and Hatfield Peverel Bypass Technical Report [APP-094].

The Applicant confirms that seven bypass options were investigated in the technical report [APP-094]; Option 1A, 1B, 2A, 2B, 2C, 3A and 3B, as indicated in Plate 5.2 of the report. These route options covered northern, central and southern corridor connections and included proposals by Essex County Council (ECC) as part of the Essex Highways Route Based Strategy (2017).

The seven bypass options were assessed by design discipline leads and scored against each other based on the beneficial and adverse impacts to the criteria outlined in the technical report [APP-094]. Option 2B was selected as the preferred bypass option to take forward and assess against the DCO junction 21 proposal as this option was found to provide the most efficient tie in point to Maldon Road.

The second part of the assessment compares the preferred bypass option 2B to the 'Do Something' (DS) proposal at junction 21. The criteria used for this assessment is outline in Table 7.1 of the technical report [APP-094] and is consistent with other assessments undertaken by the Applicant. Preferred bypass option 2B scored poorly compared to DS proposal predominately due to the significant carbon, land, environmental and construction impacts of providing a bypass.

The Applicant began its assessment of Maldon Road Bypass before 2021 with ECC's Highways Route Based Strategy (2017) data to guide the options assessed, which is prior to the approval of Braintree Planning Application 20/01264/OUT which was approved in November 2021. The options presented in Environmental Statement Appendix 3.2: Maldon Road and Hatfield Peverel Bypass Technical Report [APP-094] were indicative. Had they have been deemed viable to take to detailed design, the design would have taken 20/01264/OUT into account and appropriately adjusted if required.

The Applicant is aware of the historic consideration of a potential Maldon Link Road that was noted in the Statement of Common Ground between ECC and the Local Planning Authorities in 2015 to overcome expected capacity issues at the Maldon Road mini roundabout. Traffic modelling outlined in the Maldon Road and Hatfield Peverel Bypass Technical Report [APP-094] indicates that the proposed scheme is not forecast to impact the performance of the Maldon Road mini roundabout.

Should ECC choose to pursue a Maldon Road link in the future, the proposed location of junction 21 to the north of Hatfield Peverel which would allow for a future link to be more easily delivered than if the proposed A12 scheme did not go ahead. The Applicant has also confirmed that a two-lane exit from both the junction 21 northern roundabout to the A12 northbound slip road, and from the junction 21 southern roundabout to the A12 southbound slip road can be provided. The Applicant has committed to paving the junction 21 slip road embankments to allow for the two-lane exits. This is confirmed in correspondence to Essex County Council on 24 April 2023 [AS-060].

The Maldon Link Road is not required to deliver the proposed A12 scheme.

The Applicant has addressed the Interested Party's concerns regarding air pollution, noise, pedestrian and cyclist safety and increased congestion in response to the Interested Party's Deadline 1 submission in the Deadline 2 Submission – 9.19 Applicant's Comments on information received at Deadline 1 [REP2-030].