

# **A12 Chelmsford to A120 widening scheme**

**TR010060**

## **DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION**

### **10.14 Consultation Report Annexes**

Advice Note 16 (Version 3) 2023

May 2023

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# A12 Chelmsford to A120 widening scheme

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## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

### 10.14 Consultation Report Annex A: List of prescribed consultees identified and consulted

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# 1 List of prescribed consultees identified and consulted

**Table 1.1 List of prescribed consultees identified and consulted**

	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
1	The Welsh Ministers	All proposed applications likely to affect land in Wales	N	The proposed scheme would not affect land in Wales.	
2	The Scottish Executives	All proposed applications likely to affect land in Scotland	N	The proposed scheme would not affect land in Scotland.	
3	The relevant Northern Ireland Department	All proposed applications likely to affect land in Northern Ireland	N	The proposed scheme would not affect land in Northern Ireland.	
4	The Health and Safety Executive	All cases	Y	Notify/consult for all projects.	
5	The National Health Service Commissioning Board and the relevant clinical commissioning group (CCG)	All proposed applications likely to affect land in England and Wales	Y	All projects in England must consult.	NHS North East Essex Clinical Commissioning Group NHS Mid Essex Clinical Commissioning Group
6	The relevant Health Board	All proposed applications likely to affect land in Scotland	N	The proposed scheme would not affect land in Scotland.	

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	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
7	Natural England	All proposed applications likely to affect land in England	Y	All projects in England must consult.	
8	The Historic Buildings and Monuments Commission for England	All proposed applications likely to affect land in England	Y	The Planning Inspectorate interprets 'The Historic Buildings and Monuments Commission for England' as 'Historic England'.  All projects in England must consult.	Historic England
9	The relevant fire and rescue authority	All cases	Y	All projects in England must consult.	Essex County Fire and Rescue Service
10	The relevant police authority	All cases	Y	All projects in England must consult.	Essex Police Police, Fire and Crime Commissioner for Essex
11	The relevant parish council, or, where the application relates to land in Wales or Scotland, the relevant community council	All cases	Y	Parish councils where the project is situated, adjacent to project or with interest in the project.	Boreham Parish Council Springfield Parish Council Copford with Easthorpe Parish Council

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	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
					Feering Parish Council
					Hatfield Peverel Parish Council
					Kelvedon Parish Council
					Messing Cum Inworth Parish Council
					Marks Tey Parish Council
					Rivenhall Parish Council
					Little Braxted Parish Council
					Great Braxted Parish Council
					Witham Town Council
					Stanway Parish Council
12	The Environment Agency	All proposed applications likely to affect land in England	Y	All projects in England must consult.	
13	The Scottish Environment Protection Agency	All proposal applications likely to affect land in Scotland	N	The proposed scheme would not affect land in Scotland.	
14	For projects in England: the relevant Area of Outstanding Natural Beauty	All proposed applications likely to affect an AONB	Y	The proposed scheme is likely to affect AONBs.	Dedham Vale AONB
					Suffolk Coast and Heaths AONB

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
	(AONB) Conservation Boards.  For projects in Wales: AONB Conservation Boards.	that is managed by a Conservation Board.			
15	Royal Commission on Ancient and Historical Monuments of Wales	All proposed applications likely to affect land in Wales	N	The proposed scheme would not affect land in Wales.	
16	The Natural Resource Body for Wales (NRW)	All proposed applications likely to affect land in Wales	N	The proposed scheme would not affect land in Wales.	
17	The Homes and Communities Agency (now Homes England)	All proposed applications likely to have an effect on its areas of responsibility	Y	Omitted under Regulation 3(3)(d) of 2013 Regulations. Consulted as a precautionary measure.	
18	The Joint Nature Conservation Committee (JNCC)	All proposed applications likely to affect the marine environment	Y	Retained as a precautionary measure.	
19	Scottish Natural Heritage	All proposed applications likely to affect land in Scotland	N	The proposed scheme would not affect land in Scotland.	



	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
20	The Maritime and Coastguard Agency	All proposed applications likely to affect the maritime or coastal environment, or the shipping industry	N	The proposed scheme is not likely to affect the maritime or coastal environment, or the shipping industry.	
21	The Marine Management Organisation (MMO)	All proposed applications likely to affect the marine area in England and Wales	Y	Retained as a precautionary measure.	
22	The Civil Aviation Authority	All proposed applications relating to airports or which are likely to affect an airport or its current or future operation	Y	The proposed scheme is likely to affect London Stansted Airport.	
23	The Secretary of State for Transport	All proposed applications likely to affect road or transport operation and/or planning on roads for which the Secretary of State for Transport is the highway authority	Y	The Planning Inspectorate interprets 'the Secretary of State for Transport' to be 'the Department for Transport'	Although National Highways is the highways authority for the A12, it was decided to consult the Department for Transport as well.
24	Integrated Transport Authorities (ITAs) and	All proposed applications likely to affect transport	N	The proposed scheme will not affect transport	

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
	Passenger Transport Executives (PTEs)	within, to or from the relevant integrated transport area of the ITA or PTE		within, to or from the relevant integrated transport area of the ITA of PTE.  No combined authority has inherited these functions.	
25	The relevant Highways Authority	All proposed applications likely to have an impact on the road network or the volume of traffic in the vicinity of the proposal	Y	The proposed scheme is likely to have an impact on the road network and the volume of traffic in the vicinity of the proposal.	Suffolk County Council Cambridgeshire County Council Hertfordshire County Council Thurrock Council Essex County Council
26	The relevant strategic highways company	All proposed applications likely to affect road or transport operation and/or planning on roads for which the strategic highways company is the highway authority	Y	The proposed application is likely to have an impact on road or transport operation and/or planning on roads for which the strategic highways company is the highway authority.	National Highways is the Applicant.

	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
27	Transport for London	All proposed applications likely to affect transport within, to or from Greater London	Y	The proposed scheme is likely to affect transport to or from Greater London.	Transport for London Greater London Authority
28	The Rail Passengers Council	All proposed applications likely to affect rail passenger transport or road passenger transport services or facilities	N	This consultee is not included on the Schedule 1 list.	'The Rail Passengers Council' is now 'Transport Focus'.
29	The Disabled Persons Transport Advisory Committee	All proposed applications likely to affect access to transport for disabled people	N	This consultee is not included on the Schedule 1 list.	
30	The Coal Authority	All proposed applications that lie within areas of past, present or future coal mining	N	The proposed scheme would not lie within areas of past, present of future coal mining.	
31	The relevant internal drainage board	All proposed applications likely to increase the risk of flooding in that area or where the proposals relate to an area known to be an area of flood risk	Y	The proposed scheme is likely to increase the risk of flooding in the area.	Essex County Council as the Lead local flood authority
32	The Canal and River Trust	All proposed applications likely to have an impact	Y	The proposed scheme is likely to have an impact	

	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
		on inland waterways or land adjacent to inland waterways		on inland waterways or land adjacent to inland waterways.	
33	Trinity House	All proposed applications likely to affect navigation in tidal waters	Y	Retained as a precautionary measure.	
34	Public Health England, an executive agency or the Department of Health	All proposed applications likely to involve chemicals, poisons or radiation which could potentially cause harm to people and likely to affect significantly public health	N	Included to allow Public Health England to advise of any strategic health concerns as a result of the proposed scheme.	Consulted with Public Health England before dissolution in October 2021.
35	The National Health Service Commissioning Board	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	
36	The relevant NHS Trust and the relevant NHS Foundation Trust	All proposed applications likely to affect their functions of statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	Mid and South Essex NHS Foundation Trust
37	Railways	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	Network Rail Infrastructure Ltd

	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
38	Canal Or Inland Navigation Authorities	All proposed applications likely to affect their functions as statutory undertakers	N		
39	Civil Aviation Authority	All proposed applications likely to affect their functions as statutory undertakers	N		
40	License Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	NATS Safeguarding Office of NATS (En-Route) plc
41	Universal Service Provider	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	Royal Mail Group
42	Homes and Communities Agency	All proposed applications likely to affect their functions as statutory undertakers	N		
43	The relevant Environment Agency	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	The Environment Agency

	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
44	The relevant water and sewage undertaker	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	Essex and Suffolk Water Limited Anglian Water – AWG Group Limited
45	The relevant public gas transporter	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	Cadent Gas Limited Energetics Gas Limited Energy Assets Pipelines Limited E.S. Pipelines Limited ESP Networks Limited ESP Pipelines Limited ESP Connections Limited Fulcrum Pipelines Limited Harlaxton Gas Networks Limited GTC Pipelines Limited Humbly Grove Energy Services Limited Independent Pipelines Limited Indigo Pipelines Limited

	Prescribed Consultee	Circumstances when that person must be consulted about a proposed application	Consult ed (Y/N)	Reason for inclusion/ exclusion	Further details
					Murphy Gas Networks Limited National Grid Gas Plc Scotland Gas Networks Plc Southern Gas Networks Plc Quadrant Pipelines Limited
46	The relevant electricity generator with CPO Powers	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	ESP Electricity Limited Energetics Electricity Limited Energy Assets Networks Limited Fulcrum Electricity Assets Limited Harlaxton Energy Networks Limited The Electricity Network Company Limited UK Power Distribution Limited Utility Assets Limited Vattenfall Networks Limited UK Power Network (Operations) Limited

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

	Prescribed Consultee	Circumstances when that person must be consulted about a proposed application	Consult ed (Y/N)	Reason for inclusion/ exclusion	Further details
					National Grid Electricity Transmission Plc
					Bradwell Power Generation Company Limited
					Eclipse Power Network Limited
					Independent Power Networks Limited
					Leep Electricity Networks Limited
					Murphy Power Distribution Limited
					Independent Power Networks Limited
47	The Crown Estates Commissioners	All proposed applications likely to impact on the Crown Estates	Y	The proposed scheme is likely to impact on the Crown Estate.	
48	The Forestry Commission	All proposed applications likely to affect the protection or expansion of forests and woodlands	Y	The proposed scheme will affect areas of woodland.	
49	The Natural Resources Body for Wales	All proposed applications likely to affect the protection or expansion of forests and woodlands in Wales	N	The proposed scheme would not affect land in Wales.	



## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
50	The relevant local health board	All applications likely to affect land in Wales	N	The proposed scheme would not affect land in Wales.	
51	The National Health Service Trusts	All proposed applications likely to affect land in Wales	N	The proposed scheme would not affect land in Wales.	
52	The Secretary of State for Defence	All proposed applications likely to affect current or future operation of a site identified in a safeguarding map and all developments in the marine area	Y	Listed in the relevant National Policy Statement. Retained as a precautionary measure.	
53	The Office of Nuclear Regulation (the ONR)	All proposed applications likely to affect matters relevant to the ONR's purposes within the meaning of Part 3 of the Energy Act 2013	Y	Retained as a precautionary measure.	
<b>Additional statutory undertakers consulted</b>					
54	East of England Ambulance Service NHS Trust	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

	<b>Prescribed Consultee</b>	<b>Circumstances when that person must be consulted about a proposed application</b>	<b>Consult ed (Y/N)</b>	<b>Reason for inclusion/ exclusion</b>	<b>Further details</b>
55	National Highways Historical Rail Estate	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	
56	Chelmer and Blackwater Navigation Canal (Essex Waterways Limited)	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	
56	Openreach Limited	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	
57	Vodafone Limited	All proposed applications likely to affect their functions as statutory undertakers	Y	The proposed scheme is likely to affect this statutory undertakers' functions.	

## 2 Section 42(1)(b) local authorities consulted

**Table 2.1 Section 42(1)(b) local authorities consulted**

<b>Host local authorities</b>	
<b>Local authority</b>	<b>Reason included</b>
Braintree District Council S42(1)(b), S43(1)	Identified as “B”, host local authority.
Colchester Borough Council S42(1)(b)	Identified as “B”, host local authority.
Chelmsford City Council S42(1)(b)	Identified as “B”, host local authority.
Maldon District Council S42(1)(b)	Identified as “B”, host local authority.
Essex County Council S42(1)(b)	Identified as “C”, host upper tier county council authority.
Uttlesford District Council S42(1)(b)	Identified as “A”, neighbouring local authority.
Tendring District Council S42(1)(b)	Identified as “A”, neighbouring local authority.
London Borough of Havering S42(1)(b)	Identified as “A”, neighbouring local authority.
Medway Council S42(1)(b)	Identified as “A”, neighbouring local authority.
Thurrock Council S42(1)(b)	Identified as “A”, neighbouring local authority.
Babergh District Council S42(1)(b), S43(2)	Identified as “A”, neighbouring local authority.
Mid Suffolk District Council S42(1)(b), S43(2)	Identified as “A”, neighbouring local authority.
Brentwood Borough Council S42(1)(b)	Identified as “A”, neighbouring local authority.
Basildon Council S42(1)(b)	Identified as “A”, neighbouring local authority.
Castle Point Borough Council S42(1)(b)	Identified as “A”, neighbouring local authority.

<b>Host local authorities</b>	
<b>Local authority</b>	<b>Reason included</b>
Rochford District Council S42(1)(b)	Identified as “A”, neighbouring local authority.
Southend-on-Sea City Council S42(1)(b)	Identified as “A”, neighbouring local authority.
South Cambridgeshire District Council S42(1)(b)	Identified as “A”, neighbouring local authority.
Epping Forest District Council S42(1)(b)	Identified as “A”, neighbouring local authority.
West Suffolk District Council S42(1)(b)	Identified as “A”, neighbouring local authority.
Suffolk County Council S42(1)(b)	Identified as a “D”, neighbouring upper tier county council authority.
Cambridgeshire County Council S42(1)(b)	Identified as a “D”, neighbouring upper tier county council authority.
Hertfordshire County Council S42(1)(b)	Identified as a “D”, neighbouring upper tier county council authority.
Greater London Authority S42(1)(b)	Greater London Authority borders Essex and was included as part of consultation.

# A12 Chelmsford to A120 widening scheme

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## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

### 10.14 Consultation Report Annex B: Site Notices

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<b>1</b>	<b>DCO Change Application Consultation Site Notice .....</b>	<b>1</b>
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# **1 DCO Change Application Consultation Site Notice**

**NATIONAL HIGHWAYS**  
**A12 Chelmsford to A120 widening scheme**  
**PLANNING INSPECTORATE REFERENCE: TR010060**

**Notice Publicising consultation on proposed changes to an accepted application for a Development Consent Order**

On 12 September 2022 the Planning Inspectorate on behalf of the Secretary of State for Transport, accepted an application by **NATIONAL HIGHWAYS COMPANY LIMITED** (formerly known as Highways England) of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ (the Applicant) for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008 for the A12 Chelmsford to A120 widening scheme (accepted Application). The Planning Inspectorate appointed a panel of Examining Inspectors (the Examining Authority) who issued a Rule 6 Letter on 13 December 2022 and the Examination opened on 12 January 2023 with the preliminary meeting.

If the Secretary of State decides to grant development consent for the accepted Application, the DCO would authorise the A12 Chelmsford to A120 widening scheme in Essex, England.

The accepted Application's main proposals are, in summary:

- Creation of two bypasses, one between junctions 22 to 23 and another between junctions 24 to 25.
- Widening of the dual carriageway from two to three lanes in each direction from Hatfield Peverel to Marks Tey.
- Improvements to junctions 19 and 25.
- Construction of new junctions 21, 22 and 24 providing access to the A12 both northbound and southbound.
- Removal of existing junctions 20a, 20b and 23.
- Provide new and improve existing walking, cycling and horse riding routes.
- Provide new access to local roads and improve existing access to the proposed junctions.
- Provide environmental mitigation.
- Improve the safety performance of the road especially at the junctions and slip roads.
- Provide utility diversions where necessary.
- Remove all direct private access onto the A12 and redirect access via local roads and junctions.
- Temporary construction areas and access roads, together with works to secure vehicular and/or pedestrian means of access including the creation of new tracks, footpaths, and/ or widening, upgrades, creation of bell mouths, creation of temporary slip roads and improvements to existing tracks, footpaths and roads.
- Permanent and/or temporary compulsory acquisition (if required) of land and/or rights for the scheme.
- Overriding easements and other rights over or affecting land for the scheme
- the application and/or disapplication of legislation relevant to the scheme including, amongst others, legislation relating to compulsory purchase.
- Such ancillary, incidental and consequential provisions, permits or consents as necessary and/or convenient.

The accepted Application includes changes to a number of existing utilities. These changes include the diversion of two high pressure gas pipelines operated by Cadent Gas Limited. The first high pressure gas pipeline is located between Springfield in Chelmsford and Little Braxted running along the southern side of the A12 within the local authority areas of Chelmsford and Braintree. The second is located between the Witham Bypass and Little Braxted running along the south of the A12 also in the local authority area of Braintree (the Diversions). To the extent that the Diversions satisfy the criteria to be considered NSIPs under section 20 of the Planning Act 2008, the Diversions will be treated as NSIPs in their own right.

Even though the Diversions may be treated as NSIPs in their own right, they form part of the accepted Application which is currently being examined by the Planning Inspectorate. To the extent the diversions are NSIPs in their own right they have also been considered against the relevant Energy National Policy Statements within the accepted application.

Further details of the accepted Application can be found on the Planning Inspectorate scheme webpage: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a12-chelmsford-to-a120-widening-scheme/>



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## **Consultation on proposed changes to the accepted Application**

Notice is hereby given that the Applicant is proposing to seek approval to amend the accepted Application to make the following design changes. The proposed changes have arisen primarily as part of the accepted Application's continuing development through detailed design and the Applicant's continued engagement with stakeholders and interested parties. The changes being sought by the Applicant to the accepted Application are:

### **Junction 19 – redesign of north bound on slip road**

The accepted Application included a proposed northbound slip road for traffic from the Beaulieu Park distributor road to join the A12 via the existing A130. The new design has the northbound slip road for traffic from the Beaulieu Park distributor road joining the A12 itself via its own slip road. This will be far enough from the existing slip road to ensure that overall the new design will improve safety for road users. There are no changes to the arrangement for walkers, cyclists or horse riders as a result of this refinement.

### **Exclusion of Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel**

In the accepted Application the Applicant sought to compulsorily acquire land in this location to allow for ecological mitigation. The purpose of this ecological mitigation area is to provide habitat for reptiles. Part of this land comprises land that has been allocated for a small pumping station to be operated by Anglian Water Limited. This land will no longer be subject to compulsory or temporary acquisition powers and as such the ecological mitigation area will be reduced.

### **Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area**

The Applicant has been made aware of change in ownership of parts of the open space land impacted by the accepted Application. The request for certification therefore needs to change to reflect the changed land ownership. The Applicant has also taken the opportunity to slightly alter the replacement land proposed to be provided to Witham Town Council. The land now proposed is near to the existing Whetmead Local Nature Reserve. No additional land is required, however the purposes for which the land is being used has changed.

### **Junction 24/Inworth Road B1023 - Removal of the segregated left turn lane**

The design submitted in the accepted Application consisted of a segregated left turn lane (SLTL) for traffic from Inworth Village at the B1023 roundabout. A SLTL is used to provide a link for traffic turning left at roundabouts which bypasses the roundabout itself. The new design will remove the SLTL from the arrangement of the B1023 Roundabout. Traffic from Inworth Village will instead join the link road to junction 24 by utilising the B1023 Roundabout. This will require traffic to give way to traffic already on the roundabout.

### **Drainage works associated with B1023 Kelvedon Road at Inworth**

As a result of additional information available to the project such as site surveys and investigations, it is now proposed to reduce the amount of flood compensation and attenuation pond works alongside the B1023. As a result of the new design, there has been a reduction in the number of drainage ponds from **four** down to **two**. Further the number of flood mitigation areas has reduced from **seven** down to **four**, and of those four two have also reduced in size.

**Junction 25 - Removal of the signalised crossroads and partial signalisation of the existing roundabout at A120/Junction 25** The new design maintains the Old Rectory roundabout, which will become a partially signalised roundabout. This will maximise the existing infrastructure in the design and minimise tree loss within the Old Rectory roundabout island.

The accepted Application is Environmental Impact Assessment development (EIA development), as defined by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement was submitted as part of the Application.

The Applicant considers that none of the proposed changes, either individually or cumulatively would have the potential to give rise to any new likely significant effects beyond those reported in the environmental statement. The Applicant further confirms that the only change to the significant effects reported in the environmental statement is beneficial and is the removal of 7 significant adverse effects as a result of the changes at Junction 25.

The Applicant is not seeking to acquire additional land and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not engaged.

**The consultation on the proposed changes to the accepted Application will run from Thursday 13 April 2023 to Sunday 14 May 2023.**

The proposed changes to the accepted Application are summarised in the Development Consent Order Change Application Consultation brochure.

The brochure should be read alongside the full suite of consultation documents which can be viewed online on the homepage of the Applicant's website at [REDACTED]. The consultation documents are:

- Development Consent Order Change Application Consultation brochure
- Map Book 1: Junction 19 Slip Road
- Map Book 2: Anglian Water Pumping Station (Bury Lane, Hatfield Peverel)
- Map Book 3: Replacement Land, Witham
- Map Book 4: B1023 Flood Mitigation and Drainage
- Map Book 5: B1023 Roundabout
- Map Book 6: Junction 25
- Junction 19 Slip Road Technical Note
- Anglian Water Pumping Station (Bury Lane, Hatfield Peverel) Technical Note
- B1023 Roundabout Technical Note
- Flood Mitigation and Drainage Technical Note
- Junction 25 Technical Note
- Replacement Land Statement
- Schedule of Changes to draft DCO, Book of Reference and Statement of Reasons
- A copy of the updated draft DCO and Explanatory Memorandum

The consultation documents will be available to view and download free of charge for the duration of the consultation period between 13 April 2023 and 14 May 2023. The documents can be accessed on the homepage of the Applicant's A12 Project page: [REDACTED]

A paper copy of the consultation documents can be supplied, but there will be a reasonable charge for paper copies to cover the cost of printing and postage up to a charge of £50 for a complete set of documents. Please contact the Applicant using the email address, postal address or telephone number provided below if you would like to request a consultation document.

The Applicant will be hosting a series of webinars about the proposed changes on the following dates:

- **Wednesday 19 April 2023 – 2pm – 3:30pm**
- **Friday 21 April 2023 – 10am – 11:30am**
- **Tuesday 2 May 2023 – 6:30pm – 8pm**

These will be online events where you can drop into a session at any time during the allocated slot. Technical experts will talk you through the Applicant's proposed updates and answer any specific questions. If you would like to attend one of these, please sign up on the Applicant's website at [REDACTED]. You can also get in touch with the Applicant's project team at [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk) or by calling **0300 123 5000**.

A complete set of the Consultation documents for the proposed changes to the accepted Application which is currently being examined by the Examining Authority and the examination documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to bring a form of identification and register as a library member in order to use a computer at these locations.

Venue and address	Opening hours	
<b>Chelmsford Library</b> County Hall Market Road Chelmsford CM1 1QH	Monday 9am to 5.30pm	Friday 9am to 5.30pm
	Tuesday 9am to 5.30pm	Saturday 9am to 5.00pm
	Wednesday 9am to 5.30pm	Sunday 10.30am to 1.30pm
	Thursday Closed	
<b>Maldon Town Council</b> Council Offices Princes Road	Monday 9am to 4:30pm	Friday 9am to 4pm
	Tuesday 9am to 4:30pm	Saturday Closed
	Wednesday 9am to 4:30pm	Sunday Closed

Venue and address	Opening hours	
Maldon	Thursday 9am to 4:30pm	
<b>Braintree Library</b> Fairfield Road Braintree CM7 3YL	Monday 9am to 7pm Tuesday 9am to 5:30pm Wednesday 9am to 5:30pm Thursday 9am to 5:30pm	Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed
<b>Colchester Library</b> Trinity Square Colchester CO1 1JB	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 7pm Thursday 9am to 5:30pm	Friday 9am to 5:30pm Saturday 9am to 5pm Sunday 1pm to 4pm
<b>Kelvedon Library</b> Aylett's Foundation School Maldon Road Kelvedon CO5 9BA	Monday 2pm to 5:30pm Tuesday Closed Wednesday Closed Thursday 9am to 1pm	Friday Closed Saturday 9am to 5pm Sunday Closed
<b>Springfield Library</b> St Augustine's Way Chelmsford CM1 6GX	Monday Closed Tuesday 10am to 5pm Wednesday Closed Thursday 10am to 5pm	Friday 10am to 5pm Saturday 10am to 1pm Sunday Closed
<b>Tiptree Library</b> Rectory Road Tiptree CO5 0SX	Monday Closed Tuesday 9am to 5:30pm Wednesday Closed Thursday 2pm to 7pm	Friday Closed Saturday 9am to 5pm Sunday Closed
<b>Witham Library</b> 18 Newland Street Witham CM8 2AQ	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 7pm Thursday 9am to 5:30pm	Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed

Please contact the Applicant using the email address, telephone or postal address provided below to respond to the consultation.

- **Email:** [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk)
- **Telephone:** 0300 123 5000
- **Post:** FREEPOST A12 widening

Any person may comment on the proposed changes to the accepted Application. Responses must be received no later than 23.59pm on **14 May 2023**. A consultation response form is available as part of the consultation materials available online. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only.

**Responses must be received no later than 11:59pm on the 14 May 2023.**

The Applicant will consider and respond to all comments received before submitting the application for the proposed changes to the accepted Application. Responses will be summarised and responded to in a Consultation Report that will be submitted with the change application. The Applicant will also submit a copy of the original responses with the change application. The Examining Authority will take the responses into consideration when deciding whether the proposed changes can be accepted and incorporated into the accepted Application. Therefore, in providing any comment, it should be borne in mind that the substance of it may be communicated to others as part of the Consultation Report.

If you would like further information about this notice, the consultation or the proposed changes to the accepted Application, please contact the project team by using one of the contact methods provided above.

# A12 Chelmsford to A120 widening scheme

TR010060

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

### 10.14 Consultation Report Annex C: Consultation Letters

Advice Note 16 (Version 3) 2023

May 2023

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# **1 Affected Landowners DCO Change Application Consultation Letter**

Our ref:TR010060/Change Application Letter

Name

A12 Chelmsford to A120 widening  
Project Team  
National Highways  
Woodlands  
Manton Lane  
Bedford  
MK41 7LW

**0300 123 5000**

**Date: 12/04/2022**

Dear Salutation,

**A12 Chelmsford – A120 Widening Project – Application for Development Consent  
Consultation on proposed changes to the Development Consent Order Application**

I am writing in regard to the National Highways A12 widening project, which would widen where necessary the A12 between Chelmsford (junction 19) and the A120 (junction 25) from two to three lanes in each direction; improve junction 19 and 25; remove junctions 20a, 20b and 23; move junctions 21, 22 and 24 to make them all movement junctions and create two bypasses.

As you may be aware we consulted on our proposals in 2021 and 2022, we submitted our Development Consent Order application in August 2022, the Planning Inspectorate appointed a panel of Examining Inspectors (the Examining Authority) who issued a Rule 6 Letter on 13 December 2022 and the Examination opened on 12 January 2023 with the preliminary meeting.

Further details of the accepted Application together with any documents submitted as part of the Examination can be found on the Planning Inspectorate scheme webpage: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a12-chelmsford-to-a120-widening-scheme/>

Since submitting our application, we have progressed our design further and have identified six proposed changes that we would like to make to the scheme. The proposed changes have arisen primarily as part of the accepted Application's continuing development through detailed design and the Applicant's continued engagement with stakeholders and interested parties. As part of these proposed changes, the Applicant is not seeking to acquire additional land.

We are writing to you in connection with this consultation because we believe you own, occupy or have a legal interest in land which the Applicant has identified as being required for the Scheme. This land would be affected by the proposed changes. We are consulting on these changes before we make the formal request to the Planning Inspectorate to amend the DCO application, and as landowner who may be affected by these changes, we are keen to hear your views.

Enclosed with this letter is a copy of the Applicant's notice publicising the consultation. The consultation on the six proposed changes to the accepted Application will run from **Thursday 13 April 2023 to Sunday 14 May 2023**.

The changes being sought by the Applicant to the accepted Application are:

#### **Junction 19 – redesign of north bound on slip road**

The accepted Application included a proposed northbound slip road for traffic from the Beaulieu Park distributor road to join the A12 via the existing A130. The new design has the northbound slip road for traffic from the Beaulieu Park distributor road joining the A12 itself via its own slip road. This will be far enough from the existing slip road to ensure that overall the new design will improve safety for road users. There are no changes to the arrangement for walkers, cyclists or horse riders as a result of this refinement.

#### **Exclusion of Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel**

In the accepted Application the Applicant sought to compulsorily acquire land in this location to allow for ecological mitigation. The purpose of this ecological mitigation area is to provide habitat for reptiles. Part of this land comprises land that has been allocated for a small pumping station to be operated by Anglian Water Limited. This land will no longer be subject to compulsory or temporary acquisition powers and as such the ecological mitigation area will be reduced.

#### **Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area**

The Applicant has been made aware of change in ownership of parts of the open space land impacted by the accepted Application. The request for certification therefore needs to change to reflect the changed land ownership. The Applicant has also taken the opportunity to slightly alter the replacement land proposed to be provided to Witham Town Council. The land now proposed is near to the existing Whetmead Local Nature Reserve. No additional land is required, however the purposes for which the land is being used has changed.

#### **Junction 24/Inworth Road B1023 - Removal of the segregated left turn lane**

The design submitted in the accepted Application consisted of a segregated left turn lane (SLTL) for traffic from Inworth Village at the B1023 roundabout. A SLTL is used to provide a link for traffic turning left at roundabouts which bypasses the roundabout itself. The new design will remove the SLTL from the arrangement of the B1023 Roundabout. Traffic from Inworth Village will instead join the link road to junction 24 by utilising the B1023 Roundabout. This will require traffic to give way to traffic already on the roundabout.

#### **Drainage works associated with B1023 Kelvedon Road at Inworth**

As a result of additional information available to the project such as site surveys and investigations, it is now proposed to reduce the amount of flood compensation and attenuation pond works alongside the B1023. As a result of the new design, there has been a reduction in the number of drainage ponds from **four** down to **two**. Further the number of flood mitigation areas has reduced from **seven** down to **four**, and of those four two have also reduced in size.

#### **Junction 25 - Removal of the signalised crossroads and partial signalisation of the existing roundabout at A120/Junction 25**

The new design maintains the Old Rectory roundabout, which



will become a partially signalised roundabout. This will maximise the existing infrastructure in the design and minimise tree loss within the Old Rectory roundabout island.

The accepted Application is Environmental Impact Assessment development (EIA development), as defined by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement was submitted as part of the Application.

The Applicant considers that none of the proposed changes, either individually or cumulatively would have the potential to give rise to any new likely significant effects beyond those reported in the environmental statement. The Applicant further confirms that the only change to the significant effects reported in the environmental statement is beneficial and is the removal of 7 significant adverse effects as a result of the changes at Junction 25.

**The consultation on the proposed changes to the accepted Application will run from Thursday 13 April 2023 to Sunday 14 May 2023.**

The proposed changes to the accepted Application are summarised in the Development Consent Order Change Application Consultation brochure.

The brochure should be read alongside the full suite of consultation documents which can be viewed online on the homepage of the Applicant's website at [REDACTED]. The consultation documents are:

- Development Consent Order Change Application Consultation brochure
- Map Book 1: Junction 19 Slip Road
- Map Book 2: Anglian Water Pumping Station (Bury Lane, Hatfield Peverel)
- Map Book 3: Replacement Land, Witham
- Map Book 4: B1023 Flood Mitigation and Drainage
- Map Book 5: B1023 Roundabout
- Map Book 6: Junction 25
- Junction 19 Slip Road Technical Note
- Anglian Water Pumping Station (Bury Lane, Hatfield Peverel) Technical Note
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- Flood Mitigation and Drainage Technical Note
- Junction 25 Technical Note
- Replacement Land Statement
- Schedule of Changes to draft DCO, Book of Reference and Statement of Reasons
- A copy of the updated draft DCO and Explanatory Memorandum

The consultation documents will be available to view and download free of charge for the duration of the consultation period between 13 April 2023 and 14 May 2023. The documents can be accessed on the homepage of the Applicant's A12 Project page: [REDACTED]

A paper copy of the consultation documents can be supplied, but there will be a reasonable charge for paper copies to cover the cost of printing and postage up to a charge of £50 for a complete set of documents. Please contact the Applicant using the email address, postal address or telephone number provided below if you would like to request a consultation document.

The enclosed notice sets out details of the webinars that the Applicant will be hosting about the proposed changes. The webinars are scheduled to occur on the following dates:

- **Wednesday 19 April 2023 – 2pm – 3:30pm**
- **Friday 21 April 2023 – 10am – 11:30am**
- **Tuesday 2 May 2023 – 6:30pm – 8pm**

A complete set of the Consultation documents for the proposed changes are available here [REDACTED]. The changes to the accepted Application which is currently being examined by the Examining Authority and the examination documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the enclosed notice or on the Planning Inspectorate website here:

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Please note that you may need to bring a form of identification and register as a library member in order to use a computer at these locations.

### **How to respond to our Consultation**

Please contact the Applicant using the email address, telephone or postal address provided below to respond to the consultation.

- **Email:** [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk)
- **Telephone:** 0300 123 5000
- **Post:** FREEPOST A12 widening

Any person may comment on the proposed changes to the accepted Application. Responses must be received no later than 23.59pm on **14 May 2023**. A consultation response form is available as part of the consultation materials available online. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only.

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The Applicant will consider and respond to all comments received before submitting the application for the proposed changes to the accepted Application. Responses will be summarised and responded to in a Consultation Report that will be submitted with the change application. The Applicant will also submit a copy of the original responses with the change application. The Examining Authority will take the responses into consideration when deciding whether the proposed changes can be accepted and incorporated into the accepted Application. Therefore, in providing any comment, it should be borne in mind that the substance of it may be communicated to others as part of the Consultation Report.

Yours sincerely/faithfully,



**Tracey Harvey**  
**Project Manager for A12 Chelmsford to A120 widening scheme**

**Email:** [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk)

**Tel:** 0300 123 5000

**Enc.** A copy of the consultation notice is attached to this letter

### **Your data, your rights**

National Highways is committed to protecting your personal information. Whenever you provide such information, we are legally obliged to use it in line with all applicable laws concerning the protection of personal data, including the General Data Protection Regulation (GDPR), which came into effect on 25 May 2018.

### **How will National Highways use the information it collects about you?**

National Highways will use your personal data for a number of purposes, including the following:

- To analyse the feedback that you provide
- To produce a summary report, based on our analysis of responses (individuals will not be identified in that report)
- To write to you with updates about the outcomes of consultation and other proposed scheme developments
- To keep up-to-date records of our interactions with individuals and organisations

Your information will be handled and used by the following recipients in order to record, analyse and report on feedback received:

- National Highways
- National Highways' Suppliers (delivering this scheme)
- The Planning Inspectorate (who will consider our application for permission to build the proposed scheme)
- The Secretary of State (who will decide whether consent should be granted)

It is also possible that trusted third party providers, for example construction companies, may later use contact details provided in your response to communicate with you about the development of the proposed scheme.

We will keep your information for up to 6 months after the DCO decision has been made.

## **2 Interested Parties, s.42 Stakeholders and Neighbours DCO Change Application Consultation Letter**

Our ref:TR010060/Change Application Letter

A12 Chelmsford to A120 widening

Name

Project Team  
National Highways  
Woodlands  
Manton Lane  
Bedford  
MK41 7LW

**0300 123 5000**

**Date: 12/04/2022**

Dear Salutation,

**A12 Chelmsford – A120 Widening Project – Application for Development Consent  
Consultation on proposed changes to the Development Consent Order Application**

I am writing in regard to the National Highways A12 widening project, which would widen where necessary the A12 between Chelmsford (junction 19) and the A120 (junction 25) from two to three lanes in each direction; improve junction 19 and 25; remove junctions 20a, 20b and 23; move junctions 21, 22 and 24 to make them all movement junctions and create two bypasses.

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Since submitting our application, we have progressed our design further and have identified six proposed changes that we would like to make to the scheme. The proposed changes have arisen primarily as part of the accepted Application's continuing development through detailed design and the Applicant's continued engagement with stakeholders and interested parties. As part of these proposed changes, the Applicant is not seeking to acquire additional land.

We are writing to you as you have either registered as an interested party, are a s.42 stakeholder or someone who lives in close proximity to a proposed change that the A12 scheme is consulting on.

Enclosed with this letter is a copy of the Applicant's notice publicising the consultation. The consultation on the six proposed changes to the accepted Application will run from **Thursday 13 April 2023 to Sunday 14 May 2023**.

The changes being sought by the Applicant to the accepted Application are:

### **Junction 19 – redesign of north bound on slip road**

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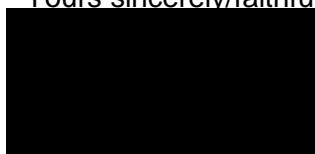
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The Applicant will consider and respond to all comments received before submitting the application for the proposed changes to the accepted Application. Responses will be summarised and responded to in a Consultation Report that will be submitted with the change application. The Applicant will also submit a copy of the original responses with the change application. The Examining Authority will take the responses into consideration when deciding whether the proposed changes can be accepted and incorporated into the accepted Application. Therefore, in providing any comment, it should be borne in mind that the substance of it may be communicated to others as part of the Consultation Report.

Yours sincerely/faithfully,



**Tracey Harvey**

**Project Manager for A12 Chelmsford to A120 widening scheme**

**Email:** [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk)

**Tel:** 0300 123 5000

**Enc.** A copy of the consultation notice is attached to this letter



## **Your data, your rights**

National Highways is committed to protecting your personal information. Whenever you provide such information, we are legally obliged to use it in line with all applicable laws concerning the protection of personal data, including the General Data Protection Regulation (GDPR), which came into effect on 25 May 2018.

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National Highways will use your personal data for a number of purposes, including the following:

- To analyse the feedback that you provide
- To produce a summary report, based on our analysis of responses (individuals will not be identified in that report)
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- National Highways
- National Highways' Suppliers (delivering this scheme)
- The Planning Inspectorate (who will consider our application for permission to build the proposed scheme)
- The Secretary of State (who will decide whether consent should be granted)

It is also possible that trusted third party providers, for example construction companies, may later use contact details provided in your response to communicate with you about the development of the proposed scheme.

We will keep your information for up to 6 months after the DCO decision has been made.

## **3 Letter Notice**

**NATIONAL HIGHWAYS**  
**A12 Chelmsford to A120 widening scheme**  
**PLANNING INSPECTORATE REFERENCE: TR010060**

**Notice Publicising consultation on proposed changes to an accepted application for a Development Consent Order**

On 12 September 2022 the Planning Inspectorate on behalf of the Secretary of State for Transport, accepted an application by **NATIONAL HIGHWAYS COMPANY LIMITED** (formerly known as Highways England) of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ (the Applicant) for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008 for the A12 Chelmsford to A120 widening scheme (accepted Application). The Planning Inspectorate appointed a panel of Examining Inspectors (the Examining Authority) who issued a Rule 6 Letter on 13 December 2022 and the Examination opened on 12 January 2023 with the preliminary meeting.

If the Secretary of State decides to grant development consent for the accepted Application, the DCO would authorise the A12 Chelmsford to A120 widening scheme in Essex, England.

The accepted Application's main proposals are, in summary:

- Creation of two bypasses, one between junctions 22 to 23 and another between junctions 24 to 25.
- Widening of the dual carriageway from two to three lanes in each direction from Hatfield Peverel to Marks Tey.
- Improvements to junctions 19 and 25.
- Construction of new junctions 21, 22 and 24 providing access to the A12 both northbound and southbound.
- Removal of existing junctions 20a, 20b and 23.
- Provide new and improve existing walking, cycling and horse riding routes.
- Provide new access to local roads and improve existing access to the proposed junctions.
- Provide environmental mitigation.
- Improve the safety performance of the road especially at the junctions and slip roads.
- Provide utility diversions where necessary.
- Remove all direct private access onto the A12 and redirect access via local roads and junctions.
- Temporary construction areas and access roads, together with works to secure vehicular and/or pedestrian means of access including the creation of new tracks, footpaths, and/ or widening, upgrades, creation of bell mouths, creation of temporary slip roads and improvements to existing tracks, footpaths and roads.
- Permanent and/or temporary compulsory acquisition (if required) of land and/or rights for the scheme.
- Overriding easements and other rights over or affecting land for the scheme
- the application and/or disapplication of legislation relevant to the scheme including, amongst others, legislation relating to compulsory purchase.
- Such ancillary, incidental and consequential provisions, permits or consents as necessary and/or convenient.

The accepted Application includes changes to a number of existing utilities. These changes include the diversion of two high pressure gas pipelines operated by Cadent Gas Limited. The first high pressure gas pipeline is located between Springfield in Chelmsford and Little Braxted running along the southern side of the A12 within the local authority areas of Chelmsford and Braintree. The second is located between the Witham Bypass and Little Braxted running along the south of the A12 also in the local authority area of Braintree (the Diversions). To the extent that the Diversions satisfy the criteria to be considered NSIPs under section 20 of the Planning Act 2008, the Diversions will be treated as NSIPs in their own right.

Even though the Diversions may be treated as NSIPs in their own right, they form part of the accepted Application which is currently being examined by the Planning Inspectorate. To the extent the diversions are NSIPs in their own right they have also been considered against the relevant Energy National Policy Statements within the accepted application.

Further details of the accepted Application can be found on the Planning Inspectorate scheme webpage: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a12-chelmsford-to-a120-widening-scheme/>

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## **Consultation on proposed changes to the accepted Application**

Notice is hereby given that the Applicant is proposing to seek approval to amend the accepted Application to make the following design changes. The proposed changes have arisen primarily as part of the accepted Application's continuing development through detailed design and the Applicant's continued engagement with stakeholders and interested parties. The changes being sought by the Applicant to the accepted Application are:

### **Junction 19 – redesign of north bound on slip road**

The accepted Application included a proposed northbound slip road for traffic from the Beaulieu Park distributor road to join the A12 via the existing A130. The new design has the northbound slip road for traffic from the Beaulieu Park distributor road joining the A12 itself via its own slip road. This will be far enough from the existing slip road to ensure that overall the new design will improve safety for road users. There are no changes to the arrangement for walkers, cyclists or horse riders as a result of this refinement.

### **Exclusion of Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel**

In the accepted Application the Applicant sought to compulsorily acquire land in this location to allow for ecological mitigation. The purpose of this ecological mitigation area is to provide habitat for reptiles. Part of this land comprises land that has been allocated for a small pumping station to be operated by Anglian Water Limited. This land will no longer be subject to compulsory or temporary acquisition powers and as such the ecological mitigation area will be reduced.

### **Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area**

The Applicant has been made aware of change in ownership of parts of the open space land impacted by the accepted Application. The request for certification therefore needs to change to reflect the changed land ownership. The Applicant has also taken the opportunity to slightly alter the replacement land proposed to be provided to Witham Town Council. The land now proposed is near to the existing Whetmead Local Nature Reserve. No additional land is required, however the purposes for which the land is being used has changed.

### **Junction 24/Inworth Road B1023 - Removal of the segregated left turn lane**

The design submitted in the accepted Application consisted of a segregated left turn lane (SLTL) for traffic from Inworth Village at the B1023 roundabout. A SLTL is used to provide a link for traffic turning left at roundabouts which bypasses the roundabout itself. The new design will remove the SLTL from the arrangement of the B1023 Roundabout. Traffic from Inworth Village will instead join the link road to junction 24 by utilising the B1023 Roundabout. This will require traffic to give way to traffic already on the roundabout.

### **Drainage works associated with B1023 Kelvedon Road at Inworth**

As a result of additional information available to the project such as site surveys and investigations, it is now proposed to reduce the amount of flood compensation and attenuation pond works alongside the B1023. As a result of the new design, there has been a reduction in the number of drainage ponds from **four** down to **two**. Further the number of flood mitigation areas has reduced from **seven** down to **four**, and of those four two have also reduced in size.

**Junction 25 - Removal of the signalised crossroads and partial signalisation of the existing roundabout at A120/Junction 25** The new design maintains the Old Rectory roundabout, which will become a partially signalised roundabout. This will maximise the existing infrastructure in the design and minimise tree loss within the Old Rectory roundabout island.

The accepted Application is Environmental Impact Assessment development (EIA development), as defined by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement was submitted as part of the Application.

The Applicant considers that none of the proposed changes, either individually or cumulatively would have the potential to give rise to any new likely significant effects beyond those reported in the environmental statement. The Applicant further confirms that the only change to the significant effects reported in the environmental statement is beneficial and is the removal of 7 significant adverse effects as a result of the changes at Junction 25.

The Applicant is not seeking to acquire additional land and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not engaged.

**The consultation on the proposed changes to the accepted Application will run from Thursday 13 April 2023 to Sunday 14 May 2023.**

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The proposed changes to the accepted Application are summarised in the Development Consent Order Change Application Consultation brochure.

The brochure should be read alongside the full suite of consultation documents which can be viewed online on the homepage of the Applicant's website at [REDACTED]. The consultation documents are:

- Development Consent Order Change Application Consultation brochure
- Map Book 1: Junction 19 Slip Road
- Map Book 2: Anglian Water Pumping Station (Bury Lane, Hatfield Peverel)
- Map Book 3: Replacement Land, Witham
- Map Book 4: B1023 Flood Mitigation and Drainage
- Map Book 5: B1023 Roundabout
- Map Book 6: Junction 25
- Junction 19 Slip Road Technical Note
- Anglian Water Pumping Station (Bury Lane, Hatfield Peverel) Technical Note
- B1023 Roundabout Technical Note
- Flood Mitigation and Drainage Technical Note
- Junction 25 Technical Note
- Replacement Land Statement
- Schedule of Changes to draft DCO, Book of Reference and Statement of Reasons
- A copy of the updated draft DCO and Explanatory Memorandum

The consultation documents will be available to view and download free of charge for the duration of the consultation period between 13 April 2023 and 14 May 2023. The documents can be accessed on the homepage of the Applicant's A12 Project page: [REDACTED]

A paper copy of the consultation documents can be supplied, but there will be a reasonable charge for paper copies to cover the cost of printing and postage up to a charge of £50 for a complete set of documents. Please contact the Applicant using the email address, postal address or telephone number provided below if you would like to request a consultation document.

The Applicant will be hosting a series of webinars about the proposed changes on the following dates:

- **Wednesday 19 April 2023 – 2pm – 3:30pm**
- **Friday 21 April 2023 – 10am – 11:30am**
- **Tuesday 2 May 2023 – 6:30pm – 8pm**

These will be online events where you can drop into a session at any time during the allocated slot. Technical experts will talk you through the Applicant's proposed updates and answer any specific questions. If you would like to attend one of these, please sign up on the Applicant's website at [REDACTED]. You can also get in touch with the Applicant's project team at [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk) or by calling **0300 123 5000**.

A complete set of the Consultation documents for the proposed changes to the accepted Application which is currently being examined by the Examining Authority and the examination documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to bring a form of identification and register as a library member in order to use a computer at these locations.

Venue and address	Opening hours	
<b>Chelmsford Library</b> County Hall Market Road Chelmsford CM1 1QH	Monday 9am to 5.30pm	Friday 9am to 5.30pm
	Tuesday 9am to 5.30pm	Saturday 9am to 5.00pm
	Wednesday 9am to 5.30pm	Sunday 10.30am to 1.30pm
	Thursday Closed	
<b>Maldon Town Council</b> Council Offices Princes Road	Monday 9am to 4:30pm	Friday 9am to 4pm
	Tuesday 9am to 4:30pm	Saturday Closed
	Wednesday 9am to 4:30pm	Sunday Closed

Venue and address	Opening hours	
Maldon	Thursday 9am to 4:30pm	
<b>Braintree Library</b> Fairfield Road Braintree CM7 3YL	Monday 9am to 7pm Tuesday 9am to 5:30pm Wednesday 9am to 5:30pm Thursday 9am to 5:30pm	Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed
<b>Colchester Library</b> Trinity Square Colchester CO1 1JB	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 7pm Thursday 9am to 5:30pm	Friday 9am to 5:30pm Saturday 9am to 5pm Sunday 1pm to 4pm
<b>Kelvedon Library</b> Aylett's Foundation School Maldon Road Kelvedon CO5 9BA	Monday 2pm to 5:30pm Tuesday Closed Wednesday Closed Thursday 9am to 1pm	Friday Closed Saturday 9am to 5pm Sunday Closed
<b>Springfield Library</b> St Augustine's Way Chelmsford CM1 6GX	Monday Closed Tuesday 10am to 5pm Wednesday Closed Thursday 10am to 5pm	Friday 10am to 5pm Saturday 10am to 1pm Sunday Closed
<b>Tiptree Library</b> Rectory Road Tiptree CO5 0SX	Monday Closed Tuesday 9am to 5:30pm Wednesday Closed Thursday 2pm to 7pm	Friday Closed Saturday 9am to 5pm Sunday Closed
<b>Witham Library</b> 18 Newland Street Witham CM8 2AQ	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 7pm Thursday 9am to 5:30pm	Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed

Please contact the Applicant using the email address, telephone or postal address provided below to respond to the consultation.

- **Email:** [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk)
- **Telephone:** 0300 123 5000
- **Post:** FREEPOST A12 widening

Any person may comment on the proposed changes to the accepted Application. Responses must be received no later than 23.59pm on **14 May 2023**. A consultation response form is available as part of the consultation materials available online. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only.

**Responses must be received no later than 11:59pm on the 14 May 2023.**

The Applicant will consider and respond to all comments received before submitting the application for the proposed changes to the accepted Application. Responses will be summarised and responded to in a Consultation Report that will be submitted with the change application. The Applicant will also submit a copy of the original responses with the change application. The Examining Authority will take the responses into consideration when deciding whether the proposed changes can be accepted and incorporated into the accepted Application. Therefore, in providing any comment, it should be borne in mind that the substance of it may be communicated to others as part of the Consultation Report.

If you would like further information about this notice, the consultation or the proposed changes to the accepted Application, please contact the project team by using one of the contact methods provided above.

# A12 Chelmsford to A120 widening scheme

TR010060

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

### 10.14 Consultation Report Annex D: Consultation Materials

Advice Note 16 (Version 3) 2023

May 2023

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# 1 DCO Change Application Consultation Brochure

# **A12 Chelmsford to A120 widening**

Development Consent Order Change  
Application Consultation

April 2023



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## Introduction

Large road projects such as the A12 Chelmsford to A120 widening project are classed as Nationally Significant Infrastructure Projects, which means that we need to apply for a Development Consent Order (DCO) to gain permission to build the project. Three independent Inspectors (the Examining Authority) – appointed by the Planning Inspectorate – are examining our DCO application, looking at evidence presented by the A12 project team and issues raised by others, during a six-month examination period which began in January 2023, and which will end in July 2023. After the examination closes, the Examining Authority will report to the Secretary of State for Transport, who will decide whether to grant development consent for the project.

This targeted DCO change application consultation reflects design changes to the DCO application that we are proposing. These changes are as a result of the continued design evolution, detailed design progressing in parallel with the application, and continued engagement with stakeholders, interested parties and our delivery partners.

Following this consultation, all responses will be analysed. We will produce a report of these responses and the proposed scheme's position on them. This will be submitted as part of the request to the Planning Inspectorate to accept, as part of our DCO application, those changes we still wish to proceed with. If those changes are accepted for examination, there will be opportunities for the detail of each proposed change to be considered and for all interested parties to make representations on the change as part of the ongoing examination of the DCO application.

Alongside this brochure we are publishing a set of map books for each proposed change and, where appropriate, a supporting technical note. In addition, to show how the DCO would be updated if we take forward these changes, we are providing a copy of the Schedule of Changes to the DCO Documents Required for DCO Change Application, a copy of the proposed updated draft Development Consent Order and an Explanatory Memorandum. All these documents can be found on the consultation website.

## About the A12 Chelmsford to A120 widening

The A12 road is an important economic link in Essex and across the east of England. It provides the main south-west/north-east route through Essex and Suffolk, connecting Ipswich to London and the M25. In addition, the A12 is an important commuter route between Chelmsford and Colchester however current congestion often leads to delays that results in a driver's average speed during the morning commute to be particularly slow in both directions for a dual carriageway A-road of its kind.

The section between Chelmsford and Colchester (junction 19 Boreham Interchange to junction 25 Marks Tey Interchange) carries high volumes of traffic, with up to 90,000 vehicles every day. Heavy goods vehicles are between 9% and 12% of the traffic on this section due to its important freight connection, especially to Felixstowe and Harwich ports.

Our proposed improvements to this stretch of the A12 road aims to:

- improve safety for road users, especially at the junctions and slip roads through better design while also removing the current direct private accesses onto the A12
- reduce traffic congestion by increasing the capacity of the road, making journey times more reliable. The proposed scheme will save motorists as much as 1.5 hours in a working week if they travel daily between junctions 19 and 25
- take long-distance traffic off the local roads and put it back onto the A12 where it belongs, so that local roads aren't used as rat runs, affecting local villages and their communities
- ensure that the road can cope with the predicted increase in traffic from more jobs and homes in the area
- make improvements for walkers, cyclists and horse riders and public transport users, to give them better connections and safer, more enjoyable journeys

## Why are we having a DCO change application consultation?

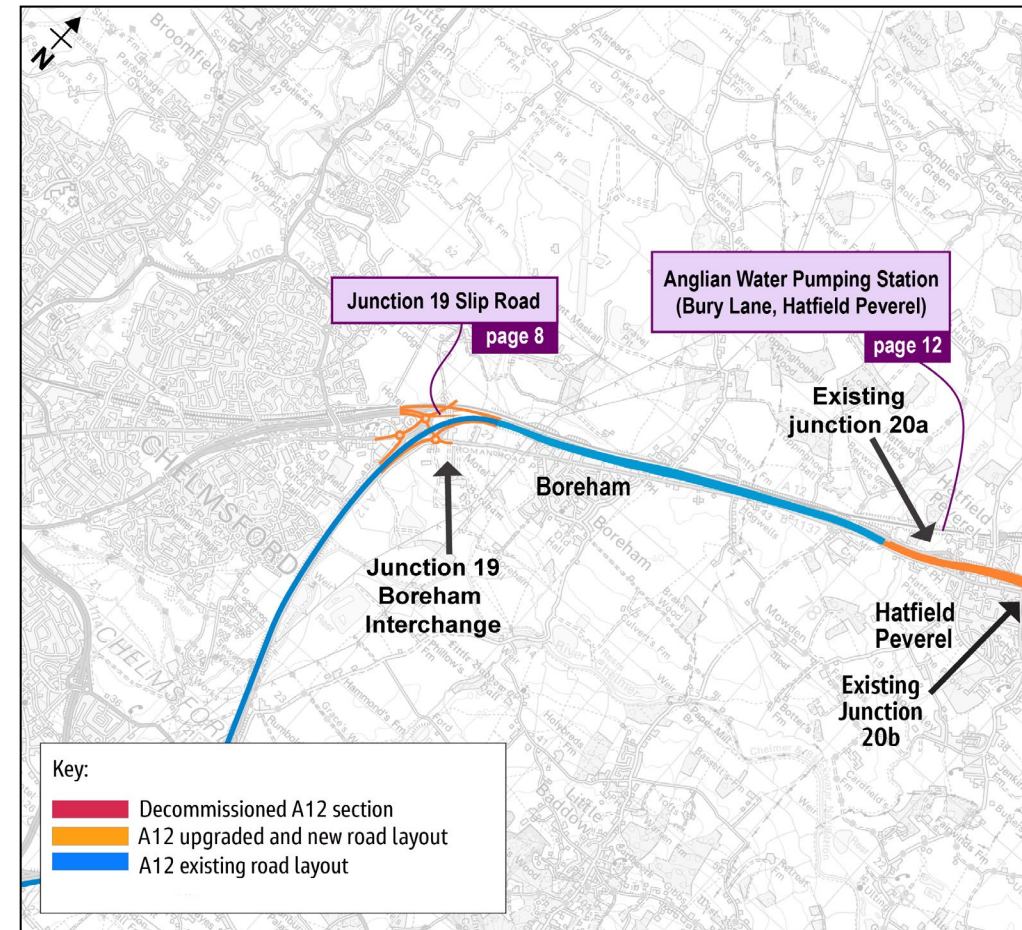
As part of the detailed development of the proposed scheme we have undertaken several consultations which have informed the design we submitted to the Planning Inspectorate as an application for Development Consent Order (DCO) on 15 August 2022. Our proposals were accepted by the Planning Inspectorate on 12 September 2022. Information regarding activity in the period leading up to the DCO submission can be found on the A12 Chelmsford to A120 widening scheme website [\[redacted\]](#)

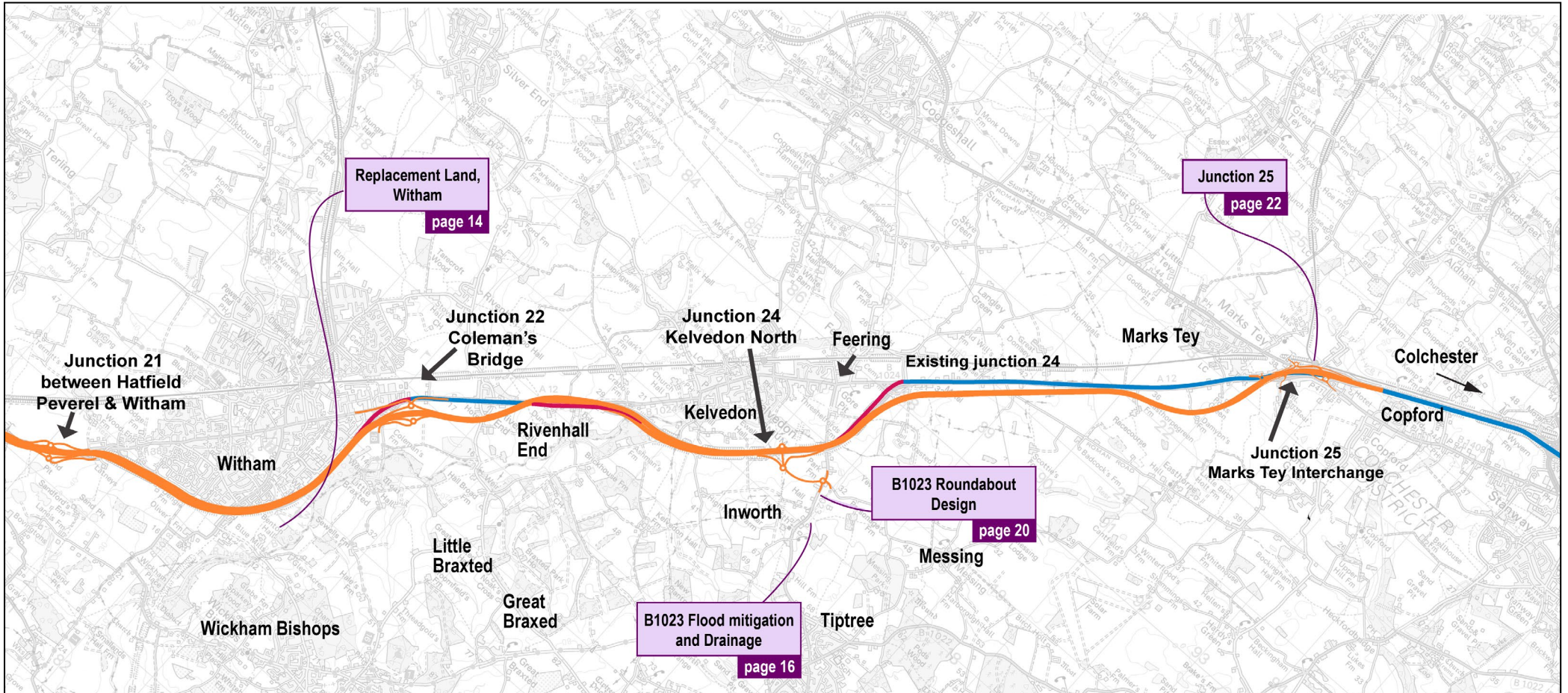
Since 12 September 2022, the proposed scheme has been in examination during which hearings have been held, as well as written questions answered, written representations made, Local Impact Reports submitted by the Local Authorities, and site visits undertaken by the Planning Inspectorate. All relevant documents are available on the project Examination Library held on the Planning Inspectorate's website. In this consultation we refer to some of these documents, which can be identified due to their unique reference number. An example would be Environmental Statement – Chapter 6: Air Quality [APP-073]. (<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a12-chelmsford-to-a120-widening-scheme/?ipcsection=overview>).

We have identified six proposed design changes that we would like your views on. These are marked and summarised on the map to the right.

The detailed design of the proposed scheme will continue and, if consent is granted, there may be further refinements to the proposed design within the constraints of the development consent order.

## The proposed design







## Responding to this consultation

We are proposing to make six changes to the Development Consent Order (DCO) application.

The targeted consultation on these proposals will launch on **Thursday 13 April 2023**. If you would like to take part in the consultation, please provide your comments by **11:59pm on Sunday 14 May 2023** in one of the following ways:

- Online via the response form at   

- Email your response to **A12chelmsfordA120wide@nationalhighways.co.uk**
- Write to us at **FREEPOST A12 WIDENING**

In addition to the information presented in this consultation brochure, we have provided six map books (one for each change). Each book includes a guide to the map book which explains the change and what plans have been updated as a result. Where relevant we have also provided a technical note to accompany each change.

Documents can be viewed online, free of charge, at the locations listed in the table. You may need a form of identification to register as a library member to use a computer.

Please note the opening hours and availability of information technology is subject to change. There are facilities to print documents if needed, but please note there may be an additional charge for this.

If you require an accessible version of the materials, please get in touch with our project team at **A12chelmsfordA120wide@nationalhighways.co.uk** or by calling **0300 123 5000**.

**All responses must be returned by 11:59pm on Sunday 14 May 2023.**

Venue and address	Opening hours
<b>Chelmsford Library</b> County Hall, Market Road, Chelmsford, CM1 1QH	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 5:30pm Thursday 9am to 7pm Friday 9am to 5:30pm Saturday 9am to 5:30pm Sunday 10:30am to 1:30pm
<b>Maldon Library</b> Carmelite House White Horse Lane Maldon CM9 5FW	Monday 9am to 7pm Tuesday 9am to 5:30pm Wednesday Closed Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed
<b>Braintree Library</b> Fairfield Road Braintree CM7 3YL	Monday 9am to 7pm Tuesday 9am to 5:30pm Wednesday 9am to 5:30pm Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5:30pm Sunday Closed
<b>Colchester Library</b> Trinity Square, Colchester, CO1 1JB	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 7pm Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday 1pm to 4pm

Venue and address	Opening hours
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<b>Springfield Library</b> St Augustine's Way, Chelmsford, CM1 6GX	Monday Closed Tuesday 10am to 5pm Wednesday Closed Thursday 10am to 5pm Friday 10am to 5pm Saturday 10am to 1pm Sunday Closed
<b>Tiptree Library</b> Rectory Road, Tiptree, CO5 0SX	Monday Closed Tuesday 9am to 5:30pm Wednesday Closed Thursday 2pm to 7pm Friday Closed Saturday 9am to 5pm Sunday Closed
<b>Witham Library</b> 18 Newland Street, Witham, CM8 2AQ	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 7pm Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed



## Webinars

We're also holding the following online sessions where a presentation will be provided on the changes by the project team followed by an opportunity to ask questions.

Date	Time
Wednesday 19 April 2023	2pm - 3:30pm
Friday 21 April 2023	10am – 11:30am
Tuesday 2 May 2023	6:30pm - 8pm

If you would like to attend one of these, please sign up on our website at [\[redacted\]](#)

You can also get in touch with our project team at **A12chelmsfordA120wide@nationalhighways.co.uk** or by calling **0300 123 5000**.



# Junction 19 Slip Road



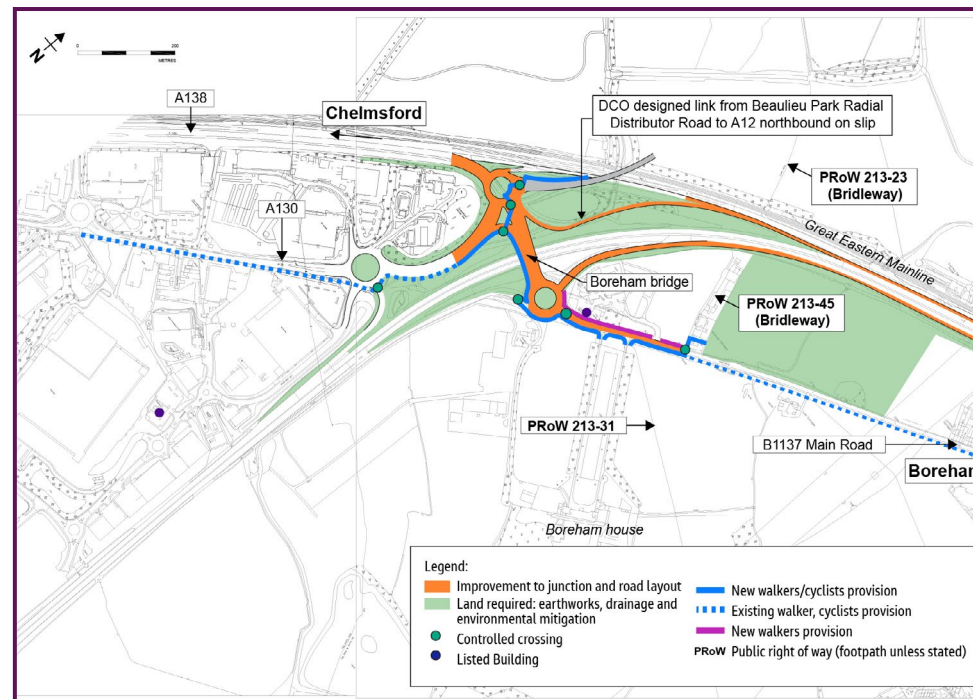
## What we submitted for our Development Consent Order application

Under the proposals submitted to the Planning Inspectorate in the application for development consent, there was a proposed northbound slip road for traffic from the Beaulieu Park distributor road to join the A12 via the existing A130.

These DCO proposals for junction 19 are shown in the map below with the relevant slip road indicated.

## Why have we changed our design?

During our ongoing detailed design, we have identified a refinement to the design submitted as part of our DCO application, which further enhances the configuration of the northbound slip road at junction 19. This proposed segregated slip road merge improves the overall safety for road users.

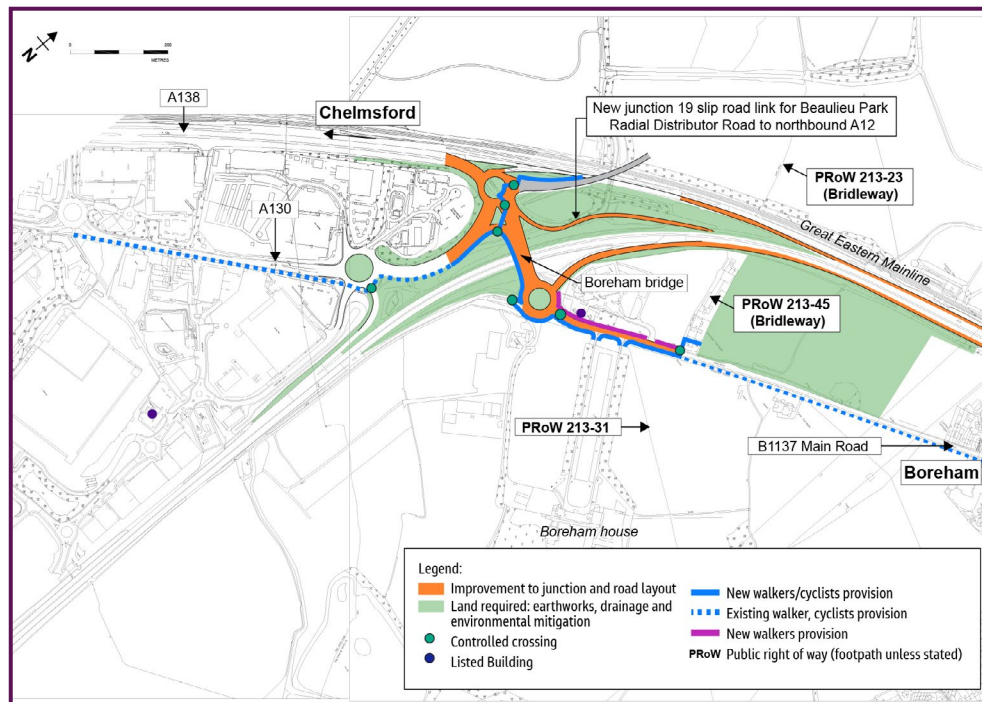


*Junction 19 slip road design submitted for DCO application*

## Our updated design

The new design has the northbound slip road for traffic from the Beaulieu Park distributor road joining the A12 directly via its own slip road. This will be far enough from the existing slip road to ensure that overall the new design will improve safety for road users. There are no changes to the arrangement for walkers, cyclists or horse riders as a result of this change.

The map below shows the updated design proposals for the junction 19 slip road with the new slip road indicated.



Updated Junction 19 slip road design

## Assessment of the change

As part of the consideration for making these changes we carried out a detailed assessment, the summary of which can be found below. Further information can be found in the Junction 19 Slip Road Technical Note, which is available at [REDACTED]

### Traffic

The proposed change would mean that traffic from the Beaulieu Park distributor road wanting to join the A12 northbound at junction 19 would join the A12 directly via a new slip road, rather than joining via the existing northbound slip road. This would mean a slightly different journey for that traffic, and the traffic on those slip roads would change as a result.

However, we predict that this change would not result in any other drivers changing which routes they take for their journeys. Only the two slip roads and the short section of A12 between the slip roads would see a change in traffic numbers. With regard to surrounding local roads, any changes have been deemed to be extremely minor (plus or minus 2-3 vehicles per day).

There would be no change to the operational performance of the junction as reported in the Transport Assessment submitted in the DCO application [APP-253].

Further information regarding the junction 19 proposals can be found in:

- Junction 19 Slip Road Technical Note
- Map Book 1: Junction 19 Slip Road

These documents are available at [REDACTED]  
[REDACTED]com/he/a12chelmsford-to-a120-widening-consultation-apr23/

## Environment

Compared to what was reported in the Environmental Statement submitted as part of the DCO application, there are no changes expected for the following environmental topics (Examination Library unique reference numbers provided):

- Air Quality [APP-073]
- Cultural Heritage [APP-074]
- Biodiversity [APP-076]
- Geology and Soils [APP-077]
- Material Assets and Waste [APP-078]
- Noise and Vibration [APP-079]
- Population and Health [APP-080]
- Climate [APP-082]

The environmental topics where there is a potential change to that reported in the Environmental Statement are as follows:

### Landscape and visual

There would be slightly more vegetation loss between the A12 and the A138 due to the revised slip road. However, the vegetation that would be lost is not designated or recognised as veteran, ancient or notable and is assessed as low quality and value. Changes would be very localised, and therefore there would be no change to the conclusions of the landscape and visual assessment in Chapter 8: Landscape and Visual of the Environmental Statement [APP-075].

### Road drainage and the water environment

There would be a slightly reduced impact on groundwater, as the revised slip road would not require as deep a cutting as the original design. There would be no further change in impacts on flood risk and water quality. The changes from the new design would not be at a level that would change the conclusions of Chapter 14: Road Drainage and the Water Environment of the Environmental Statement [APP-081].

### Conclusion

The change in impacts would not be on a scale or magnitude to change the significant effects reported in the Environmental Statement. No new or different mitigation measures would be required. There are therefore no new or different likely significant environmental effects expected as a result of the proposed design change.



## Anglian Water Pumping Station (Bury Lane, Hatfield Peverel)

### What we submitted for our Development Consent Order application

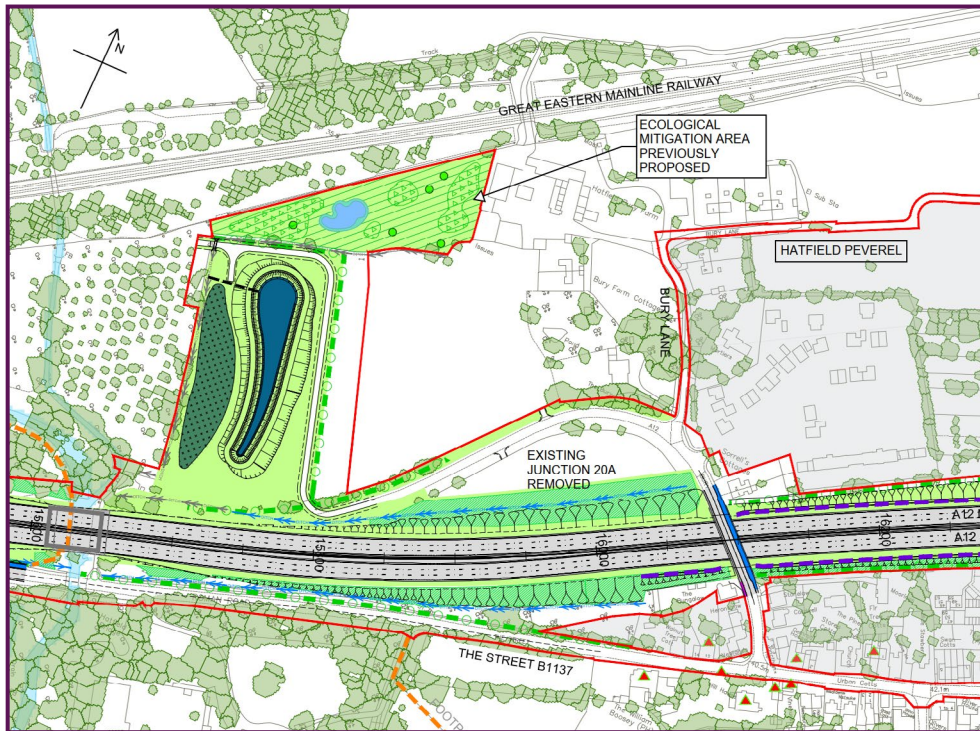
In the designs submitted as part of our DCO application we sought to compulsorily acquire land in this location to allow for ecological mitigation. The purpose of this ecological mitigation area was to provide habitat for reptiles.

The proposals submitted under the DCO application can be seen on the map below.

### Why have we changed our design?

Since the DCO application was submitted, ongoing engagement has taken place with the local housing developer and the local authority. This engagement has identified that this land is needed for a waste water pumping station to be installed, as required by an approved planning application.

The location of this pumping station is within the ecological mitigation area proposed to provide habitat to reptiles. The pumping station is infrastructure required to facilitate this development for 50 homes.

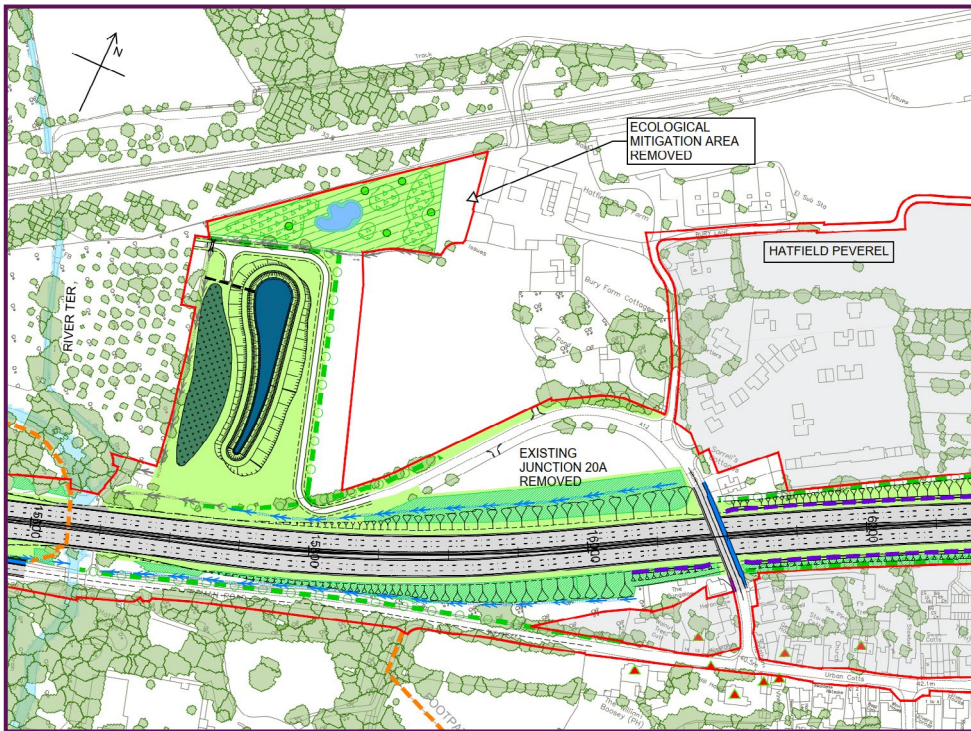


Anglian Water Pumping Station design submitted for DCO application

## Our updated design

To allow for the approved planning application we are now removing a small section of ecological mitigation as per the map below. The area of ecological mitigation lost decreases the reptile mitigation across the scheme by 0.4%. As the impact of this loss is negligible to the overall mitigation being provided, we do not need to replace this small loss of habitat.

This land will no longer be subject to compulsory or temporary acquisition powers.



Updated Anglian Water Pumping Station design

## Assessment of the change

As part of the consideration for making these changes we carried out a detailed assessment, the summary of which can be found below. Further information can be found in the Anglian Water Pumping Station (Bury Lane, Hatfield Peverel) Technical Note, which is available at [\[REDACTED\]com/he/a12chelmsford-to-a120-widening-consultation-apr23/](#).

## Environment

The design change is a small reduction in size of an ecology mitigation area. This would not result in a change of impacts for any environmental topic compared to what was reported in the Environmental Statement submitted in the DCO application. No new or different mitigation measures would be required. There are therefore no new or different likely significant environmental effects expected as a result of the proposed design change.

Further information regarding the Anglian Water Pumping Station proposals can be found in:

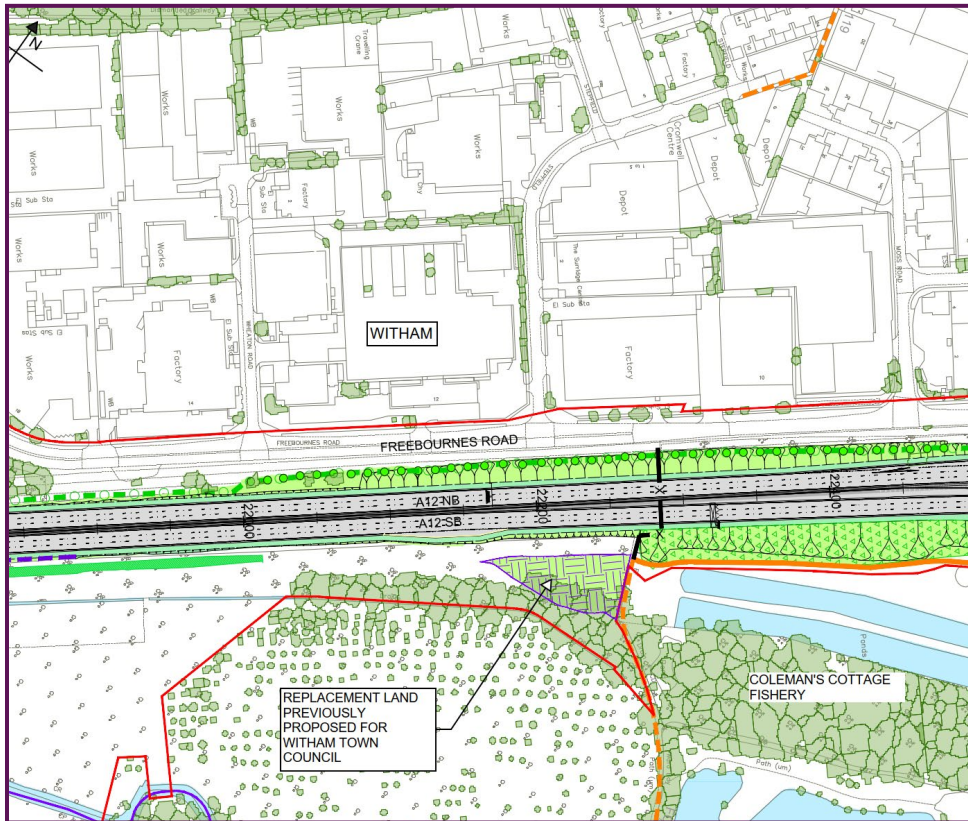
- Anglian Water Pumping Station (Bury Lane, Hatfield Peverel) Technical Note
- Map Book 2: Anglian Water Pumping Station (Bury Lane, Hatfield Peverel)

These documents are available at [\[REDACTED\]](#)

## Replacement Land, South of Witham

### What we submitted for our Development Consent Order application

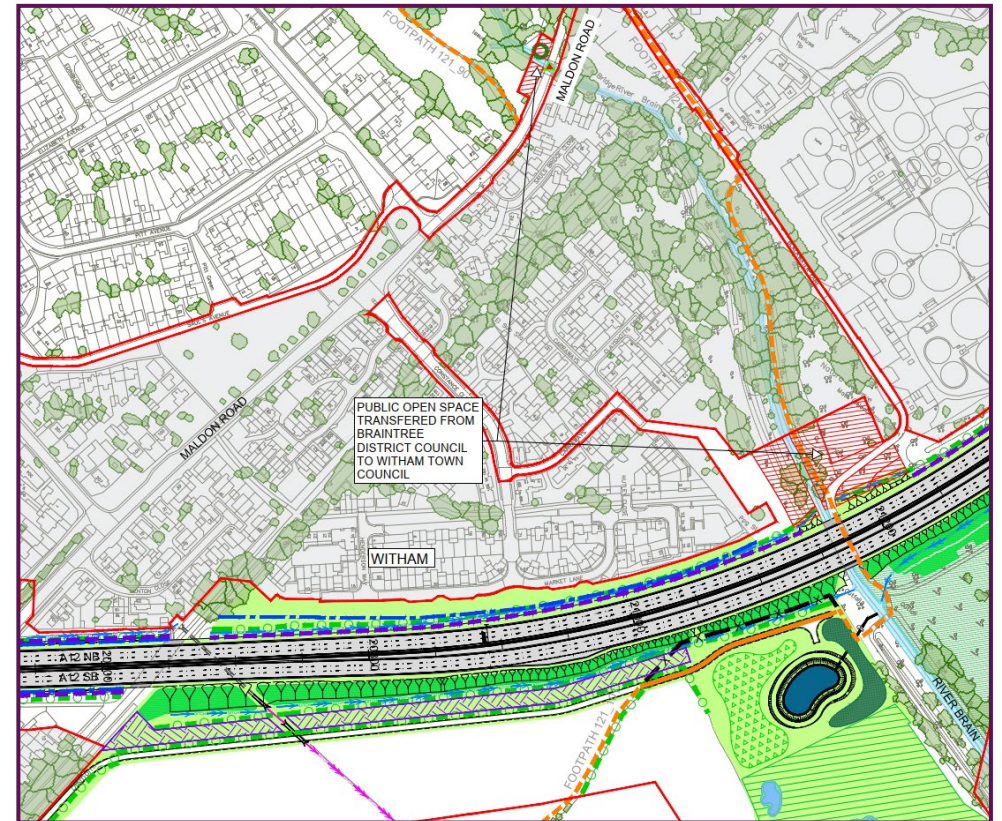
As part of our application for development consent we need to ensure that community open space land that may be lost because of the proposed scheme is replaced with a suitable alternative. The map below shows the area of land we initially proposed to provide to Witham Town Council to replace land the Town Council was proposed to lose.



### Why have we changed our design?

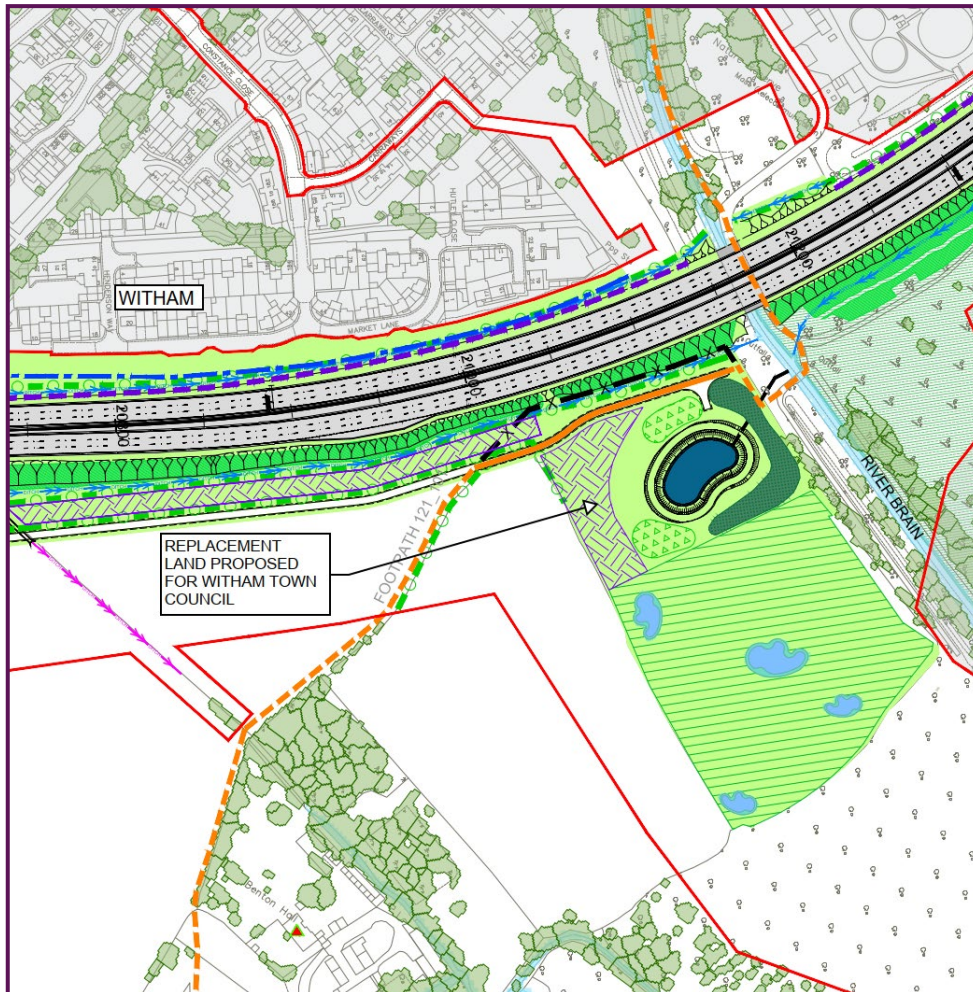
Engagement with the Town Council has continued since we submitted our application for development consent. During this engagement, and giving it further consideration, the Town Council concluded that the proposed replacement land was too isolated.

In addition, the Town Council was recently transferred land from Braintree District Council which was also impacted by the proposed scheme and would need to be replaced in agreement with the Town Council. The area of land transferred to the Town Council is shown in the map below.



## Our updated design

The map below shows the agreed land to be provided to the Town Council to replace both areas of land being lost as part of the proposed scheme. The land is close to the Whetmead Nature Reserve and surrounds the proposed drainage pond.



## Assessment of the change

The considerations of the impact of these changes can be found summarised below.

### Environment

The change in potential impacts from the changes to replacement land are considered negligible, as they would only result in minor amendments to the landscape design. The change in impacts would not be on a scale or magnitude to change the significant effects reported in the Environmental Statement submitted in the DCO application. No new or different mitigation measures would be required. There are therefore no new or different likely significant effects from the proposed design change.

Further information regarding the Replacement Land, Witham proposals can be found in:

- Replacement Land Statement (Areas 6, 8, 9 and 10)
- Map Book 3: Replacement Land, South of Witham

These documents are available at [REDACTED]



## B1023 Flood Mitigation and Drainage, and Roundabout Design

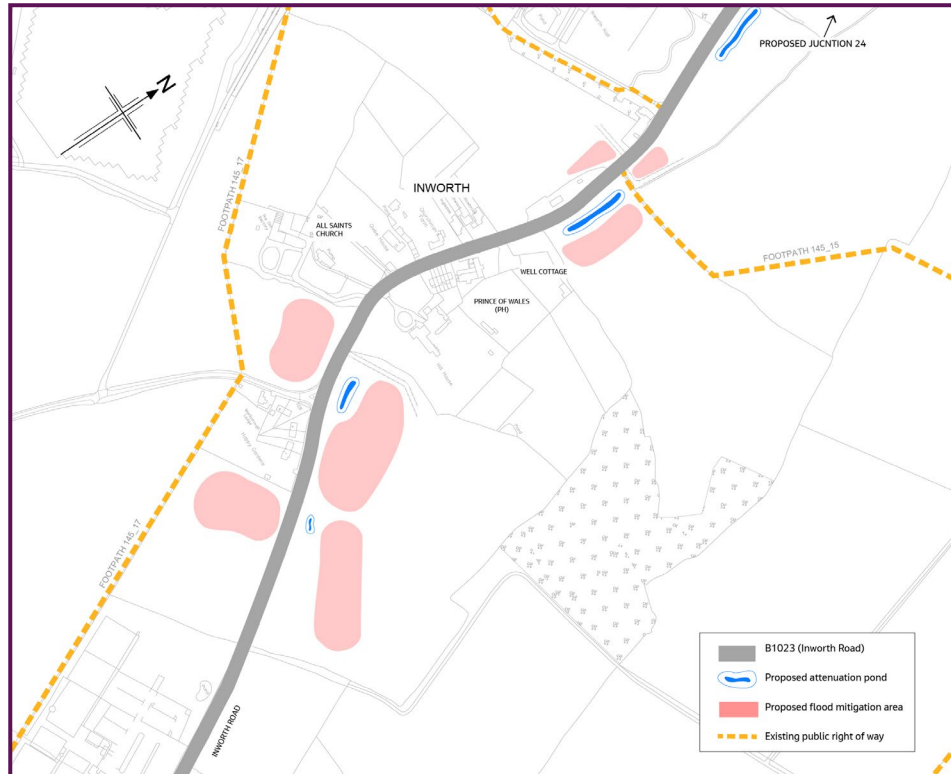
## B1023 Flood Mitigation and Drainage

### What we submitted for our Development Consent Order application

Flood mitigation works are proposed alongside the B1023 to ensure we achieve the policy requirements for the proposed scheme. These requirements ensure that the road would remain operational and safe for road users in flood events up to a 1 in 100 year event. This also provides an

allowance for climate change. These proposed works also include drainage improvements to the road. This will ensure there is no increase to flood risk.

The map below shows the proposals we submitted for our application for development consent. It included four drainage ponds and seven flood mitigation areas.



*B1023 Flood Mitigation and Drainage design submitted for DCO application*

## Why have we changed our design?

Further information has been secured by the project that has allowed us to improve our design. This included:

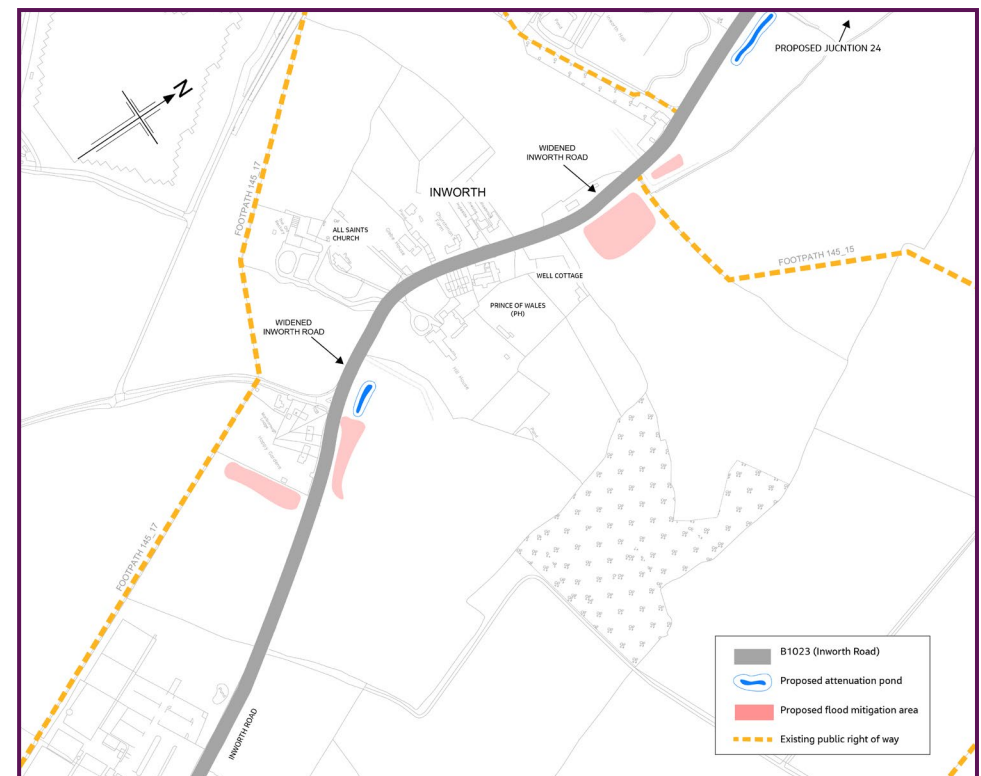
- Additional surveys and investigations, in particular of the existing drainage network, as well as utilities surveys.
- Hydraulic computer aided modelling of watercourses. A lack of available information on the existing drainage network meant that hydraulic modelling could not be undertaken for the design submitted at DCO, which was accordingly based on a worst case approach. With the additional information received, a hydraulic model has been built and used to refine the design of proposed flood mitigation measures.
- Further assessment of landtake in the area to address concerns raised by local stakeholders.
- Consideration of the existing high pressure (HP) gas main that crosses the B1023. The location of this gas main was not known at DCO submission and the initial design would have required excavation to take place over it.

## Our updated design

As a result of new information available to the project such as site surveys and investigations, we are now able to present an updated design for the drainage ponds and flood mitigation areas alongside the B1023.

As a result of this, we have been able to reduce the number of drainage ponds from **four** down to **two**. We have also reduced the number of flood mitigation areas from **seven** down to **four**, and of those four two have also reduced in size.

This new design, shown on the map below, considerably reduces the number of ponds and flood mitigation areas required by the proposed scheme. It does however continue to ensure we achieve the policy requirements.



Updated B1023 Flood Mitigation and Drainage design

## Assessment of the change

As part of the consideration for making these changes we carried out a detailed assessment, the summary of which can be found below. Further information can be found in the Flood Mitigation and Drainage Technical Note, which is available at [REDACTED]

## Environment

Compared to what was reported in the Environmental Statement submitted as part of the DCO application, there are no changes expected for the following environmental topics (Examination Library unique reference numbers provided):

- Air Quality [APP-073]
- Material Assets and Waste [APP-078]
- Noise and Vibration [APP-079]
- Climate [APP-082]

The environmental topics where there is a potential change to that reported in the Environmental Statement are as follows:

### Cultural heritage

Due to the removal or reduction in size of some proposed flood mitigation areas and drainage ponds, the duration and scale of impacts during construction on the settings of five listed buildings would be reduced. However, this would not change the overall significance of effect assessed in Chapter 7: Cultural Heritage of the Environmental Statement [APP-074].

## Landscape and visual

Localised landscape impacts along B1023 would be slightly reduced as there would be less vegetation removal due to the removal and reduction in size of some drainage ponds and flood mitigation areas. Given the localised change of impacts, there would be no change to the landscape and visual effects reported in Chapter 8: Landscape and Visual of the Environmental Statement [APP-075].

## Biodiversity

There would be a slight reduction in localised biodiversity impacts as the removal and reduction in size of some drainage ponds and flood mitigation areas would increase the distance between construction activities and sensitive ecological features, as well as reduce vegetation loss. This would not be of a scale to change the significant effects reported on biodiversity reported in Chapter 9: Biodiversity of the Environmental Statement [APP-076].

## Geology and soils / Population and health

There would be a slightly reduced impact on agricultural landholdings and soil due to the reduced land take for drainage ponds and flood mitigation areas. This would not be of a scale to change the significant effects on agricultural landholdings and soils reported in Chapter 10: Geology and Soils [APP-077] and Chapter 13: Population and Health [APP-080] of the Environmental Statement.

### Road drainage and the water environment

The design change has the potential to affect water quality due to the change in drainage ponds, which provide mitigation before water is discharged into watercourses. The outfalls for B1023 have been assessed to reflect the design changes, and this shows that they all pass the Environmental Quality Standards. There is therefore no change to the water quality conclusions in the Environmental Statement. Flood risk mitigation would still deliver a large benefit over the existing situation, as reported in Chapter 14: Road Drainage and the Water Environment of the Environmental Statement [APP-081]

### Conclusion

The change in impacts would not be on a scale or magnitude to change the significant effects reported in the Environmental Statement. No new or different mitigation measures would be required. There are therefore no new or different likely significant environmental effects expected as a result of the proposed design change.

### Construction

The changes in the design will reduce the number of HGV movements associated with construction of the drainage ponds and flood compensation areas. However, they are unlikely to reduce the construction programme or road closures required along B1023 due to the extent of the improvements to the existing drainage network still required.

Further information regarding the B1023 Flood Mitigation and Drainage proposals can be found in:

- Flood Mitigation and Drainage Technical Note
- Map Book 4: B1023 Flood Mitigation and Drainage

These documents are available at [redacted]  
[redacted]  
[redacted]



## B1023 Roundabout Design

### What we submitted for our Development Consent Order application

In the designs submitted as part of our DCO application we proposed a segregated left turn lane (SLTL) for traffic from Inworth Village at the B1023 roundabout. A SLTL is used to provide a link for traffic turning left at roundabouts which bypasses the roundabout itself. This feature allowed traffic from Inworth Village to join the link road to junction 24 without the need to give way to traffic already on the roundabout, reducing the delay for vehicles from this approach.

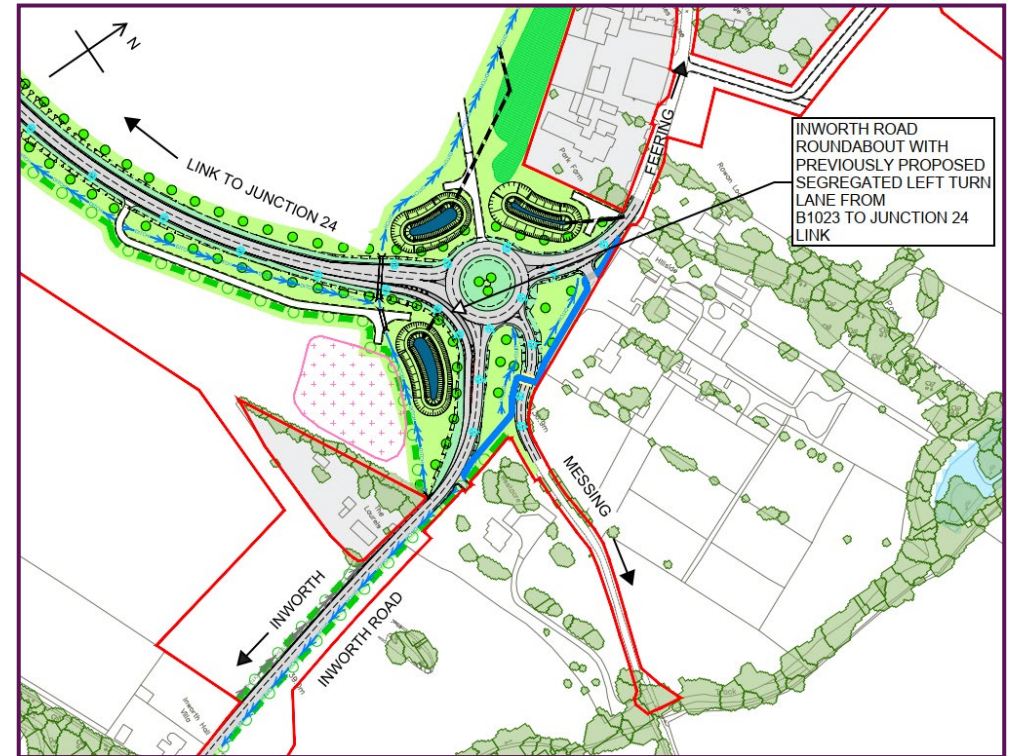
Our proposals under the DCO for the B1023 roundabout can be seen in the adjacent map.

### Why have we changed our design?

We have carried out further design work and continue to listen to the feedback received from local stakeholders and these proposals address the concerns raised as part of this engagement.

The SLTL was proposed to alleviate the potential queuing of traffic wishing to turn left from the B1023 south of the roundabout, by removing the conflict of this movement with drivers wishing to turn right at the roundabout from the B1023 north of the roundabout.

Through refinement of the design and validation against the strategic traffic model presented as part of the DCO Application, its inclusion is not required for the roundabout to perform acceptably in the proposed scheme's design year of 2042. Further to this, SLTLs are often associated with higher speed trunk road design, and the proposed removal of the SLTL helps reinforce the local nature of the existing B1023 in this area.

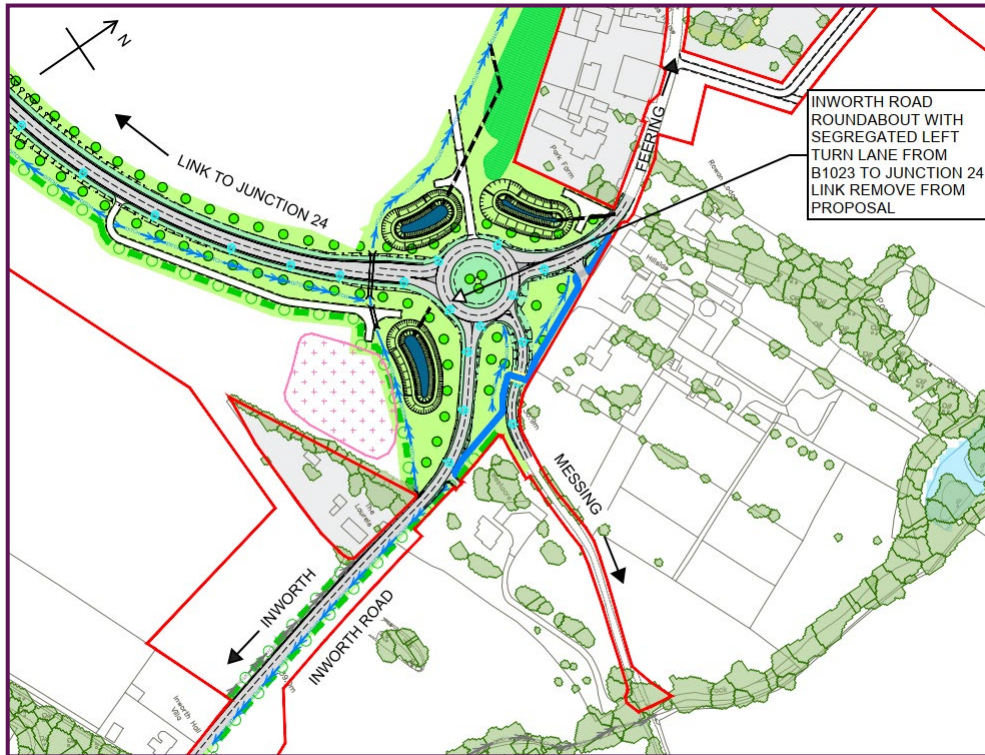


*B1023 roundabout design submitted for DCO application*

Further information regarding the B1023 roundabout proposals can be found in:

- B1023 Roundabout Technical Note
- Map Book 5: B1023 Roundabout

These documents are available at [w](#)



*Updated B1023 roundabout design*

## Our updated design

We are proposing to remove the segregated left turn lane (SLTL) from the arrangement of the B1023 roundabout. Traffic from Inworth Village will instead join the link road to junction 24 by utilising the B1023 roundabout. This will require traffic to give way to traffic already on the roundabout, as is the case with most roundabouts.

Our updated design is shown on the map above.

## Assessment of the change

As part of the consideration for making these changes we carried out a detailed assessment, the summary of which can be found below. Further information can be found in the B1023 roundabout Technical Note, which is available at [REDACTED]

## Traffic

Although traffic joining junction 24 on the approach from Inworth Village would have to use the B1023 roundabout itself to access junction 24 rather than a separate left-hand turn lane, this is not predicted to affect the performance of the junction. All arms of the roundabout are still predicted to operate with a Level of Service 'A' (i.e. the best level of operation), the same as was reported in the Transport Assessment submitted in the DCO application [APP-253].

The change is not predicted to make drivers change which routes they take in their journeys, so there would be no change in the amount of traffic forecast on local roads.

## Environment

The change in potential impacts from the removal of the junction 24 B1023 segregated left turn is considered negligible, as there would be no change in land take or traffic flows from the new design. The change in impacts would not be on a scale or magnitude to change the significant effects reported in the Environmental Statement submitted in the DCO application. No new or different mitigation measures would be required. There are therefore no new or different significant effects arising from the proposed design change.

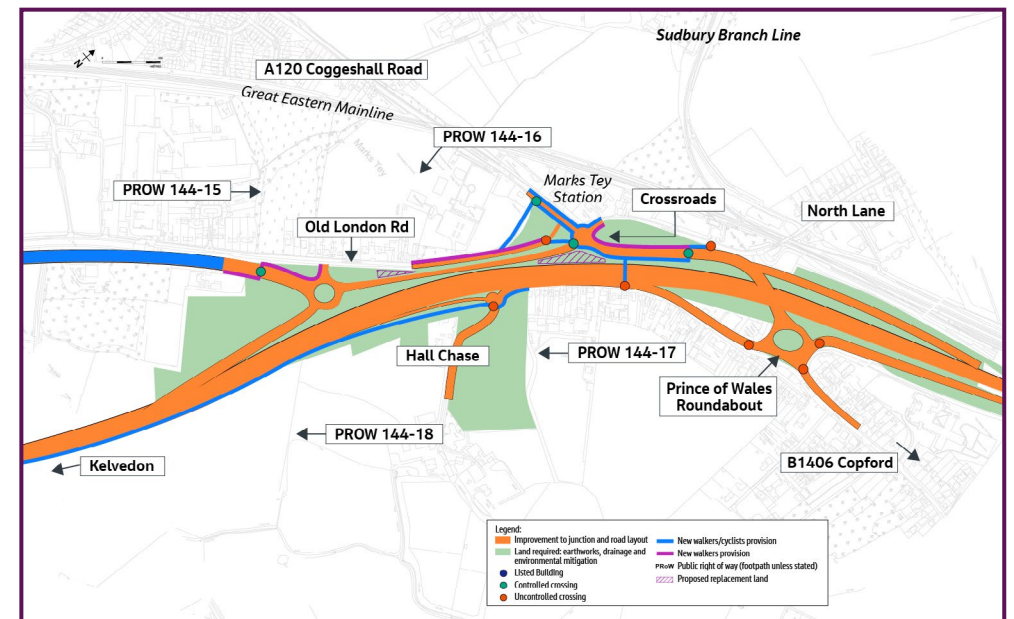
# Junction 25



## What we submitted for our Development Consent Order application

As part of the application for development consent we presented proposals for junction 25. Junction 25 was proposed to remain an elevated junction and provided access to the A12 both northbound and southbound. These proposals converted the Old Rectory roundabout to a signalised crossroads.

The map below shows the proposals for junction 25 presented under the DCO application.



Junction 25 design submitted for DCO application

## Why have we changed our design?

As part of the ongoing submissions from stakeholders, Marks Tey Parish council provided written representations reaffirming their position that the crossroads the scheme was proposing should be changed and instead the proposed scheme should aim to retain the existing roundabout. Further investigations of traffic data have shown that a roundabout, albeit with signals is able to accommodate the predicted traffic at this location.

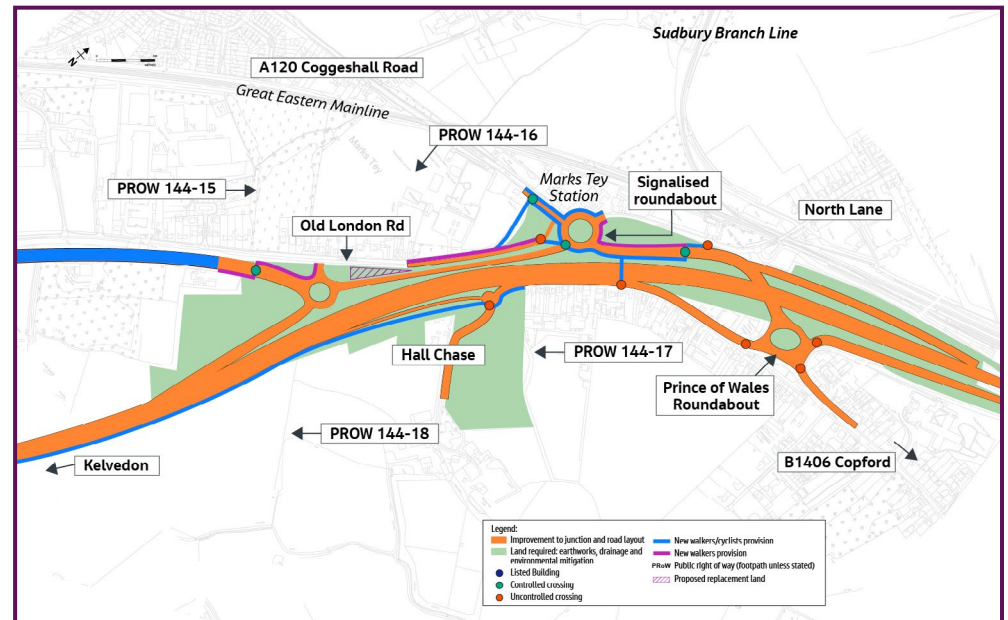
Considering this further investigation, alongside the fact that retaining the roundabout would reduce land take, maximise the use of the existing infrastructure and make it possible to retain more of the existing vegetation we are proposing to amend our DCO design. This change also responds to the views expressed by the parish council.

While this change has an impact on the proposed replacement land, we have found an alternative location for this land at Old London Road. In addition, WCH facilities at this location will remain unchanged.

## Our updated design

Our new proposals see the Old Rectory roundabout maintained, which will become a partially signalised roundabout. This will maximise the existing infrastructure in the design and minimise tree loss within the Old Rectory roundabout island.

The map below shows our proposals for the updated design of junction 25.



Updated junction 25 design



## Assessment of the change

As part of the consideration for making these changes we carried out a detailed assessment, the summary of which can be found below. Further information can be found in the Junction 25 Technical Note, which is available at [REDACTED]

## Traffic

Traffic models were used to predict how well junction 25 would operate with the proposed changes, compared to the design presented in the DCO application when submitted.

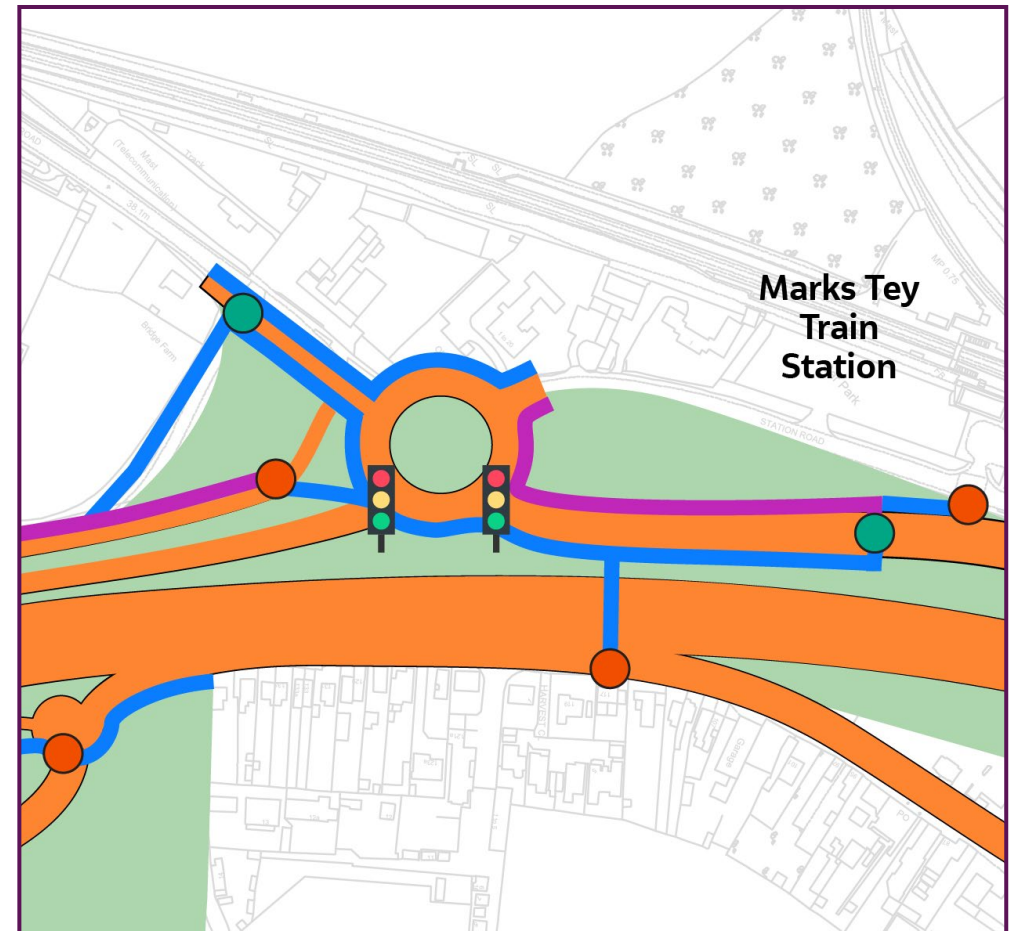
The adjacent map shows which arms of the roundabout will be signalised. The partially signalised Old Rectory roundabout is predicted to operate better than the previously planned signalised crossroads during peak hours. At quieter times of the day, the change in design also means that traffic from non-signalised arms (such as on the A120 approaching from Braintree) would be able to pass through the roundabout without the risk of having to wait at signals.

Because traffic would be able to flow more freely through the Old Rectory roundabout, the adjacent Prince of Wales roundabout would become slightly busier. However, this roundabout is still predicted to operate well.

Overall, junction 25 is expected to perform better as a result of the proposed change.

The change to a partially signalised roundabout is predicted to result in some changes in traffic flows on local roads. This is because of slight changes in how long it takes to travel through the junction from different approach arms.

More traffic from Copford is predicted to use junction 25 (Marks Tey) to access the A12 northbound, instead of travelling via B1048 London Road and joining the A12 at junction 26 (Stanway). This is because it is easier to make this movement if the Marks Tey roundabout becomes a partially-signalised roundabout. This change would therefore result in a slight increase in traffic in travelling around junction 25 and a slight decrease in traffic on the B1408 London Road between Copford and Stanway.



Updated signalisation of Old Rectory Roundabout



## Environment

Compared to what was reported in the Environmental Statement submitted as part of the DCO application, there are no changes expected for the following environmental topics (Examination Library unique reference numbers provided):

- Cultural heritage [APP-074]
- Biodiversity [APP-076]
- Geology and soils [APP-077]
- Material assets and waste [APP-078]
- Population and health [APP-080]
- Road drainage and the water environment [APP-081]
- Climate [APP-082]

The environmental topics where there is a change to that reported in the Environmental Statement are as follows:

### Air quality

The impact of the changes to air quality from the new junction layout is considered negligible. The air quality model for the junction changes showed that of the 260 modelled human health receptors in Chapter 6: Air Quality of the Environmental Statement [APP-073], there are modelled changes at 36 receptors for annual mean nitrogen dioxide concentrations, nine receptors for annual mean PM10 (particulate matter) concentrations and 17 receptors for PM2.5 concentrations. Three receptors resulted in an adverse change from an imperceptible to small impact. Five receptors resulted in a beneficial change from a small impact to an imperceptible impact. There are no receptors within the modelled concentrators above the relevant Air Quality Objective.

## Landscape and visual

Localised landscape impacts around junction 25 would be slightly reduced when considering the new design as the roundabout layout would make it possible to retain existing vegetation within the existing roundabout junction. Given the localised change of impacts, there would be no change to the landscape and visual effects reported in Chapter 8.

## Noise and vibration

There would be a reduced noise increase at the seven dwellings along London Road in Copford which were predicted to experience significant adverse effects due to an increase in traffic, as reported in Chapter 12: Noise and Vibration of the Environmental Statement [APP-079]. This is due to the predicted reduction in traffic flow along London Road between Copford and Stanway as a result of the new junction design. There are no longer significant adverse effects at the seven receptors along London Road due to the reduced noise increase.

## Conclusion

There would be no new significant effects from the design change. However, there would be a beneficial change in noise impacts due to a reduction in traffic flows along London Road from the assessment in the Environmental Statement submitted under the DCO. This would remove significant adverse effects for seven receptors in Copford.

## Replacement Land

Retaining the Old Rectory roundabout impacts the replacement land proposals submitted under the application for development consent. There is not sufficient space between the roundabout and the A12 to provide the replacement land initially proposed.

Therefore, we are proposing the replacement open space be located along Old London Road. This improves the practical use of this open space for the community by making it more accessible.

Further information regarding the Junction 25 proposals can be found in:

- Junction 25 Technical Note
- Map Book 6: Junction 25

These documents are available at [REDACTED]





## What happens next

The closing date for responses to this consultation is **11:59pm 14 May 2023**.

Following this consultation, all responses will be analysed. We will produce a report of these responses and the proposed scheme's position on them. This will be submitted as part of the request to the Planning Inspectorate to accept, as part of our DCO application, those changes we still wish to proceed with. If those changes are accepted for examination, there will be opportunities for the detail of each proposed change to be considered and for all interested parties to make representations on the change as part of the ongoing examination of the DCO application.

We are currently in the examination period which launched in January 2023. The examination can take up to six months, following which the Planning Inspectorate has three months to report to the Secretary of State. They will then have a further three months to make their decision. If the project is approved, construction is proposed to start in 2024.

The Planning Inspectorate's website will provide updates on the process (<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a12-chelmsford-to-a120-widening-scheme/?ipcsection=overview>).

## Keep in touch

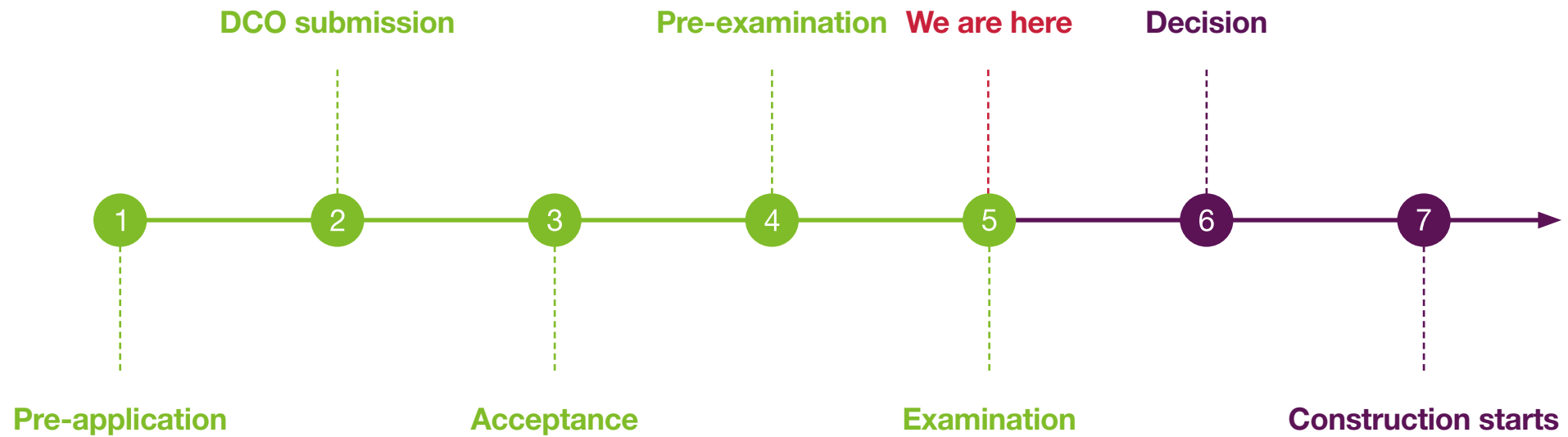
You can contact us by email on **[A12chelmsfordA120wide@nationalhighways.co.uk](mailto:A12chelmsfordA120wide@nationalhighways.co.uk)**

or call us on **0300 123 5000**

For more information on the A12 Chelmsford to A120 Widening please visit our website:



## Application process



For more information about the DCO process, please visit:  
<https://infrastructure.planninginspectorate.gov.uk/application-process/the-process/>

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

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## **2 DCO Change Application Consultation Response Form**



## **A12 Chelmsford to A120 widening**

Development Consent Order  
Change Application Consultation  
Response Form

April 2023

## Share your views

We want to understand your views about the proposed changes for the A12 Chelmsford to A120 widening Development Consent Order (DCO) application, designed to improve our proposed improvements to the A12 between junctions 19 and 25.

The A12 is an important economic link in Essex and across the east of England. It provides the main south west/north east route through Essex and Suffolk, connecting Ipswich to London and to the M25. The section between Chelmsford and Colchester (junction 19 Boreham interchange to junction 25 Marks Tey interchange) carries high volumes of traffic, with up to 90,000 vehicles every day. Heavy goods vehicles are between 9% and 12% of the traffic on this section due to its important freight connection, especially to Felixstowe and Harwich ports. This section of the A12 is also an important commuter route between Chelmsford and Colchester. The resulting congestion leads to delays and means that, during the morning commute, a driver's average speed is particularly slow in both directions for an A-road.

Please share your views.



You can complete this form electronically and email it to [A12chelmsfordA120wide@nationalhighways.co.uk](mailto:A12chelmsfordA120wide@nationalhighways.co.uk). Alternatively, you can print and post back to **FREEPOST A12 WIDENING**.

The consultation period ends at **11.59pm on Sunday 14 May 2023** so please ensure your comments arrive with us in time, to help us consider your comments when we are refining the design.

## About you

Please provide your name, address and email address.

If you'd prefer your comments to be anonymous, please just let us have your postcode (first five digits), so we can understand where you live in relation to the scheme.

**Your name:**

**Address:**

**Postcode:**

**Email:**

If you are responding on behalf of an organisation, please provide the below information:

**Organisation:**

**Your role:**

## The Proposed Changes

Please complete the sections you want to comment on. You can ignore the sections you're not interested in or don't want to comment on.

### 1. Junction 19 Slip Road

Please give us your comments on this updated design. Refer to the consultation brochure for details.



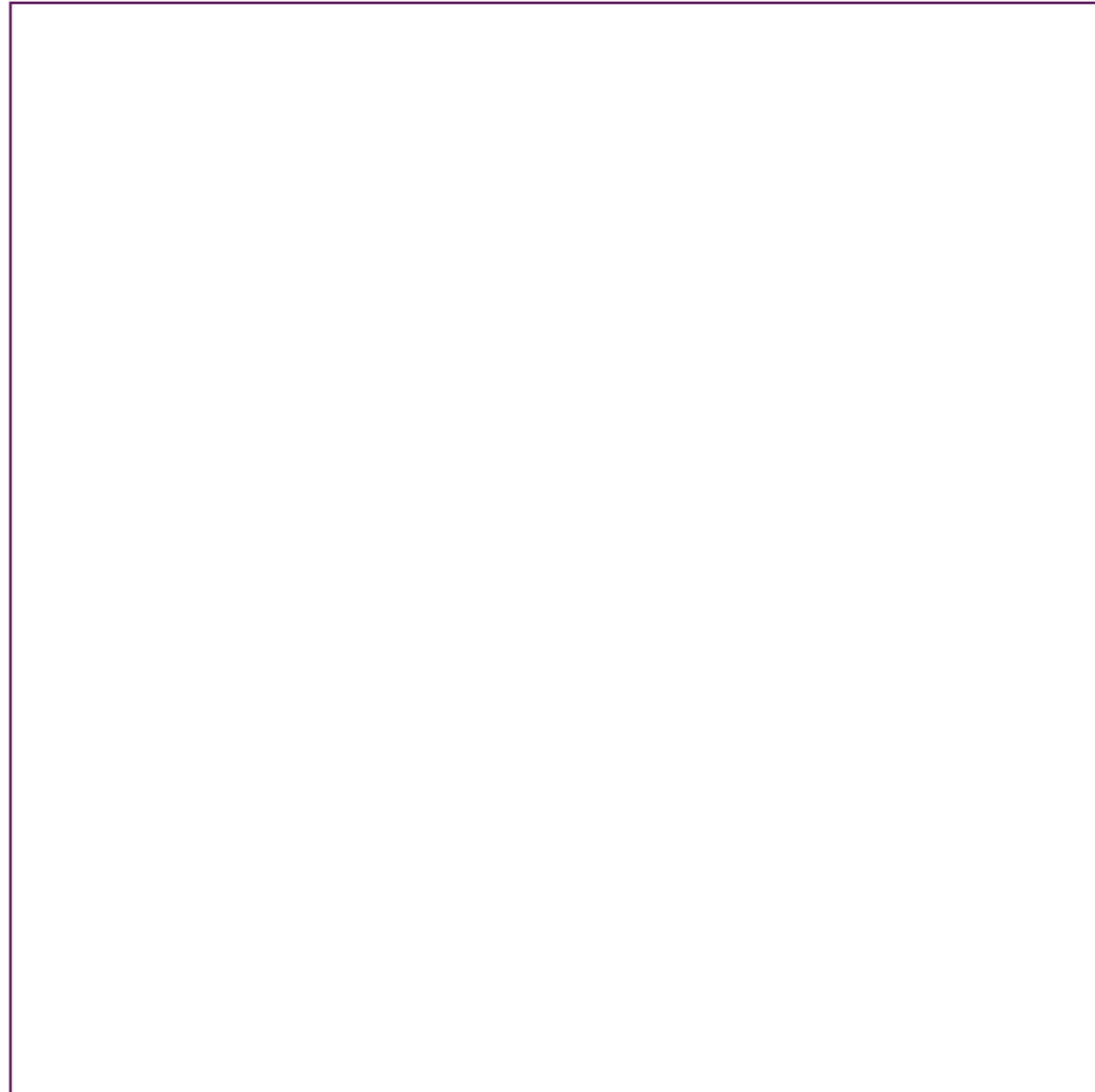
### 2. Anglian Water Pumping Station (Bury Lane, Hatfield Peverel)

Please give us your comments on this updated design. Refer to the consultation brochure for details.



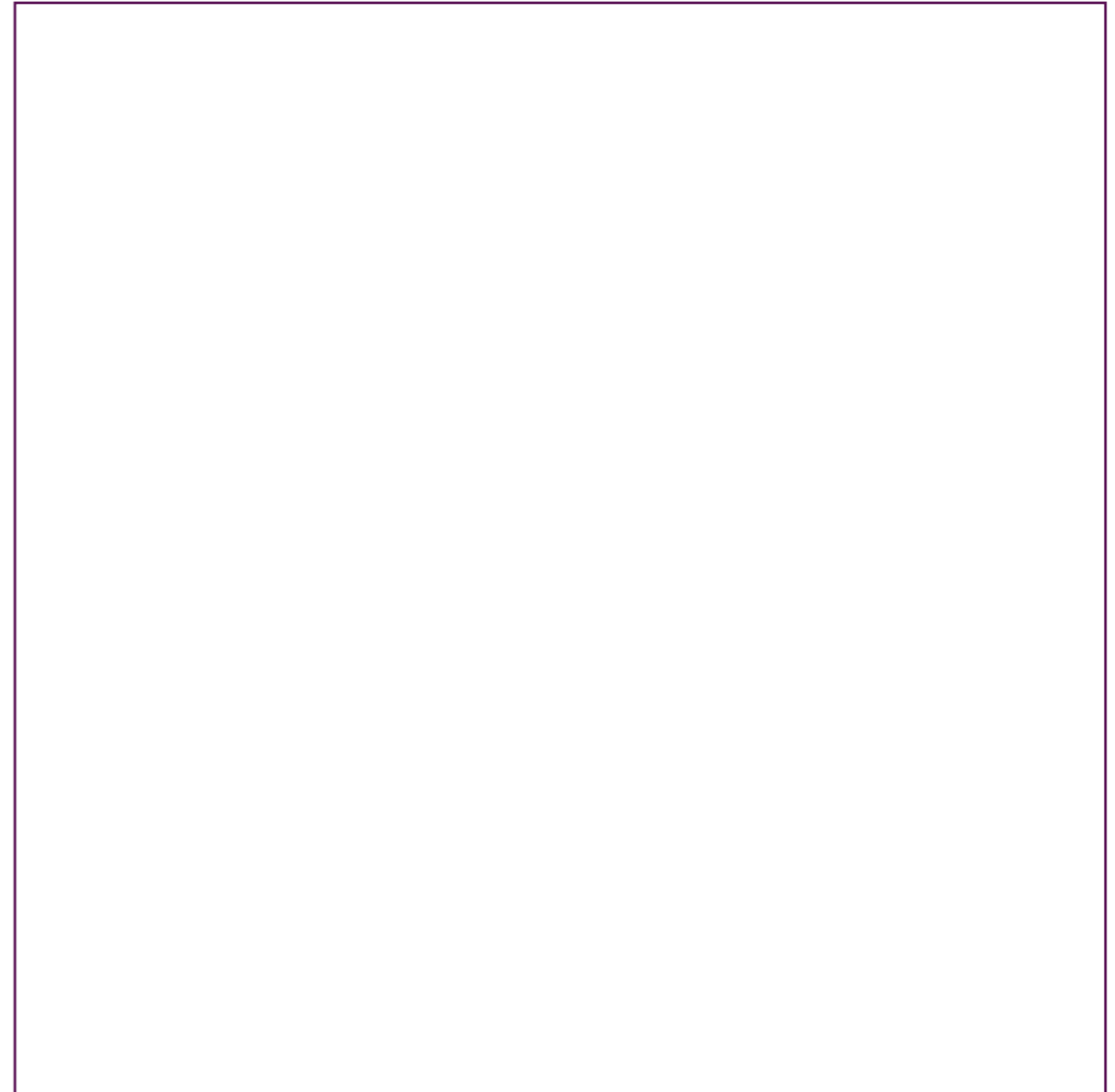
### 3. Replacement Land, South of Witham

Please give us your comments on this updated design. Refer to the consultation brochure for details.



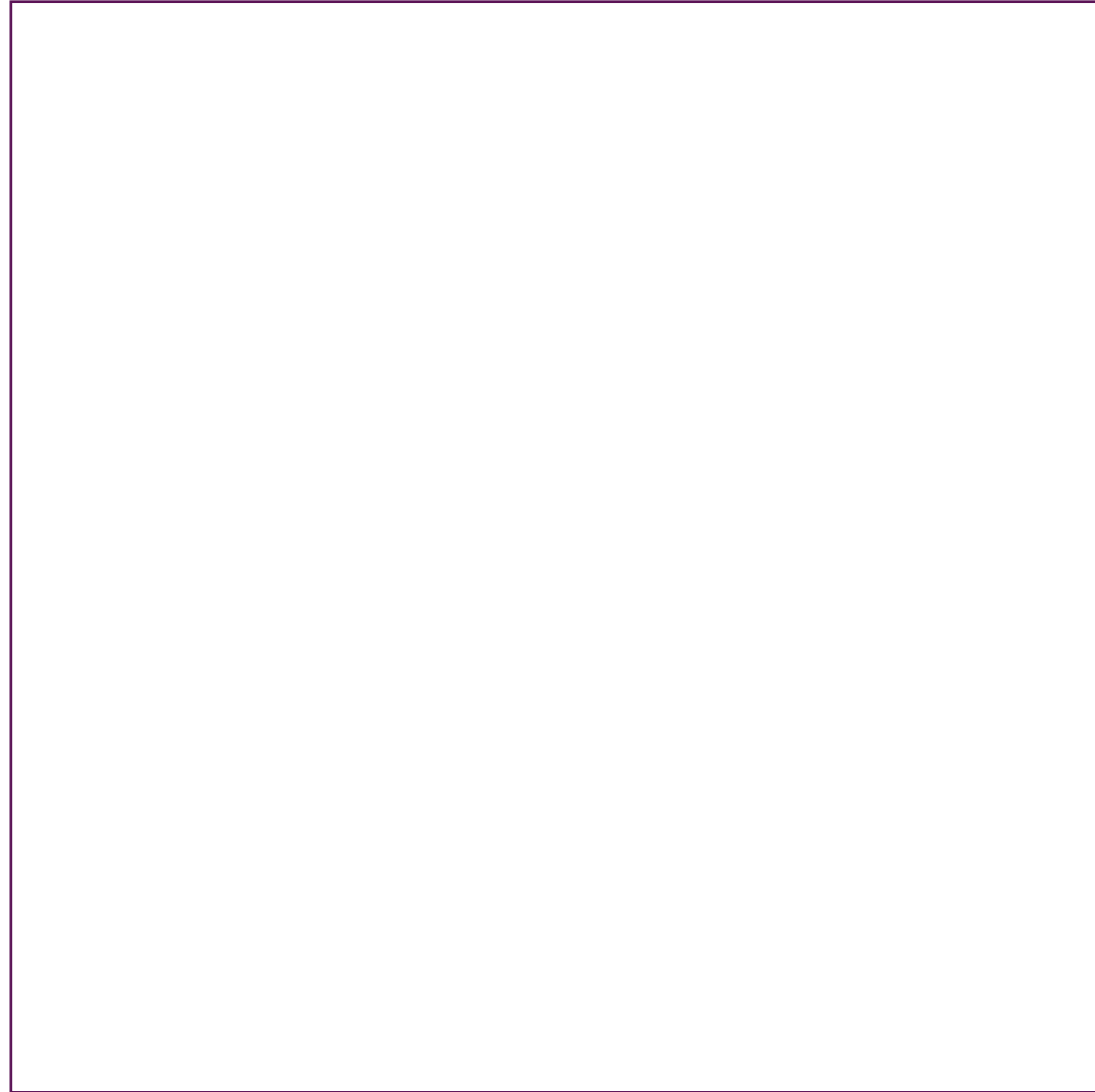
### 4. B1023 Flood Mitigation and Drainage

Please give us your comments on this updated design. Refer to the consultation brochure for details.



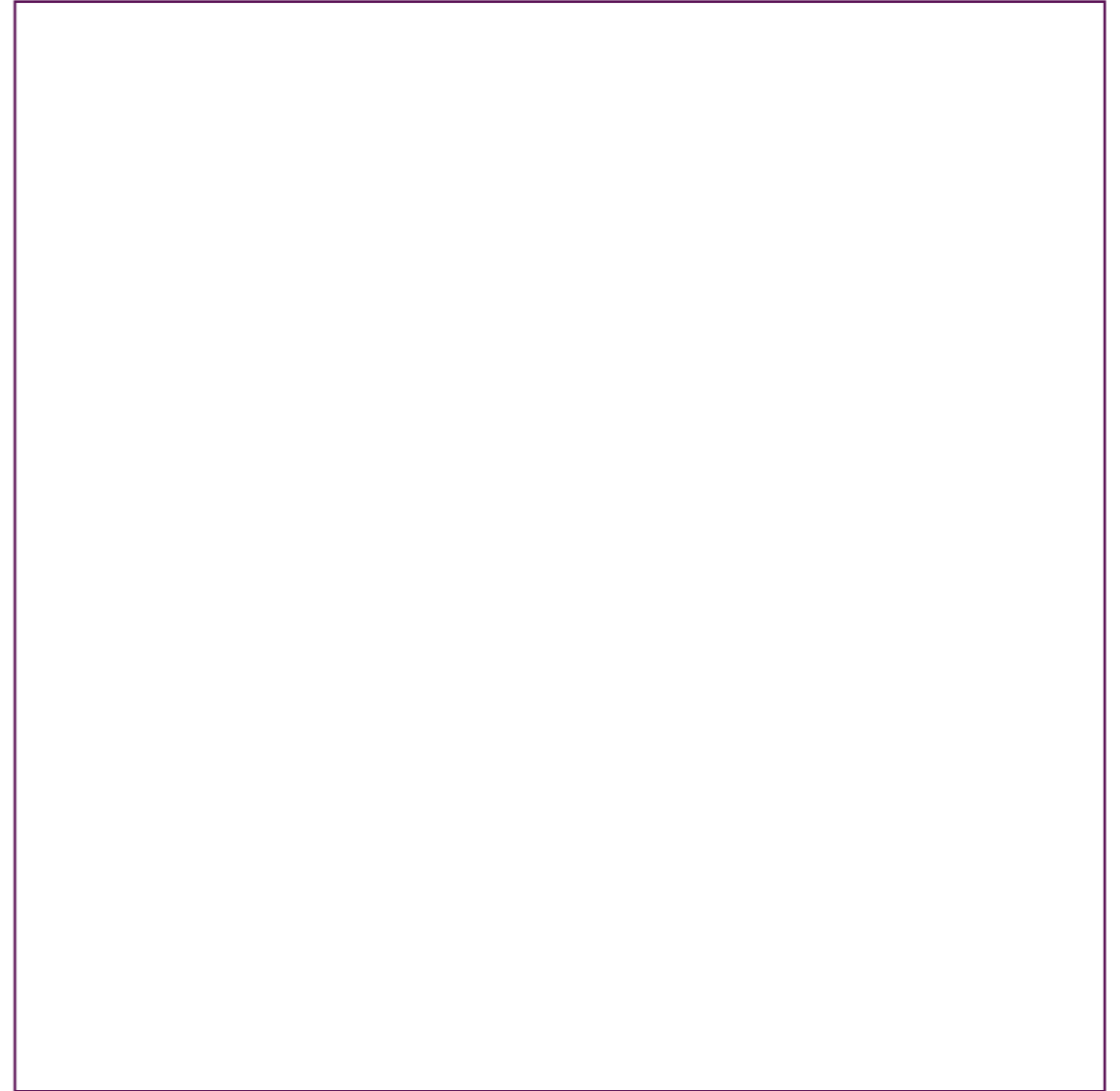
**5. B1023 roundabout design**

Please give us your comments on this updated design. Refer to the consultation brochure for details.



**6. Junction 25**

Please give us your comments on this updated design. Refer to the consultation brochure for details.



## 7. Is there anything else you'd like to tell us?

## Data privacy notice

We are committed to protecting your personal information. Whenever you provide such information we are legally obliged to use it in line with all applicable laws concerning the protection of personal data, including the General Data Protection Regulation (GDPR).

### How National Highways will use the information we collect:

We will use your personal data collected via this consultation for a number of purposes, including:

- to analyse your feedback to the consultation
- to produce a Changes Consultation Report, based on our analysis of responses (individuals will not be identified in the report)
- to write to you with updates about the results of the consultation and other developments
- to keep up-to-date records of our communications with individuals and organisations

Any personal information you include in this form will be handled and used by (or made available to) the following recipients to record, analyse and report on the feedback we receive:

- National Highways
- The Planning Inspectorate (which will consider our application for permission to build the A12 Chelmsford to A120 widening)
- The Secretary of State (who will make the decision on our application)
- our legal advisers
- consultants working on the A12 Chelmsford to A120 widening project

It is also possible that trusted third-party providers, for example construction companies, may later use the contact details provided in your responses to communicate with you. We will keep your information for up to six months after the DCO decision has been made.

### What rights do I have over my personal data?

Under the terms of the GDPR you have certain rights over how your personal data is retained and used by National Highways. For more information, see our full data privacy statement: [\[REDACTED\]](#)

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

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### **3 A12-A120 Widening Change Consultation Notice**



## National Highways

### Planning Act 2008

#### A12 Chelmsford to A120 widening scheme

#### Planning Inspectorate Reference: TR010060

### Notice Publicising consultation on proposed changes to an accepted application for a Development Consent Order

On 12 September 2022, the Planning Inspectorate on behalf of the Secretary of State for Transport, accepted an application by **NATIONAL HIGHWAYS COMPANY LIMITED** (formerly known as Highways England) of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ (the Applicant) for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008 for the A12 Chelmsford to A120 widening scheme (accepted Application). The Planning Inspectorate appointed a panel of Examining Inspectors (the Examining Authority) who issued a Rule 6 Letter on 13 December 2022 and the Examination opened on 12 January 2023 with the preliminary meeting.

If the Secretary of State decides to grant development consent for the accepted Application, the DCO would authorise the A12 Chelmsford to A120 widening scheme in Essex, England.

The accepted Application's main proposals are, in summary:

- Creation of two bypasses, one between junctions 22 to 23 and another between junctions 24 to 25.
- Widening of the dual carriageway from two to three lanes in each direction from Hatfield Peverel to Marks Tey.
- Improvements to junctions 19 and 25.
- Construction of new junctions 21, 22 and 24 providing access to the A12 both northbound and southbound.
- Removal of existing junctions 20a, 20b and 23.
- Provide new and improve existing walking, cycling and horse riding routes.
- Provide new access to local roads and improve existing access to the proposed junctions.
- Provide environmental mitigation.
- Improve the safety performance of the road especially at the junctions and slip roads.
- Provide utility diversions where necessary.
- Remove all direct private access onto the A12 and redirect access via local roads and junctions.

- 
- Temporary construction areas and access roads, together with works to secure vehicular and/or pedestrian means of access including the creation of new tracks, footpaths, and/ or widening, upgrades, creation of bell mouths, creation of temporary slip roads and improvements to existing tracks, footpaths and roads.
  - Permanent and/or temporary compulsory acquisition (if required) of land and/or rights for the scheme.
  - Overriding easements and other rights over or affecting land for the scheme
  - the application and/or disapplication of legislation relevant to the scheme including, amongst others, legislation relating to compulsory purchase.
  - Such ancillary, incidental and consequential provisions, permits or consents as necessary and/or convenient.

The accepted Application includes changes to a number of existing utilities. These changes include the diversion of two high pressure gas pipelines operated by Cadent Gas Limited. The first high pressure gas pipeline is located between Springfield in Chelmsford and Little Braxted running along the southern side of the A12 within the local authority areas of Chelmsford and Braintree. The second is located between the Witham Bypass and Little Braxted running along the south of the A12 also in the local authority area of Braintree (the Diversions). To the extent that the Diversions satisfy the criteria to be considered NSIPs under section 20 of the Planning Act 2008, the Diversions will be treated as NSIPs in their own right.

Even though the Diversions may be treated as NSIPs in their own right, they form part of the accepted Application which is currently being examined by the Planning Inspectorate. To the extent the diversions are NSIPs in their own right they have also been considered against the relevant Energy National Policy Statements within the accepted application.

Further details of the accepted Application can be found on the Planning Inspectorate scheme webpage: [A12 Chelmsford to A120 Widening Scheme | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk/consultation/a12-chelmsford-to-a120-widening-scheme)

### **Consultation on proposed changes to the accepted Application**

Notice is hereby given that the Applicant is proposing to seek approval to amend the accepted Application to make the following design changes. The proposed changes have arisen primarily as part of the accepted Application's continuing development through detailed design and the Applicant's continued engagement with stakeholders and interested parties. The changes being sought by the Applicant to the accepted Application are:

#### **Junction 19 – redesign of north bound on slip road**

The accepted Application included a proposed northbound slip road for traffic from the Beaulieu Park distributor road to join the A12 via the existing A130. The new design has the northbound slip road for traffic from the Beaulieu Park distributor road joining the A12 itself via its own slip road. This will be far enough from the existing slip road to ensure that overall the new design will improve safety for road users. There are no changes to the arrangement for walkers, cyclists or horse riders as a result of this refinement.

---

## **Exclusion of Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel**

In the accepted Application the Applicant sought to compulsorily acquire land in this location to allow for ecological mitigation. The purpose of this ecological mitigation area is to provide habitat for reptiles. Part of this land comprises land that has been allocated for a small pumping station to be operated by Anglian Water Limited. This land will no longer be subject to compulsory or temporary acquisition powers and as such the ecological mitigation area will be reduced.

## **Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area**

The Applicant has been made aware of change in ownership of parts of the open space land impacted by the accepted Application. The request for certification therefore needs to change to reflect the changed land ownership. The Applicant has also taken the opportunity to slightly alter the replacement land proposed to be provided to Witham Town Council. The land now proposed is near to the existing Whetmead Local Nature Reserve. No additional land is required, however the purposes for which the land is being used has changed.

## **Junction 24/Inworth Road B1023 - Removal of the segregated left turn lane**

The design submitted in the accepted Application consisted of a segregated left turn lane (SLTL) for traffic from Inworth Village at the B1023 roundabout. A SLTL is used to provide a link for traffic turning left at roundabouts which bypasses the roundabout itself. The new design will remove the SLTL from the arrangement of the B1023 Roundabout. Traffic from Inworth Village will instead join the link road to junction 24 by utilising the B1023 Roundabout. This will require traffic to give way to traffic already on the roundabout.

## **Drainage works associated with B1023 Kelvedon Road at Inworth**

As a result of additional information available to the project such as site surveys and investigations, it is now proposed to reduce the amount of flood compensation and attenuation pond works alongside the B1023. As a result of the new design, there has been a reduction in the number of drainage ponds from **four** down to **two**. Further the number of flood mitigation areas has reduced from **seven** down to **four**, and of those four two have also reduced in size.

## **Junction 25 - Removal of the signalised crossroads and partial signalisation of the existing roundabout at A120/Junction 25**

The new design maintains the Old Rectory roundabout, which will become a partially signalised roundabout. This will maximise the existing infrastructure in the design and minimise tree loss within the Old Rectory roundabout island.

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The accepted Application is Environmental Impact Assessment development (EIA development), as defined by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement was submitted as part of the Application.

The Applicant considers that none of the proposed changes, either individually or cumulatively would have the potential to give rise to any new likely significant effects beyond those reported in the environmental statement. The Applicant further confirms that the only change to the significant effects reported in the environmental statement is beneficial and is the removal of 7 significant adverse effects as a result of the changes at Junction 25.

The Applicant is not seeking to acquire additional land and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not engaged.

**The consultation on the proposed changes to the accepted Application will run from Thursday 13 April 2023 to Sunday 14 May 2023.**

The proposed changes to the accepted Application are summarised in the Development Consent Order Change Application Consultation brochure.

The brochure should be read alongside the full suite of consultation documents which can be viewed online on the homepage of the Applicant's website at

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- Schedule of Changes to draft DCO, Book of Reference and Statement of Reasons
- A copy of the updated draft DCO and Explanatory Memorandum

The consultation documents will be available to view and download free of charge for the duration of the consultation period between 13 April 2023 and 14 May 2023. The documents can be accessed on the homepage of the Applicant's A12 Project page:

[\[REDACTED\]](#)

A paper copy of the consultation documents can be supplied, but there will be a reasonable charge for paper copies to cover the cost of printing and postage up to a charge of £50 for a complete set of documents. Please contact the Applicant using the

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- **Wednesday 19 April 2023 – 2pm – 3:30pm**
- **Friday 21 April 2023 – 10am – 11:30am**
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These will be online events where you can drop into a session at any time during the allocated slot. Technical experts will talk you through the Applicant's proposed updates and answer any specific questions. If you would like to attend one of these, please sign up on the Applicant's website at [REDACTED] You can also get in touch with the Applicant's project team at [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk) or by calling **0300 123 5000**.

A complete set of the Consultation documents for the proposed changes to the accepted Application which is currently being examined by the Examining Authority and the examination documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to bring a form of identification and register as a library member in order to use a computer at these locations.

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Please contact the Applicant using the email address, telephone or postal address provided below to respond to the consultation.

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- **Telephone:** 0300 123 5000
- **Post:** FREEPOST A12 widening

Any person may comment on the proposed changes to the accepted Application. Responses must be received no later than 23.59pm on **14 May 2023**. A consultation response form is available as part of the consultation materials available online. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only.

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The Applicant will consider and respond to all comments received before submitting the application for the proposed changes to the accepted Application. Responses will be summarised and responded to in a Consultation Report that will be submitted with the change application. The Applicant will also submit a copy of the original responses with the change application. The Examining Authority will take the responses into consideration when deciding whether the proposed changes can be accepted and incorporated into the accepted Application. Therefore, in providing any comment, it should be borne in mind that the substance of it may be communicated to others as part of the Consultation Report.

If you would like further information about this notice, the consultation or the proposed changes to the accepted Application, please contact the project team by using one of the contact methods provided above.

Yours Sincerely



Tracey Harvey,  
A12 Senior Project Manager,  
National Highways,  
13 April 2023

# A12 Chelmsford to A120 widening scheme

TR010060

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

### 10.14 Consultation Report Annex E: Newspaper Notices

Advice Note 16 (Version 3) 2023

May 2023



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## PLANNING ACT 2008

### A12 CHELMSFORD TO A120 WIDENING SCHEME PLANNING INSPECTORATE REFERENCE: TR010060 NOTICE PUBLICISING CONSULTATION ON PROPOSED CHANGES TO AN ACCEPTED APPLICATION FOR A DEVELOPMENT CONSENT ORDER

On 12 September 2022 the Planning Inspectorate on behalf of the Secretary of State for Transport, accepted an application by **NATIONAL HIGHWAYS COMPANY LIMITED** (formerly known as Highways England) of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ (the Applicant) for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008 for the A12 Chelmsford to A120 widening scheme (accepted Application). The Planning Inspectorate appointed a panel of Examining Inspectors (the Examining Authority) who issued a Rule 6 Letter on 13 December 2022 and the Examination opened on 12 January 2023 with the preliminary meeting.

If the Secretary of State decides to grant development consent for the accepted Application, the DCO would authorise the A12 Chelmsford to A120 widening scheme in Essex, England.

The accepted Application's main proposals are, in summary:

- Creation of two bypasses, one between junctions 22 to 23 and another between junctions 24 to 25.
- Widening of the dual carriageway from two to three lanes in each direction from Hatfield Peverel to Marks Tey.
- Improvements to junctions 19 and 25.
- Construction of new junctions 21, 22 and 24 providing access to the A12 both northbound and southbound.
- Removal of existing junctions 20a, 20b and 23.
- Provide new and improve existing walking, cycling and horse riding routes.
- Provide new access to local roads and improve existing access to the proposed junctions.
- Provide environmental mitigation.
- Improve the safety performance of the road especially at the junctions and slip roads.
- Provide utility diversions where necessary.
- Remove all direct private access onto the A12 and redirect access via local roads and junctions.
- Temporary construction areas and access roads, together with works to secure vehicular and/or pedestrian means of access including the creation of new tracks, footpaths, and/or widening, upgrades, creation of bell mouths, creation of temporary slip roads and improvements to existing tracks, footpaths and roads.
- Permanent and/or temporary compulsory acquisition (if required) of land and/or rights for the scheme.
- Overriding easements and other rights over or affecting land for the scheme
- the application and/or disapplication of legislation relevant to the scheme including, amongst others, legislation relating to compulsory purchase.
- Such ancillary, incidental and consequential provisions, permits or consents as necessary and/or convenient.

The accepted Application includes changes to a number of existing utilities. These changes include the diversion of two high pressure gas pipelines operated by Cadent Gas Limited. The first high pressure gas pipeline is located between Springfield in Chelmsford and Little Braxted running along the southern side of the A12 within the local authority areas of Chelmsford and Braintree. The second is located between the Witham Bypass and Little Braxted running along the south of the A12 also in the local authority area of Braintree (the Diversions). To the extent that the Diversions satisfy the criteria to be considered NSIPs under section 20 of the Planning Act 2008, the Diversions will be treated as NSIPs in their own right.

Even though the Diversions may be treated as NSIPs in their own right, they form part of the accepted Application which is currently being examined by the Planning Inspectorate. To the extent the diversions are NSIPs in their own right they have also been considered against the relevant Energy National Policy Statements within the accepted application.

Further details of the accepted Application can be found on the Planning Inspectorate scheme webpage: A12 Chelmsford to A120 Widening Scheme | National Infrastructure Planning ([planninginspectorate.gov.uk](http://planninginspectorate.gov.uk))

#### Consultation on proposed changes to the accepted Application

Notice is hereby given that the Applicant is proposing to seek approval to amend the accepted Application to make the following design changes. The proposed changes have arisen primarily as part of the accepted Application's continuing development through detailed design and the Applicant's continued engagement with stakeholders and interested parties. The changes being sought by the Applicant to the accepted Application are:

#### Junction 19 – redesign of north bound on slip road

The accepted Application included a proposed northbound slip road for traffic from the Beaulieu Park distributor road to join the A12 via the existing A130. The new design has the northbound slip road for traffic from the Beaulieu Park distributor road joining the A12 itself via its own slip road. This will be far enough from the existing slip road to ensure that overall the new design will improve safety for road users. There are no changes to the arrangement for walkers, cyclists or horse riders as a result of this refinement.

#### Exclusion of Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel

In the accepted Application the Applicant sought to compulsorily acquire land in this location to allow for ecological mitigation. The purpose of this ecological mitigation area is to provide habitat for reptiles. Part of this land comprises land that has been allocated for a small pumping station to be operated by Anglian Water Limited. This land will no longer be subject to compulsory

or temporary acquisition powers and as such the ecological mitigation area will be reduced.

#### Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area

The Applicant has been made aware of change in ownership of parts of the open space land impacted by the accepted Application. The request for certification therefore needs to change to reflect the changed land ownership. The Applicant has also taken the opportunity to slightly alter the replacement land proposed to be provided to Witham Town Council. The land now proposed is near to the existing Whetmead Local Nature Reserve. No additional land is required, however the purposes for which the land is being used has changed.

#### Junction 24/Inworth Road B1023 - Removal of the segregated left turn lane

The design submitted in the accepted Application consisted of a segregated left turn lane (SLTL) for traffic from Inworth Village at the B1023 roundabout. A SLTL is used to provide a link for traffic turning left at roundabouts which bypasses the roundabout itself. The new design will remove the SLTL from the arrangement of the B1023 Roundabout. Traffic from Inworth Village will instead join the link road to junction 24 by utilising the B1023 Roundabout. This will require traffic to give way to traffic already on the roundabout.

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Yours Sincerely

**Tracey Harvey**, A12 Senior Project Manager, National Highways.  
13 April 2023

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**PLANNING ACT 2008  
A12 CHELMSFORD TO A120 WIDENING SCHEME  
PLANNING INSPECTORATE REFERENCE: TR010060  
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CHANGES TO AN ACCEPTED APPLICATION FOR A  
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A paper copy of the consultation documents can be supplied, but there will be a reasonable charge for paper copies to cover the cost of printing and postage up to a charge of £50 for a complete set of documents. Please contact the Applicant using the email address, postal address or telephone number provided below if you would like to request a consultation document.

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These will be online events where you can drop into a session at any time during the allocated slot. Technical experts will talk you through the Applicant's proposed updates and answer any specific questions. If you would like to attend one of these, please sign up on the Applicant's website at [www.nationalhighways.co.uk/A12](http://www.nationalhighways.co.uk/A12).

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A complete set of the Consultation documents for the proposed changes to the accepted Application which is currently being examined by the Examining Authority and the examination documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to bring a form of identification and register as a library member in order to use a computer at these locations.

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<b>Witham Library</b> 18 Newland Street Witham CM8 2AQ	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 7pm Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed

Please contact the Applicant using the email address, telephone or postal address provided below to respond to the consultation.

- **Email:** [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk)
- **Telephone:** 0300 123 5000
- **Post: FREEPOST A12 widening**

Any person may comment on the proposed changes to the accepted Application. Responses must be received no later than 23.59pm on **14 May 2023**. A consultation response form is available as part of the consultation materials available online. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only.

**Responses must be received no later than 11:59pm on the 14 May 2023.**

The Applicant will consider and respond to all comments received before submitting the application for the proposed changes to the accepted Application. Responses will be summarised and responded to in a Consultation Report that will be submitted with the change application. The Applicant will also submit a copy of the original responses with the change application. The Examining Authority will take the responses into consideration when deciding whether the proposed changes can be accepted and incorporated into the accepted Application. Therefore, in providing any comment, it should be borne in mind that the substance of it may be communicated to others as part of the Consultation Report.

If you would like further information about this notice, the consultation or the proposed changes to the accepted Application, please contact the project team by using one of the contact methods provided above.

Yours Sincerely

**Tracey Harvey**, A12 Senior Project Manager,  
National Highways,

13 April 2023

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## **2 Colchester Gazette**



**PLANNING ACT 2008  
A12 CHELMSFORD TO A120 WIDENING SCHEME  
PLANNING INSPECTORATE REFERENCE: TR010060  
NOTICE PUBLICISING CONSULTATION ON PROPOSED  
CHANGES TO AN ACCEPTED APPLICATION FOR  
A DEVELOPMENT CONSENT ORDER**

On 12 September 2022 the Planning Inspectorate on behalf of the Secretary of State for Transport, accepted an application by **NATIONAL HIGHWAYS COMPANY LIMITED** (formerly known as Highways England) of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ (the Applicant) for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008 for the A12 Chelmsford to A120 widening scheme (accepted Application). The Planning Inspectorate appointed a panel of Examining Inspectors (the Examining Authority) who issued a Rule 6 Letter on 13 December 2022 and the Examination opened on 12 January 2023 with the preliminary meeting.

If the Secretary of State decides to grant development consent for the accepted Application, the DCO would authorise the A12 Chelmsford to A120 widening scheme in Essex, England.

The accepted Application's main proposals are, in summary:

- Creation of two bypasses, one between junctions 22 to 23 and another between junctions 24 to 25.
- Widening of the dual carriageway from two to three lanes in each direction from Hatfield Peverel to Marks Tey.
- Improvements to junctions 19 and 25.
- Construction of new junctions 21, 22 and 24 providing access to the A12 both northbound and southbound.
- Removal of existing junctions 20a, 20b and 23.
- Provide new and improve existing walking, cycling and horse riding routes.
- Provide new access to local roads and improve existing access to the proposed junctions.
- Provide environmental mitigation.
- Improve the safety performance of the road especially at the junctions and slip roads.
- Provide utility diversions where necessary.
- Remove all direct private access onto the A12 and redirect access via local roads and junctions.
- Temporary construction areas and access roads, together with works to secure vehicular and/or pedestrian means of access including the creation of new tracks, footpaths, and/or widening, upgrades, creation of bell mouths, creation of temporary slip roads and improvements to existing tracks, footpaths and roads.
- Permanent and/or temporary compulsory acquisition (if required) of land and/or rights for the scheme.
- Overriding easements and other rights over or affecting land for the scheme
- the application and/or disapplication of legislation relevant to the scheme including, amongst others, legislation relating to compulsory purchase.
- Such ancillary, incidental and consequential provisions, permits or consents as necessary and/or convenient.

The accepted Application includes changes to a number of existing utilities. These changes include the diversion of two high pressure gas pipelines operated by Cadent Gas Limited. The first high pressure gas pipeline is located between Springfield in Chelmsford and Little Braxted running along the southern side of the A12 within the local authority areas of Chelmsford and Braintree. The second is located between the Witham Bypass and Little Braxted running along the south of the A12 also in the local authority area of Braintree (the Diversions). To the extent that the Diversions satisfy the criteria to be considered NSIPs under section 20 of the Planning Act 2008, the Diversions will be treated as NSIPs in their own right.

Even though the Diversions may be treated as NSIPs in their own right, they form part of the accepted Application which is currently being examined by the Planning Inspectorate. To the extent the diversions are NSIPs in their own right they have also been considered against the relevant Energy National Policy Statements within the accepted application.

Further details of the accepted Application can be found on the Planning Inspectorate scheme webpage: A12 Chelmsford to A120 Widening Scheme | National Infrastructure Planning (planninginspectorate.gov.uk)

**Consultation on proposed changes to the accepted Application**

Notice is hereby given that the Applicant is proposing to seek approval to amend the accepted Application to make the following design changes. The proposed changes have arisen primarily as part of the accepted Application's continuing development through detailed design and the Applicant's continued engagement with stakeholders and interested parties. The changes being sought by the Applicant to the accepted Application are:

**Junction 19 – redesign of north bound on slip road**

The accepted Application included a proposed northbound slip road for traffic from the Beaulieu Park distributor road to join the A12 via the existing A130. The new design has the northbound slip road for traffic from the Beaulieu Park distributor road joining the A12 itself via its own slip road. This will be far enough from the existing slip road to ensure that overall the new design will improve safety for road users. There are no changes to the arrangement for walkers, cyclists or horse riders as a result of this refinement.

**Exclusion of Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel**

In the accepted Application the Applicant sought to compulsorily acquire land in this location to allow for ecological mitigation. The purpose of this ecological mitigation area is to provide habitat for reptiles. Part of this land comprises land that has been allocated for a small pumping station to be operated by Anglian Water Limited. This land will no longer be subject to compulsory

or temporary acquisition powers and as such the ecological mitigation area will be reduced.

**Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area**

The Applicant has been made aware of change in ownership of parts of the open space land impacted by the accepted Application. The request for certification therefore needs to change to reflect the changed land ownership. The Applicant has also taken the opportunity to slightly alter the replacement land proposed to be provided to Witham Town Council. The land now proposed is near to the existing Whetmead Local Nature Reserve. No additional land is required, however the purposes for which the land is being used has changed.

**Junction 24/Inworth Road B1023 - Removal of the segregated left turn lane**

The design submitted in the accepted Application consisted of a segregated left turn lane (SLTL) for traffic from Inworth Village at the B1023 roundabout. A SLTL is used to provide a link for traffic turning left at roundabouts which bypasses the roundabout itself. The new design will remove the SLTL from the arrangement of the B1023 Roundabout. Traffic from Inworth Village will instead join the link road to junction 24 by utilising the B1023 Roundabout. This will require traffic to give way to traffic already on the roundabout.

**Drainage works associated with B1023 Kelvedon Road at Inworth**

As a result of additional information available to the project such as site surveys and investigations, it is now proposed to reduce the amount of flood compensation and attenuation pond works alongside the B1023. As a result of the new design, there has been a reduction in the number of drainage ponds from **four** down to **two**. Further the number of flood mitigation areas has reduced from **seven** down to **four**, and of those four two have also reduced in size.

**Junction 25 - Removal of the signalised crossroads and partial signalisation of the existing roundabout at A120/**

**Junction 25** The new design maintains the Old Rectory roundabout, which will become a partially signalised roundabout. This will maximise the existing infrastructure in the design and minimise tree loss within the Old Rectory roundabout island.

The accepted Application is Environmental Impact Assessment development (EIA development), as defined by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement was submitted as part of the Application.

The Applicant considers that none of the proposed changes, either individually or cumulatively would have the potential to give rise to any new likely significant effects beyond those reported in the environmental statement. The Applicant further confirms that the only change to the significant effects reported in the environmental statement is beneficial and is the removal of 7 significant adverse effects as a result of the changes at Junction 25.

The Applicant is not seeking to acquire additional land and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not engaged.

**The consultation on the proposed changes to the accepted Application will run from Thursday 13 April 2023 to Sunday 14 May 2023.**

The proposed changes to the accepted Application are summarised in the Development Consent Order Change Application Consultation brochure.

The brochure should be read alongside the full suite of consultation documents which can be viewed online on the homepage of the Applicant's website at [REDACTED]. The consultation documents are:

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through the Applicant's proposed updates and answer any specific questions. If you would like to attend one of these, please sign up on the Applicant's website at [REDACTED]. You can also get in touch with the Applicant's project team at **A12chelmsfordA120wide@highwaysengland.co.uk** or by calling **0300 123 5000**.

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Yours Sincerely

**Tracey Harvey**, A12 Senior Project Manager, National Highways.  
13 April 2023



**PLANNING ACT 2008  
A12 CHELMSFORD TO A120 WIDENING SCHEME  
PLANNING INSPECTORATE REFERENCE: TR010060  
NOTICE PUBLICISING CONSULTATION ON PROPOSED  
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If the Secretary of State decides to grant development consent for the accepted Application, the DCO would authorise the A12 Chelmsford to A120 widening scheme in Essex, England.

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Even though the Diversions may be treated as NSIPs in their own right, they form part of the accepted Application which is currently being examined by the Planning Inspectorate. To the extent the diversions are NSIPs in their own right they have also been considered against the relevant Energy National Policy Statements within the accepted application.

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Please contact the Applicant using the email address, telephone or postal address provided below to respond to the consultation.

- Email: [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk)
- Telephone: 0300 123 5000
- Post: FREEPOST A12 widening

Any person may comment on the proposed changes to the accepted Application. Responses must be received no later than 23.59pm on 14 May 2023. A consultation response form is available as part of the consultation materials available online. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only.

**Responses must be received no later than 11:59pm on the 14 May 2023.**

The Applicant will consider and respond to all comments received before submitting the application for the proposed changes to the accepted Application. Responses will be summarised and responded to in a Consultation Report that will be submitted with the change application. The Applicant will also submit a copy of the original responses with the change application. The Examining Authority will take the responses into consideration when deciding whether the proposed changes can be accepted and incorporated into the accepted Application. Therefore, in providing any comment, it should be borne in mind that the substance of it may be communicated to others as part of the Consultation Report.

If you would like further information about this notice, the consultation or the proposed changes to the accepted Application, please contact the project team by using one of the contact methods provided above.

Yours Sincerely

Tracey Harvey, A12 Senior Project Manager,  
National Highways,  
13 April 2023

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### **3 Braintree & Witham Times**





## PLANNING ACT 2008

### A12 CHELMSFORD TO A120 WIDENING SCHEME PLANNING INSPECTORATE REFERENCE: TR010060 NOTICE PUBLICISING CONSULTATION ON PROPOSED CHANGES TO AN ACCEPTED APPLICATION FOR A DEVELOPMENT CONSENT ORDER

On 12 September 2022 the Planning Inspectorate on behalf of the Secretary of State for Transport, accepted an application by **NATIONAL HIGHWAYS COMPANY LIMITED** (formerly known as Highways England) of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ (the Applicant) for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008 for the A12 Chelmsford to A120 widening scheme (accepted Application). The Planning Inspectorate appointed a panel of Examining Inspectors (the Examining Authority) who issued a Rule 6 Letter on 13 December 2022 and the Examination opened on 12 January 2023 with the preliminary meeting.

If the Secretary of State decides to grant development consent for the accepted Application, the DCO would authorise the A12 Chelmsford to A120 widening scheme in Essex, England.

The accepted Application's main proposals are, in summary:

- Creation of two bypasses, one between junctions 22 to 23 and another between junctions 24 to 25.
- Widening of the dual carriageway from two to three lanes in each direction from Hatfield Peverel to Marks Tey.
- Improvements to junctions 19 and 25.
- Construction of new junctions 21, 22 and 24 providing access to the A12 both northbound and southbound.
- Removal of existing junctions 20a, 20b and 23.
- Provide new and improve existing walking, cycling and horse riding routes.
- Provide new access to local roads and improve existing access to the proposed junctions.
- Provide environmental mitigation.
- Improve the safety performance of the road especially at the junctions and slip roads.
- Provide utility diversions where necessary.
- Remove all direct private access onto the A12 and redirect access via local roads and junctions.
- Temporary construction areas and access roads, together with works to secure vehicular and/or pedestrian means of access including the creation of new tracks, footpaths, and/or widening, upgrades, creation of bell mouths, creation of temporary slip roads and improvements to existing tracks, footpaths and roads.
- Permanent and/or temporary compulsory acquisition (if required) of land and/or rights for the scheme.
- Overriding easements and other rights over or affecting land for the scheme
- the application and/or disapplication of legislation relevant to the scheme including, amongst others, legislation relating to compulsory purchase.
- Such ancillary, incidental and consequential provisions, permits or consents as necessary and/or convenient.

The accepted Application includes changes to a number of existing utilities. These changes include the diversion of two high pressure gas pipelines operated by Cadent Gas Limited. The first high pressure gas pipeline is located between Springfield in Chelmsford and Little Braxted running along the southern side of the A12 within the local authority areas of Chelmsford and Braintree. The second is located between the Witham Bypass and Little Braxted running along the south of the A12 also in the local authority area of Braintree (the Diversions). To the extent that the Diversions satisfy the criteria to be considered NSIPs under section 20 of the Planning Act 2008, the Diversions will be treated as NSIPs in their own right.

Even though the Diversions may be treated as NSIPs in their own right, they form part of the accepted Application which is currently being examined by the Planning Inspectorate. To the extent the diversions are NSIPs in their own right they have also been considered against the relevant Energy National Policy Statements within the accepted application.

Further details of the accepted Application can be found on the Planning Inspectorate scheme webpage: A12 Chelmsford to A120 Widening Scheme | National Infrastructure Planning ([planninginspectorate.gov.uk](https://planninginspectorate.gov.uk))

#### Consultation on proposed changes to the accepted Application

Notice is hereby given that the Applicant is proposing to seek approval to amend the accepted Application to make the following design changes. The proposed changes have arisen primarily as part of the accepted Application's continuing development through detailed design and the Applicant's continued engagement with stakeholders and interested parties. The changes being sought by the Applicant to the accepted Application are:

#### Junction 19 – redesign of north bound on slip road

The accepted Application included a proposed northbound slip road for traffic from the Beaulieu Park distributor road to join the A12 via the existing A130. The new design has the northbound slip road for traffic from the Beaulieu Park distributor road joining the A12 itself via its own slip road. This will be far enough from the existing slip road to ensure that overall the new design will improve safety for road users. There are no changes to the arrangement of walkers, cyclists or horse riders as a result of this refinement.

#### Exclusion of Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel

In the accepted Application the Applicant sought to compulsorily acquire land in this location to allow for ecological mitigation. The purpose of this ecological mitigation area is to provide habitat for reptiles. Part of this land comprises land that has been allocated for a small pumping station to be operated by Anglian Water Limited. This land will no longer be subject to compulsory

or temporary acquisition powers and as such the ecological mitigation area will be reduced.

#### Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area

The Applicant has been made aware of change in ownership of parts of the open space land impacted by the accepted Application. The request for certification therefore needs to change to reflect the changed land ownership. The Applicant has also taken the opportunity to slightly alter the replacement land proposed to be provided to Witham Town Council. The land now proposed is near to the existing Whetmead Local Nature Reserve. No additional land is required, however the purposes for which the land is being used has changed.

#### Junction 24/Inworth Road B1023 - Removal of the segregated left turn lane

The design submitted in the accepted Application consisted of a segregated left turn lane (SLTL) for traffic from Inworth Village at the B1023 roundabout. A SLTL is used to provide a link for traffic turning left at roundabouts which bypasses the roundabout itself. The new design will remove the SLTL from the arrangement of the B1023 Roundabout. Traffic from Inworth Village will instead join the link road to junction 24 by utilising the B1023 Roundabout. This will require traffic to give way to traffic already on the roundabout.

#### Drainage works associated with B1023 Kelvedon Road at Inworth

As a result of additional information available to the project such as site surveys and investigations, it is now proposed to reduce the amount of flood compensation and attenuation pond works alongside the B1023. As a result of the new design, there has been a reduction in the number of drainage ponds from **four** down to **two**. Further the number of flood mitigation areas has reduced from **seven** down to **four**, and of those four two have also reduced in size.

#### Junction 25 - Removal of the signalised crossroads and partial signalisation of the existing roundabout at A120/ Junction 25

The new design maintains the Old Rectory roundabout, which will become a partially signalised roundabout. This will maximise the existing infrastructure in the design and minimise tree loss within the Old Rectory roundabout island.

The accepted Application is Environmental Impact Assessment development (EIA development), as defined by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement was submitted as part of the Application.

The Applicant considers that none of the proposed changes, either individually or cumulatively would have the potential to give rise to any new likely significant effects beyond those reported in the environmental statement. The Applicant further confirms that the only change to the significant effects reported in the environmental statement is beneficial and is the removal of 7 significant adverse effects as a result of the changes at Junction 25.

The Applicant is not seeking to acquire additional land and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not engaged.

#### The consultation on the proposed changes to the accepted Application will run from Thursday 13 April 2023 to Sunday 14 May 2023.

The proposed changes to the accepted Application are summarised in the Development Consent Order Change Application Consultation brochure.

The brochure should be read alongside the full suite of consultation documents which can be viewed online on the homepage of the Applicant's website at [www.nationalhighways.co.uk](https://www.nationalhighways.co.uk)

The consultation documents are:

- Development Consent Order Change Application Consultation brochure
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- Replacement Land Statement
- Schedule of Changes to draft DCO, Book of Reference and Statement of Reasons
- A copy of the updated draft DCO and Explanatory Memorandum

The consultation documents will be available to view and download free of charge for the duration of the consultation period between 13 April 2023 and 14 May 2023. The documents can be accessed on the homepage of the Applicant's A12 Project page: [www.nationalhighways.co.uk](https://www.nationalhighways.co.uk)

A paper copy of the consultation documents can be supplied, but there will be a reasonable charge for paper copies to cover the cost of printing and postage up to a charge of £50 for a complete set of documents. Please contact the Applicant using the email address, postal address or telephone number provided below if you would like to request a consultation document.

The Applicant will be hosting a series of webinars about the proposed changes on the following dates:

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Yours Sincerely

**Tracey Harvey**, A12 Senior Project Manager, National Highways.  
13 April 2023

30% of people take action- such as looking at a property in more detail on line, contacting an estate agent to enquire about a property or looking round a property- as a result of seeing property ads in the local newspaper, and that rises to 38% when local newspaper websites are added to the mix.

The Consumer Catalyst study  
March 2014





**PLANNING ACT 2008  
A12 CHELMSFORD TO A120 WIDENING SCHEME  
PLANNING INSPECTORATE REFERENCE: TR010060  
NOTICE PUBLICISING CONSULTATION ON PROPOSED  
CHANGES TO AN ACCEPTED APPLICATION FOR A  
DEVELOPMENT CONSENT ORDER**

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- Provide environmental mitigation.
- Improve the safety performance of the road especially at the junctions and slip roads.
- Provide utility diversions where necessary.
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## **4 Maldon & Burnham Standard**

ALCOHOL & Licensing

APPLICATION FOR A PREMISES LICENCE

Notice is hereby given that The Real Greek Food Company Ltd has applied to Braintree DC for a Premises Licence for The Real Greek, Unit F67 Outlet Village, Chapel Hill, Braintree CM77 8YH to provide for recorded music daily 1000-0000 and the sale of alcohol on and off daily between 1000-0000 and late-night refreshment on and off daily until midnight. For further info email licensing@braintree.gov.uk write to or visit Licensing, Causeway House, Bocking End, Braintree CM7 9HB, by appointment. Any person wishing to submit representations to this application must give notice in writing to the licensing authority at the address shown above, giving in detail the grounds of objection by 25 April 2023. Copies of all representations will be included in the papers presented to the Licensing Panel and will therefore pass into the public domain. Representations must relate to one of the four Licensing Objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. It is an offence liable on conviction to a fine up to Level 5 on the standard Scale under Section 158 of the Licensing Act 2003 to knowingly or recklessly make a false statement in connection with this application.

PROBATE & Trustee

SALLY ISABEL LEHRRAIN (otherwise Sally Isabel Lehrain)(Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of St. Marys Court, Deanery Hill, Braintree, Essex, CM7 5SR, who died on 06/09/2022, are required to send written particulars thereof to the undersigned on or before 07/06/2023, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

FOSKETT MARR GADSBY & HEAD LLP, 181 High Street, Epping Essex, CM16 4BQ.

TREVOR DAVID MOSS (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of Flat 19 Victoria Court, Railway Street, Braintree Essex, CM7 3JZ, who died on 12/07/2022, are required to send written particulars thereof to the undersigned on or before 07/06/2023, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

ROGER BROOKER & CO, Parker House, 104 Hutton Road, Shenfield, Brentwood, Essex, CM15 3NB



PLANNING ACT 2008

A12 CHELMSFORD TO A120 WIDENING SCHEME PLANNING INSPECTORATE REFERENCE: TR010060 NOTICE PUBLICISING CONSULTATION ON PROPOSED CHANGES TO AN ACCEPTED APPLICATION FOR A DEVELOPMENT CONSENT ORDER

On 12 September 2022 the Planning Inspectorate on behalf of the Secretary of State for Transport, accepted an application by NATIONAL HIGHWAYS COMPANY LIMITED (formerly known as Highways England) of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ (the Applicant) for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008 for the A12 Chelmsford to A120 widening scheme (accepted Application). The Planning Inspectorate appointed a panel of Examining Inspectors (the Examining Authority) who issued a Rule 6 Letter on 13 December 2022 and the Examination opened on 12 January 2023 with the preliminary meeting.

If the Secretary of State decides to grant development consent for the accepted Application, the DCO would authorise the A12 Chelmsford to A120 widening scheme in Essex, England.

The accepted Application's main proposals are, in summary:

- Creation of two bypasses, one between junctions 22 to 23 and another between junctions 24 to 25.
• Widening of the dual carriageway from two to three lanes in each direction from Hatfield Peverel to Marks Tey.
• Improvements to junctions 19 and 25.
• Construction of new junctions 21, 22 and 24 providing access to the A12 both northbound and southbound.
• Removal of existing junctions 20a, 20b and 23.
• Provide new and improve existing walking, cycling and horse riding routes.
• Provide new access to local roads and improve existing access to the proposed junctions.
• Provide environmental mitigation.
• Improve the safety performance of the road especially at the junctions and slip roads.
• Provide utility diversions where necessary.
• Remove all direct private access onto the A12 and redirect access via local roads and junctions.
• Temporary construction areas and access roads, together with works to secure vehicular and/or pedestrian means of access including the creation of new tracks, footpaths, and/ or widening, upgrades, creation of bell mouths, creation of temporary slip roads and improvements to existing tracks, footpaths and roads.
• Permanent and/or temporary compulsory acquisition (if required) of land and/or rights for the scheme.
• Overriding easements and other rights over or affecting land for the scheme
• the application and/or disapplication of legislation relevant to the scheme including, amongst others, legislation relating to compulsory purchase.
• Such ancillary, incidental and consequential provisions, permits or consents as necessary and/or convenient.

The accepted Application includes changes to a number of existing utilities. These changes include the diversion of two high pressure gas pipelines operated by Cadent Gas Limited. The first high pressure gas pipeline is located between Springfield in Chelmsford and Little Braxted running along the southern side of the A12 within the local authority areas of Chelmsford and Braintree. The second is located between the Witham Bypass and Little Braxted running along the south of the A12 also in the local authority area of Braintree (the Diversions). To the extent that the Diversions satisfy the criteria to be considered NSIPs under section 20 of the Planning Act 2008, the Diversions will be treated as NSIPs in their own right.

Even though the Diversions may be treated as NSIPs in their own right, they form part of the accepted Application which is currently being examined by the Planning Inspectorate. To the extent the diversions are NSIPs in their own right they have also been considered against the relevant Energy National Policy Statements within the accepted application.

Further details of the accepted Application can be found on the Planning Inspectorate scheme webpage: A12 Chelmsford to A120 Widening Scheme | National Infrastructure Planning (planninginspectorate.gov.uk)

Consultation on proposed changes to the accepted Application

Notice is hereby given that the Applicant is proposing to seek approval to amend the accepted Application to make the following design changes. The proposed changes have arisen primarily as part of the accepted Application's continuing development through detailed design and the Applicant's continued engagement with stakeholders and interested parties. The changes being sought by the Applicant to the accepted Application are:

Junction 19 - redesign of north bound on slip road

The accepted Application included a proposed northbound slip road for traffic from the Beaulieu Park distributor road to join the A12 via the existing A130. The new design has the northbound slip road for traffic from the Beaulieu Park distributor road joining the A12 itself via its own slip road. This will be far enough from the existing slip road to ensure that overall the new design will improve safety for road users. There are no changes to the arrangement for walkers, cyclists or horse riders as a result of this refinement.

Exclusion of Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel

In the accepted Application the Applicant sought to compulsorily acquire land in this location to allow for ecological mitigation. The purpose of this ecological mitigation area is to provide habitat for reptiles. Part of this land comprises land that has been allocated for a small pumping station to be operated by Anglian Water Limited. This land will no longer be subject to compulsory

or temporary acquisition powers and as such the ecological mitigation area will be reduced.

Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area

The Applicant has been made aware of change in ownership of parts of the open space land impacted by the accepted Application. The request for certification therefore needs to change to reflect the changed land ownership. The Applicant has also taken the opportunity to slightly alter the replacement land proposed to be provided to Witham Town Council. The land now proposed is near to the existing Whetmead Local Nature Reserve. No additional land is required, however the purposes for which the land is being used has changed.

Junction 24/Inworth Road B1023 - Removal of the segregated left turn lane

The design submitted in the accepted Application consisted of a segregated left turn lane (SLTL) for traffic from Inworth Village at the B1023 roundabout. A SLTL is used to provide a link for traffic turning left at roundabouts which bypasses the roundabout itself. The new design will remove the SLTL from the arrangement of the B1023 Roundabout. Traffic from Inworth Village will instead join the link road to junction 24 by utilising the B1023 Roundabout. This will require traffic to give way to traffic already on the roundabout.

Drainage works associated with B1023 Kelvedon Road at Inworth

As a result of additional information available to the project such as site surveys and investigations, it is now proposed to reduce the amount of flood compensation and attenuation pond works alongside the B1023. As a result of the new design, there has been a reduction in the number of drainage ponds from four down to two. Further the number of flood mitigation areas has reduced from seven down to four, and of those four two have also reduced in size.

Junction 25 - Removal of the signalised crossroads and partial signalisation of the existing roundabout at A120/ Junction 25

The new design maintains the Old Rectory roundabout, which will become a partially signalised roundabout. This will maximise the existing infrastructure in the design and minimise tree loss within the Old Rectory roundabout island. The accepted Application is Environmental Impact Assessment development (EIA development), as defined by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement was submitted as part of the Application. The Applicant considers that none of the proposed changes, either individually or cumulatively would have the potential to give rise to any new likely significant effects beyond those reported in the environmental statement. The Applicant further confirms that the only change to the significant effects reported in the environmental statement is beneficial and is the removal of 7 significant adverse effects as a result of the changes at Junction 25.

The Applicant is not seeking to acquire additional land and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not engaged.

The consultation on the proposed changes to the accepted Application will run from Thursday 13 April 2023 to Sunday 14 May 2023.

The proposed changes to the accepted Application are summarised in the Development Consent Order Change Application Consultation brochure.

The brochure should be read alongside the full suite of consultation documents which can be viewed online on the homepage of the Applicant's website at [redacted]

The consultation documents are:

- Development Consent Order Change Application Consultation brochure
• Map Book 1: Junction 19 Slip Road
• Map Book 2: Anglian Water Pumping Station (Bury Lane, Hatfield Peverel)
• Map Book 3: Replacement Land, Witham
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• Map Book 5: B1023 Roundabout
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• Replacement Land Statement
• Schedule of Changes to draft DCO, Book of Reference and Statement of Reasons
• A copy of the updated draft DCO and Explanatory Memorandum

The consultation documents will be available to view and download free of charge for the duration of the consultation period between 13 April 2023 and 14 May 2023. The documents can be accessed on the homepage of the Applicant's A12 Project page: [redacted]

A paper copy of the consultation documents can be supplied, but there will be a reasonable charge for paper copies to cover the cost of printing and postage up to a charge of £50 for a complete set of documents. Please contact the Applicant using the email address, postal address or telephone number provided below if you would like to request a consultation document.

The Applicant will be hosting a series of webinars about the proposed changes on the following dates:

- Wednesday 19 April 2023 - 2pm - 3:30pm
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These will be online events where you can drop into a session at any time during the allocated slot. Technical experts will talk you

through the Applicant's proposed updates and answer any specific questions. If you would like to attend one of these, please sign up on the Applicant's website at [redacted] A12. You can also get in touch with the Applicant's project team at A12chelmsfordA120wide@highwaysengland.co.uk or by calling 0300 123 5000.

A complete set of the Consultation documents for the proposed changes to the accepted Application which is currently being examined by the Examining Authority and the examination documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to bring a form of identification and register as a library member in order to use a computer at these locations.

Table with 2 columns: Venue and address, Opening hours. Lists locations like Chelmsford Library, Maldon Library, Braintree Library, Colchester Library, Kelvedon Library, Springfield Library, Tiptree Library, and Witham Library with their respective opening hours.

Please contact the Applicant using the email address, telephone or postal address provided below to respond to the consultation.

- Email: A12chelmsfordA120wide@highwaysengland.co.uk
• Telephone: 0300 123 5000
• Post: FREEPOST A12 widening

Any person may comment on the proposed changes to the accepted Application. Responses must be received no later than 23.59pm on 14 May 2023. A consultation response form is available as part of the consultation materials available online. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only.

Responses must be received no later than 11:59pm on the 14 May 2023.

The Applicant will consider and respond to all comments received before submitting the application for the proposed changes to the accepted Application. Responses will be summarised and responded to in a Consultation Report that will be submitted with the change application. The Applicant will also submit a copy of the original responses with the change application. The Examining Authority will take the responses into consideration when deciding whether the proposed changes can be accepted and incorporated into the accepted Application. Therefore, in providing any comment, it should be borne in mind that the substance of it may be communicated to others as part of the Consultation Report.

If you would like further information about this notice, the consultation or the proposed changes to the accepted Application, please contact the project team by using one of the contact methods provided above.

Yours Sincerely Tracey Harvey, A12 Senior Project Manager, National Highways. 13 April 2023

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## **5 Essex Chronicle**

# Public Notices

## Traffic & Roads



### PLANNING ACT 2008

#### A12 CHELMSFORD TO A120 WIDENING SCHEME

#### PLANNING INSPECTORATE REFERENCE: TR010060

#### NOTICE PUBLICISING CONSULTATION ON PROPOSED CHANGES TO AN ACCEPTED APPLICATION FOR A DEVELOPMENT CONSENT ORDER

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Venue and address	Opening hours
<b>Chelmsford Library</b> County Hall Market Road Chelmsford CM1 1QH	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 5:30pm Thursday 09.30am to 7.00pm Friday 9am to 5:30pm Saturday 9am to 5.00pm Sunday Closed
<b>Maldon Library</b> Carmelite House White Horse Lane Maldon CM9 5FW	Monday 9am to 7pm Tuesday 9am to 5:30pm Wednesday Closed Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed
<b>Braintree Library</b> 5 Fairfield Road Braintree CM7 3YL	Monday 9am to 7pm Tuesday 9am to 5:30pm Wednesday 9am to 5:30pm Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed
<b>Colchester Library</b> Trinity Square Colchester CO1 1JB	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 7pm Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday 1pm to 4pm
<b>Kelvedon Library</b> Aylett's Foundation School Maldon Road Kelvedon CO5 9BA	Monday 2pm to 5:30pm Tuesday Closed Wednesday Closed Thursday 9am to 1pm Friday Closed Saturday 9am to 5pm Sunday Closed
<b>Springfield Library</b> St Augustine's Way Chelmsford CM1 6GX	Monday Closed Tuesday 10am to 5pm Wednesday Closed Thursday 10am to 5pm Friday 10am to 5pm Saturday 10am to 1pm Sunday Closed
<b>Tiptree Library</b> Rectory Road Tiptree CO5 0SX	Monday Closed Tuesday 9am to 5:30pm Wednesday Closed Thursday 2pm to 7pm Friday Closed Saturday 9am to 5pm Sunday Closed
<b>Witham Library</b> 18 Newland Street Witham CM8 2AQ	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 7pm Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed

Please contact the Applicant using the email address, telephone or postal address provided below to respond to the consultation.

- **Email:** [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk)
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Any person may comment on the proposed changes to the accepted Application. Responses must be received no later than 23.59pm on **14 May 2023**. A consultation response form is available as part of the consultation materials available online. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only.

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Yours Sincerely  
**Tracey Harvey**, A12 Senior Project Manager, National Highways.  
13 April 2023

# FISH4JOBS

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# Public Notices

## Planning



### PLANNING ACT 2008

#### A12 CHELMSFORD TO A120 WIDENING SCHEME

#### PLANNING INSPECTORATE REFERENCE: TR010060

#### NOTICE PUBLISHING CONSULTATION ON PROPOSED CHANGES TO AN ACCEPTED APPLICATION FOR A DEVELOPMENT CONSENT ORDER

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- Permanent and/or temporary compulsory acquisition (if required) of land and/or rights for the scheme.
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Even though the Diversions may be treated as NSIPs in their own right, they form part of the accepted Application which is currently being examined by the Planning Inspectorate. To the extent the diversions are NSIPs in their own right they have also been considered against the relevant Energy National Policy Statements within the accepted application.

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The accepted Application included a proposed northbound slip road for traffic from the Beaulieu Park distributor road to join the A12 via the existing A130. The new design has the northbound slip road for traffic from the Beaulieu Park distributor road joining the A12 itself via its own slip road. This will be far enough from the existing slip road to ensure that overall the new design will improve safety for road users. There are no changes to the arrangement for walkers, cyclists or horse riders as a result of this refinement.

#### Exclusion of Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel

In the accepted Application the Applicant sought to compulsorily acquire land in this location to allow for ecological mitigation. The purpose of this ecological mitigation area is to provide habitat for reptiles. Part of this land comprises land that has been allocated for a small pumping station to be operated by Anglian Water Limited. This land will no longer be subject to compulsory or temporary acquisition powers and as such the ecological mitigation area will be reduced.

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**Junction 24/Inworth Road B1023 - Removal of the segregated left turn lane**  
The design submitted in the accepted Application consisted of a segregated left turn lane (SLTL) for traffic from Inworth Village at the B1023 roundabout. A SLTL is used to provide a link for traffic turning left at roundabouts which bypasses the roundabout itself. The new design will remove the SLTL from the arrangement of the B1023 Roundabout. Traffic from Inworth Village will instead join the link road to junction 24 by utilising the B1023 Roundabout. This will require traffic to give way to traffic already on the roundabout.

**Drainage works associated with B1023 Kelvedon Road at Inworth**  
As a result of additional information available to the project such as site surveys and investigations, it is now proposed to reduce the amount of flood compensation and attenuation pond works alongside the B1023. As a result of the new design, there has been a reduction in the number of drainage ponds from **four** down to **two**. Further the number of flood mitigation areas has reduced from **seven** down to **four**, and of those four two have also reduced in size.

**Junction 25 - Removal of the signalised crossroads and partial signalisation of the existing roundabout at A120/Junction 25**  
The new design maintains the Old Rectory roundabout, which will become a partially signalised roundabout. This will maximise the existing infrastructure in the design and minimise tree loss within the Old Rectory roundabout island.

The accepted Application is Environmental Impact Assessment development (EIA development), as defined by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement was submitted as part of the Application.

The Applicant considers that none of the proposed changes, either individually or cumulatively would have the potential to give rise to any new likely significant effects beyond those reported in the environmental statement. The Applicant further confirms that the only change to the significant effects reported in the environmental statement is beneficial and is the removal of 7 significant adverse effects as a result of the changes at Junction 25.

The Applicant is not seeking to acquire additional land and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not engaged.

**The consultation on the proposed changes to the accepted Application will run from Thursday 13 April 2023 to Sunday 14 May 2023.**

The proposed changes to the accepted Application are summarised in the Development Consent Order Change Application Consultation brochure.

The brochure should be read alongside the full suite of consultation documents which can be viewed online on the homepage of the Applicant's website at [\[redacted\]](#). The consultation documents are:

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A paper copy of the consultation documents can be supplied, but there will be a reasonable charge for paper copies to cover the cost of printing and postage up to a charge of £50 for a complete set of documents. Please contact the Applicant using the email address, postal address or telephone number provided below if you would like to request a consultation document.

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- **Wednesday 19 April 2023 – 2pm – 3:30pm**
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Any person may comment on the proposed changes to the accepted Application. Responses must be received no later than 23.59pm on **14 May 2023**. A consultation response form is available as part of the consultation materials available online. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only.

#### Responses must be received no later than 11:59pm on the 14 May 2023.

The Applicant will consider and respond to all comments received before submitting the application for the proposed changes to the accepted Application. Responses will be summarised and responded to in a Consultation Report that will be submitted with the change application. The Applicant will also submit a copy of the original responses with the change application. The Examining Authority will take the responses into consideration when deciding whether the proposed changes can be accepted and incorporated into the accepted Application. Therefore, in providing any comment, it should be borne in mind that the substance of it may be communicated to others as part of the Consultation Report.

If you would like further information about this notice, the consultation or the proposed changes to the accepted Application, please contact the project team by using one of the contact methods provided above.

Yours Sincerely

**Tracey Harvey**, A12 Senior Project Manager,  
National Highways,  
13 April 2023

# Local pick up, what a great idea



## **6 Essex County Standard**



**PLANNING ACT 2008  
A12 CHELMSFORD TO A120 WIDENING SCHEME  
PLANNING INSPECTORATE REFERENCE: TR010060  
NOTICE PUBLICISING CONSULTATION ON PROPOSED  
CHANGES TO AN ACCEPTED APPLICATION FOR  
A DEVELOPMENT CONSENT ORDER**

On 12 September 2022 the Planning Inspectorate on behalf of the Secretary of State for Transport, accepted an application by **NATIONAL HIGHWAYS COMPANY LIMITED** (formerly known as Highways England) of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ (the Applicant) for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008 for the A12 Chelmsford to A120 widening scheme (accepted Application). The Planning Inspectorate appointed a panel of Examining Inspectors (the Examining Authority) who issued a Rule 6 Letter on 13 December 2022 and the Examination opened on 12 January 2023 with the preliminary meeting.

If the Secretary of State decides to grant development consent for the accepted Application, the DCO would authorise the A12 Chelmsford to A120 widening scheme in Essex, England.

The accepted Application's main proposals are, in summary:

- Creation of two bypasses, one between junctions 22 to 23 and another between junctions 24 to 25.
- Widening of the dual carriageway from two to three lanes in each direction from Hatfield Peverel to Marks Tey.
- Improvements to junctions 19 and 25.
- Construction of new junctions 21, 22 and 24 providing access to the A12 both northbound and southbound.
- Removal of existing junctions 20a, 20b and 23.
- Provide new and improve existing walking, cycling and horse riding routes.
- Provide new access to local roads and improve existing access to the proposed junctions.
- Provide environmental mitigation.
- Improve the safety performance of the road especially at the junctions and slip roads.
- Provide utility diversions where necessary.
- Remove all direct private access onto the A12 and redirect access via local roads and junctions.
- Temporary construction areas and access roads, together with works to secure vehicular and/or pedestrian means of access including the creation of new tracks, footpaths, and/or widening, upgrades, creation of bell mouths, creation of temporary slip roads and improvements to existing tracks, footpaths and roads.
- Permanent and/or temporary compulsory acquisition (if required) of land and/or rights for the scheme.
- Overriding easements and other rights over or affecting land for the scheme
- the application and/or disapplication of legislation relevant to the scheme including, amongst others, legislation relating to compulsory purchase.
- Such ancillary, incidental and consequential provisions, permits or consents as necessary and/or convenient.

The accepted Application includes changes to a number of existing utilities. These changes include the diversion of two high pressure gas pipelines operated by Cadent Gas Limited. The first high pressure gas pipeline is located between Springfield in Chelmsford and Little Braxted running along the southern side of the A12 within the local authority areas of Chelmsford and Braintree. The second is located between the Witham Bypass and Little Braxted running along the south of the A12 also in the local authority area of Braintree (the Diversions). To the extent that the Diversions satisfy the criteria to be considered NSIPs under section 20 of the Planning Act 2008, the Diversions will be treated as NSIPs in their own right.

Even though the Diversions may be treated as NSIPs in their own right, they form part of the accepted Application which is currently being examined by the Planning Inspectorate. To the extent the diversions are NSIPs in their own right they have also been considered against the relevant Energy National Policy Statements within the accepted application.

Further details of the accepted Application can be found on the Planning Inspectorate scheme webpage: A12 Chelmsford to A120 Widening Scheme | National Infrastructure Planning (planninginspectorate.gov.uk)

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Yours Sincerely  
**Tracey Harvey**, A12 Senior Project Manager, National Highways.  
13 April 2023





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  - Map Book 3: Replacement Land, Witham
  - Map Book 4: B1023 Flood Mitigation and Drainage
  - Map Book 5: B1023 Roundabout
  - Map Book 6: Junction 25
  - Junction 19 Slip Road Technical Note
  - Anglian Water Pumping Station (Bury Lane, Hatfield Peverel) Technical Note
  - B1023 Roundabout Technical Note
  - Flood Mitigation and Drainage Technical Note
  - Junction 25 Technical Note
  - Replacement Land Statement
  - Schedule of Changes to draft DCO, Book of Reference and Statement of Reasons
  - A copy of the updated draft DCO and Explanatory Memorandum

The consultation documents will be available to view and download free of charge for the duration of the consultation period between 13 April 2023 and 14 May 2023. The documents can be accessed on the homepage of the Applicant's A12 Project page: [www.nationalhighways.co.uk/A12](http://www.nationalhighways.co.uk/A12).

A paper copy of the consultation documents can be supplied, but there will be a reasonable charge for paper copies to cover the cost of printing and postage up to a charge of £50 for a complete set of documents. Please contact the Applicant using the email address, postal address or telephone number provided below if you would like to request a consultation document.

The Applicant will be hosting a series of webinars about the proposed changes on the following dates:

- **Wednesday 19 April 2023 – 2pm – 3:30pm**
- **Friday 21 April 2023 – 10am – 11:30am**
- **Tuesday 2 May 2023 – 6:30pm – 8pm**

These will be online events where you can drop into a session at any time during the allocated slot. Technical experts will talk you through the Applicant's proposed updates and answer any specific questions. If you would like to attend one of these, please sign up on the Applicant's website at [www.nationalhighways.co.uk/A12](http://www.nationalhighways.co.uk/A12).

You can also get in touch with the Applicant's project team at [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk) or by calling 0300 123 5000.

A complete set of the Consultation documents for the proposed changes to the accepted Application which is currently being examined by the Examining Authority and the examination documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to bring a form of identification and register as a library member in order to use a computer at these locations.

Venue and address	Opening hours
<b>Chelmsford Library</b> County Hall Market Road Chelmsford CM1 1QH	Monday 9am to 5.30pm Tuesday 9am to 5.30pm Wednesday 9am to 5.30pm Thursday 09.30am to 7.00pm Friday 9am to 5.30pm Saturday 9am to 5.00pm Sunday Closed
<b>Maldon Library</b> Carmelite House White Horse Lane Maldon CM9 5FW	Monday 9am to 7pm Tuesday 9am to 5:30pm Wednesday Closed Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed
<b>Braintree Library</b> 5 Fairfield Road Braintree CM7 3YL	Monday 9am to 7pm Tuesday 9am to 5:30pm Wednesday 9am to 5:30pm Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed
<b>Colchester Library</b> Trinity Square Colchester CO1 1JB	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 7pm Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday 1pm to 4pm
<b>Kelvedon Library</b> Aylett's Foundation School Maldon Road Kelvedon CO5 9BA	Monday 2pm to 5:30pm Tuesday Closed Wednesday Closed Thursday 9am to 1pm Friday Closed Saturday 9am to 5pm Sunday Closed
<b>Springfield Library</b> St Augustine's Way Chelmsford CM1 6GX	Monday Closed Tuesday 10am to 5pm Wednesday Closed Thursday 10am to 5pm Friday 10am to 5pm Saturday 10am to 1pm Sunday Closed
<b>Tiptree Library</b> Rectory Road Tiptree CO5 0SX	Monday Closed Tuesday 9am to 5:30pm Wednesday Closed Thursday 2pm to 7pm Friday Closed Saturday 9am to 5pm Sunday Closed
<b>Witham Library</b> 18 Newland Street Witham CM8 2AQ	Monday 9am to 5:30pm Tuesday 9am to 5:30pm Wednesday 9am to 7pm Thursday 9am to 5:30pm Friday 9am to 5:30pm Saturday 9am to 5pm Sunday Closed

Please contact the Applicant using the email address, telephone or postal address provided below to respond to the consultation.

- **Email:** [A12chelmsfordA120wide@highwaysengland.co.uk](mailto:A12chelmsfordA120wide@highwaysengland.co.uk)
- **Telephone:** 0300 123 5000
- **Post:** FREEPOST A12 widening

Any person may comment on the proposed changes to the accepted Application. Responses must be received no later than 23.59pm on 14 May 2023. A consultation response form is available as part of the consultation materials available online. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only.

**Responses must be received no later than 11:59pm on the 14 May 2023.**

The Applicant will consider and respond to all comments received before submitting the application for the proposed changes to the accepted Application. Responses will be summarised and responded to in a Consultation Report that will be submitted with the change application. The Applicant will also submit a copy of the original responses with the change application. The Examining Authority will take the responses into consideration when deciding whether the proposed changes can be accepted and incorporated into the accepted Application. Therefore, in providing any comment, it should be borne in mind that the substance of it may be communicated to others as part of the Consultation Report.

If you would like further information about this notice, the consultation or the proposed changes to the accepted Application, please contact the project team by using one of the contact methods provided above.

Yours Sincerely

Tracey Harvey, A12 Senior Project Manager,  
National Highways,  
13 April 2023

# A12 Chelmsford to A120 widening scheme

TR010060

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

### 10.14 Consultation Report Annex F: Tables evidencing regard had to consultation responses

Advice Note 16 (Version 3) 2023

May 2023

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# 1 Development Consent Order Change Application Consultation

## 1.1 Junction 19 Slip Road

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
Change J19/001	Highways	Essex County Council	✓				<p>2. Junction 19 slip road The proposed change to the position of the eastbound on-slip from Generals Lane does not cause any particular concern, in traffic and transportation terms. However, it does not address two outstanding issues that have been raised by the Council previously, namely:</p> <ul style="list-style-type: none"> <li>• The lack of space for cyclists to manoeuvre on the splitter island at entry/exit of Generals Lane roundabout from Generals Lane itself.</li> <li>• The lack of compatibility with the Council's longer-term plan to dual the proposed Chelmsford North East Bypass (CNEB) - which would require the reconstruction of both the A12 overbridge and the removal of the eastbound on-slip proposed in the supplementary consultation.</li> <li>• If the Council's CNEB related proposals for</li> </ul>	<p>The Applicant acknowledges the Interested Party's comments.</p> <p>Regarding the Chelmsford North East Bypass (CNEB), the Applicant maintains the position outlined in response to Essex County Council's Local Impact Report [REP3-021, paragraphs 8.3.6 - 8.3.15]. Whilst the Applicant appreciates that a CNEB proposal may come forward necessitating the reconfiguration of junction 19 in terms of geometry and traffic capacity, as this is not a committed scheme, the Applicant encourages the Interested Party to engage with the National Highways Spatial Planning team as per the letter exchanges between ECC and National Highways as contained in the Applicant's Response to Relevant Representations [REP1-002].</p>

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
								Junction 19 are to be implemented in the future, the revised eastbound A12 on-slip from Generals Lane will have to be removed, whether it is in the original DCO location, or the in the new position proposed in the Supplementary Consultation.	The Applicant's response to ECC's Local Impact Report [REP3-21, paragraphs 8.3.6 - 8.3.15] also outlines the Applicant's position on the Generals Lane roundabout splitter islands. Whilst the design for Generals Lane roundabout presented as part of the DCO application is a preliminary design which will be progressed prior to construction, the Applicant is able to confirm that the emerging detailed design external radius for cyclists on the Generals Lane splitter island w is greater than 4m.
Change J19/002	Comment	Chelmer and Blackwater Navigation Canal (Essex Waterways Limited)	✓					I have finally had time to look at the documents on the change to drainage routes resulting from the proposed change to the Junction 19 slip road design and can confirm that Essex Waterways Ltd has no concerns about this change, as it does not directly affect our land or the total amount of water draining to the River Chelmer. Our concerns remain as detailed in the draft Statement of Common Ground currently under discussion.	The Applicant notes the response and looks forward to continued engagement with the Chelmer and Blackwater Navigation Canal on the Statement of Common Ground.

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party, Landowner, Public interest, Public	What you said	National Highways' Response
Change J19/003	Highways	Chelmsford City Council		✓		<p>Principle</p> <p>Plan 1 appended to the Beaulieu s106 Agreement (09/01314/EIA refers and also below) shows the works to the Boreham Interchange. The intention was to provide an arm off the repositioned Generals Lane roundabout to connect with the A138, which then passes under the RDR Bridge and connects with the northbound carriageway of the A12.</p> <p>On the basis of the drawing now provided, it is assumed that this arm would no longer be provided (avoiding two slip roads in close proximity) and instead a new slip road would be provided as shown in orange on the plan below allowing traffic from the Beaulieu Parkway (RDR) to directly access the northbound A12 along its own slip road.</p> <p>The provision of this slip road is likely to improve traffic flow through the Boreham Interchange by avoiding the</p>	<p>The Applicant welcomes the comments from the Interested Party. The proposed changes allow vehicles from Beaulieu Parkway (RDR) to access the northbound A12 via a slip road without the need to travel around Generals Lane Roundabout. A link from Generals Lane roundabout to the existing slip road from the A138 to the junction 19 northbound on-slip road would still be provided as indicated on the consultation's General Arrangement plans in Map Book 1 Part 1 [TR010060/EXAM/10.5].</p>



## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>need for vehicles to travel round the Generals Lane roundabout to access the northbound slip road; this is welcomed in principle.</p> <p>Heritage</p> <p>The northern side of the A12 is well screened from The Generals and Boreham House, due to the levels and existing trees. There are no heritage concerns with the proposed addition of the slip road.</p> <p>Conclusions</p> <p>No objections are raised in principle to this amendment subject to the junction design being acceptable to Essex County Council in highway safety terms.</p>	

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party, Landowner, Public interest, Public	What you said	National Highways' Response
Change J19/004	Traffic	193332			✓	reference the proposed new on-slip for north bound traffic, could you please advise a) What are the estimated delays for north bound traffic / traffic heading for the B1137 on the relevant arms of the junction	As there are no significant changes in traffic using the roundabouts within junction 19, there would be no effect on the delays at the junction to those reported in the Transport Assessment [APP-253] submitted as part of National Highways' application for Development Consent.
Change J19/005	Highways	193332			✓	reference the proposed new on-slip for north bound traffic, could you please advise b) Is it the intention to have "yellow boxes" at any arms / sections of the roundabouts	The Applicant is proposing to replicate the yellow box on Generals Farm roundabout based on the currently ongoing improvement works being progressed as part of the Beaulieu Park development. This is the section of circulatory between the A12 southbound off slip and the through-a-bout section. Detailed design is ongoing but there are no further yellow boxes proposed at this location at this time.

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party, Landowner, Public interest, Public	What you said	National Highways' Response
Change J19/006	Highways	193331			✓	Could you please advise if the new proposed design is fully compliant with DMRB and if not please specify where and why not	The Applicant confirms that the proposed design for the new junction 19 slip road link from Beaulieu Park Radial Distributor Road to northbound A12 is compliant with the Design Manual for Roads and Bridges.
Change J19/007	Construction	193331			✓	Could you please provide the anticipated duration of the work to create the new on slip and anticipated start date	The anticipated start date of the A12 Northbound entry slips would be Summer 2025 with the duration of the works anticipated to be approximately 8 months.

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party, Landowner, Public interest, Public	What you said	National Highways' Response
Change J19/008	Highways	193331			✓	We have specific concerns regarding the turning radius from the Beaulieu Bridge onto the entry of the on-slip in that HGV's speeding downhill from the bridge to "catch" a green light could be prone to overturn when attempting what seems to be a tight left hand turn	The Applicant acknowledges the Interested Party's concerns. The left turn movement from the Beaulieu Park Radial Distributor Road onto the new junction 19 slip road link does not conflict with other movements and as such is not proposed to be signalised. The radius of the curve is compliant with the Design Manual for Roads and Bridges (DMRB) CD 116 Geometric design of roundabouts. Swept path analysis of Heavy Goods Vehicles (HGVs) travelling along this route confirms that the turn radius is sufficient for HGVs.
Change J19/009	Highways	193331			✓	You have lodged a number of objections to the new on-slip proposed by [Named] to provide southbound access between the villages of Hatfield Peverel and Boreham. These included "Weaving" and "Merging". We note from 1.1.10 of the Technical Note issued regarding the proposed new on-slip, that it states "proposed new merge is sufficiently far from the existing junction merge". We estimate the distance between the merges at Junction 19 are between a	A link for traffic to bypass Generals Lane roundabout from Beaulieu Park Radial Distributor Road was included in the original DCO application. The Applicant has proposed a change to improve the safety of vehicles merging to the northbound A12 from Beaulieu Park Road by amending the merge arrangement into a more conventional layout so that vehicles enter the carriageway from the left-hand side, rather than the right-hand

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>third / quarter of that between Junction 21 and the on-slip proposed by [Named]. Both cannot be true. We assume therefore that you will either withdraw your proposed on-slip at Junction 19 or withdraw your objections to the [Named] proposed on-slip between the villages of Hatfield Peverel and Boreham</p>	<p>side as was previously shown in the DCO application.</p> <p>The revised design of junction 19 conforms with the DMRB guidance for successive merges outlined in CD 122 Geometric design of grade separated junctions. The minimum distance between the noses of successive merges has been satisfied in accordance with Clause 3.36 of CD 122.</p> <p>The Applicant has previously stated its position on the reinstatement of junction 20A in response to submissions from the Interested Party, most recently in REP4-070-002 at Deadline 4 [REP5-002].</p> <p>The Applicant's concerns regarding the successive merge at junction 20A are in relation to the introduction of an additional conflict point between junction 21 and junction 19 without a justified need for this merge. The Applicant acknowledges that whilst every merge introduces a conflict point, the successive merge at junction 19 allows for traffic to bypass the Generals Lane roundabout to prevent traffic queuing</p>

DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
								<p>towards Braintree. This ensures adequate performance of Generals Lane roundabout an “traffic queuing along the Chelmsford North-East Bypass and across upstream roundabouts d removes the offside merge as previously included in the DCO application. For these reasons, the use of a successive merge can be justified in this location at junction 19.</p> <p>Regarding junction 20A, the Applicant has assessed reinstating the junction based on a number of factors including operational safety, impact on natural and built environment, walking, cycling and horse riding connectivity, cost and carbon increases, construction and drainage challenges and impact on land take. The concerns regarding the introduction of an additional conflict point between junction 21 and junction 19 is not the sole reason for discounting the reinstatement of junction 20A, but one of many factors that were considered to reach this conclusion. The Applicant maintains that the significant impacts listed in the Junction 20A</p>

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
								Southbound Merge Assessment of Alternatives Report [Appendix B, REP1-002] outweigh the benefits and reinstating junction 20A cannot be described to be in the national interest.
Change J19/010	Land	193339			✓		<p>I am writing in response to the proposed Junction 19 slip road changes on behalf of [Named], landowners of [Named] Farm comprising land and property to the immediate south &amp; east of junction 19 (Generals Roundabout). Approx. shown on the insert plan below.</p> <p>Land Rights/Acquisition Plans as per [Named] Ownership</p> <p>General Arrangement Plan Sheet 2 of 21</p>	The Applicant acknowledges that the change in slip road position at Junction 19 results in an opportunity to change the proposed highway drainage catchments (i.e. S1-OU1, S1-OU11 and S1-OU12) and their associated proposed attenuation storage requirements in the vicinity of junction 19 (i.e. the proposed attenuation ponds S1-OU11 and S1-OU12), that are shown on Sheet 2 of 21 Drainage and Surface Water Plan [APP-174].

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party, Landowner, Public interest,	Public	What you said	National Highways' Response
							<p>Our client has previously set out an objection to the Scheme based on the extent of land acquisition and allocation of ecological mitigation (not limited solely to these grounds).</p> <p>Our question now is does the variation to Junction 19 slip road affect the extent of land take currently identified for my client land to the north of Boreham Road? Specifically it is my understanding that this change may alter drainage requirements and the need for attenuation pond ref S1-OU11 (as approx. highlighted yellow below). In turn if not required would this further reduce the land take and non-essential mitigation identified over this area. Our client would welcome this reduced land take as a result of this alteration.</p> <p>Reduced Land Take further to drainage design from Junction 19 slip road changes</p> <p>We would be grateful if the potential for this revised drainage plan and</p>	<p>Due to the alteration in the northbound on-slip road configuration, which is now proposed to connect directly to the A12 mainline, it is possible to reduce the size of the catchment for S1-OU11 such that it can be combined with the adjacent S1-OU12 catchment. This means that the proposed attenuation pond draining the S1-OU11 catchment can be removed. To facilitate this change, the pond draining S1-OU12 catchment will be made bigger and a new attenuation storage pond (i.e. attenuation pond S1-OU1A) will be provided to the north west of the Junction 19 northbound on slip. These updated proposed attenuation pond amendments are all within the proposed permanent land take and associated limits of deviation, furthermore the changes do not give rise to any new or different significant environmental effects as explained in the Environmental Statement Addendum [TR010060/EXAM/10.12], submitted with DCO change application.</p>



## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>subsequent reduction in land take could be considered in your revised design.</p> <p>This consultation response is without prejudice to our clients current objection to the scheme DCO submission.</p>	<p>Hydraulic modelling has been undertaken to assess the combined catchment proposals as described above and the modelling results confirm the proposal of combining the catchment is feasible. Further details on the updated highway drainage design proposals in the vicinity of Junction 19 is provided in Surface Water Drainage Strategy Addendum (Appendix F of Environmental Statement Addendum) [TR010060/EXAM/10.17], updated Sheet 2 of Drainage and Surface Water Plans provided within Map Book 1 [TR010060/EXAM/10.5], submitted with DCO Change Application. Subject to the DCO change application being accepted by the examination authority, the proposed scheme would seek to remove proposed attenuation pond S1-OU11 and associated proposed pond access.</p> <p>By removing pond S1-OU11 and the associated access track, it is possible to reduce the extent of land plot 2/12g which is subject to permanent acquisition. Some of the land no longer subject to permanent acquisition, will be required temporarily to</p>

DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
								<p>facilitate construction and permanent access rights will be required to provide a route to maintain the vegetation and ditches adjacent to the proposed Paynes Lane bridge and A12 embankments. The updated land plan regarding the above described change is provided within Map Book 1 [TR010060/EXAM/10.5], submitted with DCO Change Application.</p>

## 1.2 Anglian Water Pumping Station

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
PS/001	Comment	Essex County Council	✓					3. Anglian Water Pumping Station (Hatfield Peverel) It is noted that National Highways has been in discussions with Bellway Homes and Braintree District Council regarding this proposed change to exclude this land from the Order powers, which was made at the landowner's request. It is understood that the proposed change is made to ensure that planning permission Ref: 19/01803/FUL would not be affected by the proposed scheme. The Council does not have any concerns with this proposed change.	The Applicant notes the Interested Party's comment.

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party, Landowner, Public interest, Public	What you said	National Highways' Response
PS/002	Comment	Anglian Water	✓			Exclusion of the Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel: Anglian Water supports the proposed change. Anglian Water would like to take this opportunity to state that Anglian Water will only be responsible for the operation of the pumping station once it has been legally transferred by the developer and a final certificate issued by Anglian Water to formally adopt the asset under Section 104 of the Water Industry Act 1991. This process is governed by the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England, published by Ofwat in August 2018.	The Applicant thanks the Interested Party for their support of the change. The Applicant acknowledges that Anglian Water will only be responsible for the operation of the pumping station once it has been legally transferred by the developer and a final certificate issued by Anglian Water to formally adopt the asset under Section 104 of the Water Industry Act 1991. The Applicant will continue to engage with all parties interested in this area, including the Interested Party, the landowner and developer.

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party, Landowner, Public Interest, Public	What you said	National Highways' Response
PS/003	Environment	Braintree District Council		✓		<p>We note that changes related to bullet point 1 would reduce the amount of ecological mitigation area proposed at Hatfield Peverel from 0.8ha to 0.64ha or a 20% decrease. We consider that this represents a net loss to local ecological mitigation for reptile habitats. Policy LPP66 of the Adopted Local Plan for the protection, enhancement, management and monitoring of Biodiversity should be considered. It states that 'Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development.' With consideration of the requirements of local policy and subject to the adverse impacts to reptile habitats being fully mitigated taking into account the whole scheme, we have no objections to this loss.</p>	<p>The Applicant welcomes the comments from Braintree District Council that taking into account the whole scheme they have no objections to the proposed design change. The Applicant considers the proposed scheme with the proposed design changes would be compliant with Policy LPP66 as with the slight reduction in land for reptile mitigation, the Applicant would still provide a sufficient area of high quality reptile habitat which would maintain the favourable conservation status of the three reptile species recorded on site. The habitats within three of the mitigation areas have been designed to incorporate water vole habitat to provide enhancements in accordance with LPP66. As detailed within the consultation material, the change equates to a decrease on 0.4% in the overall land being provided for reptile mitigation across the whole proposed scheme. This overall reduction is considered negligible, and it is assessed that this would not reduce the effectiveness of reptile mitigation for the proposed scheme.</p>

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party, Landowner, Public interest, Public	What you said	National Highways' Response
PS/004	Environment	193335			✓	<p>Anglian Water Pumping Station: Whilst it is stated that the reduction is negligible it still remains a reduction and with the Government committed to Biodiversity gain it is disappointing. It is rather surprising that this has come up at this stage given outline planning consent was granted for the area impacted some time ago and simply reflects poor interaction between parties.</p>	<p>The Applicant notes the comments made by this Interested Party. The location for this ecological mitigation area was amended during preliminary design to the location proposed in the DCO submission at the request of the landowner to take into account their feedback. The Applicant was made aware of the conflict with the pumping station through feedback received in one of the representations in relation to the DCO submission and this demonstrates the process works as it has enabled the Applicant to address the issue prior to determination of the DCO. While the Applicant acknowledges there is a negligible reduction in the habitat to be created in this specific location, delivery of the proposed scheme would provide a considerable gain in habitats overall, and the Applicant will continue to seek opportunities to maximise biodiversity delivery through detailed design.</p>

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
PS/005	Comment	193337			✓		Anglian Water Pumping Station: On the basis that the proposed change does not appear to affect any publicly accessible land, [Named] has no comment to make	The Applicant notes the response and agrees that the change does not affect any publicly accessible land.

### 1.3 Replacement Land South of Witham

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
RL/001	Comment	Essex County Council	✓					4. Replacement land south of Witham It is noted that National Highways are proposing changes to Areas 6, 8, 9 and 10 of the Replacement Land Statement following discussions with Witham Town Council and Braintree District Council. This does not cause any particular concern at this current time, as the Council is not the existing landowner.	The Applicant notes the Interested Party's response and will be submitting a revised Replacement Land Statement [TR010060/APP/7.9] with the Change Application.
RL/002	Comment	Anglian Water	✓					Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area: Anglian Water notes the proposed change in the provision of replacement land and is satisfied that this does not materially impact on replacement land for Anglian Water (9/1q) in Whetmead local nature reserve or the adjoining replacement land for	The Applicant notes and agrees with Anglian Water that the proposed changes would not impact the replacement land proposed for Anglian Water.



## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							Witham Town Council (9/1a) in the interests of nature connectivity.	
RL/003	Land	Witham Town Council	✓				<p>In response to the letter of 12th April 2022 advising of proposed changes to the Development Consent Order Application, I confirm that Witham Town Council are happy to accept the newly proposed replacement land that is now being offered near to Whetmead Nature Reserve.</p> <p>We also acknowledge that National Highways are now aware of the change of land ownership and have the correct information regarding Witham Town Council's freehold land.</p>	The Applicant notes Witham Town Council's response and thanks the council for the ongoing constructive engagement relating to replacement land and looks forward to future discussions relating to the detailed design of the future area of open space, subject to the Examining Authority accepting the change into the Examination.

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party, Landowner, Public interest, Public	What you said	National Highways' Response
RL/004	Planning/D CO	Braintree District Council		✓		Changes related to bullet point 2 would relocate without loss a small area of replacement land and open space loss mitigation being offered to Witham Town Council. We have no comments to make on this matter and would ask that National Highways respect the views of Witham Town Council on this matter	The Applicant notes the Interest Party's comment and will continue to engage with Witham Town Council on this matter.
RL/005	Land	193337			✓	Replacement Land South of Witham: This would appear to refer to Open Space Area 8 in the "Replacement Land Statement" document included as one of the consultation documents. Paragraph 2.1.24 includes... "The proposed scheme will provide Replacement Land at Whetmead". The replacement land it not actually at Whetmead but in an adjacent currently arable field which National Highways are proposing to take for a drainage pond etc. The land would be adjacent to the slightly diverted Witham PROW 101 - which is not	<p>The Applicant can confirm that the proposed alternative parcel of replacement land is in the field adjacent to the Whetmead Local Nature Reserve and would be sited next to the proposed attenuation pond.</p> <p>The proposed parcel of replacement land has been intentionally sited next to the diverted footpath, so as to ensure that it can be accessed by the public and so that it forms part of a longer corridor of open space linked by Public Rights of Way that would stretch from the Gershwin Boulevard bridge to the Whetmead Nature Reserve.</p>

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>shown on the plans. It would be helpful if PROWs, cycleways and other publicly accessible open space were shown on the replacement land plans. [Named] request confirmation that the proposed replacement land will be publicly accessible. Assuming that the replacement land IS publicly accessible then it could be more usefully located between Howbridge Hall Road and Witham PROW 95 / existing proposed replacement land parcels 8/33g, 8/33i, 8/1d, 8/17b, 8/1n, 8/19b &amp; 8/41b on Plate 2.6 Open Space Area 8 - River Brain in the April 2023 updated Replacement Land Statement. [Note: Parcel 8/33f seems to have disappeared]. Adding the replacement parcel at this location would provide a continuous publicly accessible link between Howbridge Hall Road, a public highway, Witham PROW 95 and Maldon Road. Does the current draft DCO with these proposed changes, provide sufficient land &amp; replacement land, to allow for the new Gershwin Boulevard</p>	<p>The Special Category Land plans were prepared using the Land Plans as a base to identify land use proposed that has particular requirements under the Planning Act. To view the replacement land and the footpaths together the applicant notes that the General Arrangement Plans show the replacement land and public rights of way, as do the Environmental Masterplans.</p> <p>In order to facilitate the understanding of the Applicant's proposal, Section 5 of the Replacement Land Statement (as included in the consultation documents) provides detailed information in relation to access to the proposed replacement land and identifies which public footpaths connect to the land proposed. The land identified will be connected via public footpath 121_101.</p> <p>This parcel of replacement land is to replace current open space owned by Witham Town Council (WTC), predominantly from the Whetmead nature reserve.</p>

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							<p>WCH bridge to be moved slightly west as per representations made at the DCO hearings and in written submissions?</p>	<p>In developing the strategy for replacement land, a number of factors were taken into account, including ensuring that the replacement land is as close as practicable to the area from which open space is being lost, and that it can serve a purpose as part of a wider open space. In locating this parcel near to the Whetmead and adjacent to the rights of way network meets these objectives. Moving it approximately 700m south west would not. Additionally, keeping it near the existing land owned by WTC facilitates easier maintenance of the land. The Applicant has, throughout the process, consulted with the existing owners of the open space with regard the provision of replacement land to confirm that the proposed areas are acceptable.</p> <p>Regarding parcel 8/33f it hasn't disappeared, that parcel is to replace open space on area 2 to 4 only and as such only show on the area 2 to 4 figure. These can be seen in table 5.2 and A.1 of the Replacement Land Statement [TR010060/APP/7.9] included in the consultation documents.</p>

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								The suggestion to move the Gershwin Boulevard bridge to an alternative location is not part of the changes being considered as part of this consultation. The Applicant has, however, previously advised the Examination that there is unlikely to be sufficient land within the provisional Order Limits for the bridge to be moved.

## 1.4 B1023 Flood Mitigation and Drainage

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
FM&D/001	Highways	Essex County Council	✓				<p>5. B1023 flood mitigation and drainage</p> <p>A meeting between the Council and National Highways took place on 5 May 2023 to discuss the drainage design changes along the B1023 Inworth Road. The Council requested further information to reflect that conversation including updated flood modelling, which show changes to flood depth based on the proposed mitigation measures. The Council has reviewed the additional information provided along with the proposed design changes included within the technical note and concluded that these changes will reduce flood risk during the modelled events as well as reduce the land take associated with the original proposal.</p> <p>Three key points should be noted:</p> <ol style="list-style-type: none"> <li>1. Based on the modelling provided the scheme will remove and redirect surface water to the edge of the carriageway but will not complete remove surface water</li> </ol>	<p>The Applicant acknowledges the Council's response and replies to the three key points made:</p> <ol style="list-style-type: none"> <li>1. The Applicant agrees that the modelling shows that water will not completely be removed from the carriageway in major flood events such as the 1% (1 in 100) plus climate change event but agrees that it would be less likely to impact traffic flows during such events. Details of the modelling results that demonstrate this further is provided in the Flood Risk Assessment Addendum [TR010060/EXAM/10.16] to be submitted with the Change Application.</li> <li>2. The condition, capacity and location of the existing highway drainage network is now understood, but a fully integrated hydraulic model incorporating the highway drainage into the watercourse modelling is considered too complex and a disproportionate level of effort to produce given it is unlikely to cause a significant change in the findings of the assessment. It is agreed that the current</li> </ol>

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party, Landowner, Public interest, Public	What you said	National Highways' Response
						<p>during extreme events. However, the depth and positioning of the remaining water will mean that it is less likely that this will impact traffic flows in these locations.</p> <p>2. The existing highway network has not been modelled because of lack of available data. National Highways has not allowed for any water to be picked up by this network. This is a conservative approach to assessing flood risk and is in line with our own recommendations. In reality, this element of the system will pick up some of the water from the carriageway further reducing flood risk during the modelled events.</p> <p>3. A key assumption within the report is that all existing features are functioning efficiently. During CCTV surveys National Highways identified a collapsed drainage chamber, which is likely to be one of the key causes of current flooding issues in the area. The damaged feature is identified as an</p>	<p>assessment approach is conservative to reflect that fully integrated hydraulic modelling has not been undertaken.</p> <p>3. The Applicant agrees that the repair of the collapsed drainage chamber is a key assumption made as part of the assessment. Details of the modelling results that demonstrate this further is to be provided in the Flood Risk Assessment Addendum [TR010060/EXAM/10.16] to be submitted with the Change Application.</p>

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						<p>Essex Highways asset in the FRA (Flood Risk Assessment). For the proposed scheme to function as demonstrated in the modelling repairs to this feature would be necessary.</p> <p>On the basis of the above, the Council does not object to the proposed change to this aspect of the scheme.</p>	
FM&D/002	Comment	Anglian Water	✓			<p>Drainage works associated with B1023 Kelvedon Road at Inworth: Anglian Water notes the following design changes that have taken into account the potential to impact on our wastewater network assets: <input type="checkbox"/> Design Change 7 to retain the flood mitigation area with minor adjustments to account for the existing foul sewer in proximity to the area identified <input type="checkbox"/> Design Change 8 to increase the capacity of the Attenuation Pond S3-IWR-OU2 whilst being adjusted to minimise impact on the existing foul sewer in proximity to</p>	<p>The Applicant welcomes the Interested Party's support for the proposed changes. The Applicant is committed to continuing engagement with the Interested Party with regard to Protective Provisions, including consideration of stand-off distances.</p>



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							<p>the area identified - an asset owned and managed by Anglian Water.</p> <p>We are supportive of design changes which minimise impacts on our network assets including a suitable stand-off distance to protect our sewers and avoiding any potential for these works to cause increased surface water infiltration to our network, whilst enabling flood mitigation works for the project to proceed. The draft DCO protective provisions include stand-off distances for our piped assets, which we are seeking to revise, however, we welcome and acknowledge these design changes in respect of our assets.</p>	

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FM&D/003	Environment	Colchester City Council		✓		<p>ii) Drainage Works associated with the B1023 Kelvedon Road, Inworth. The reduction in flood compensation and attenuation ponds from 4 to 2 and flood mitigation measures from seven to 4 appears to be a very significant reduction in the proposed mitigation set against an unpredictable scenario of changing rainfall patterns and the intensity of events due to climate change. Whilst the reduction in the extent of planned interventions is welcomed from the perspective of the potential for impacts on the historic environment, the City Council remains concerned to ensure that these interventions are an appropriate and resilient design response. We defer to ECC Colleagues as the LLFA to ensure that the calculations on which these design decisions are based are robust.</p>	<p>The reduction in interventions has been achieved because of additional information on topography, utilities, the existing drainage network and watercourses being available. This has informed hydraulic modelling to refine the design.</p> <p>The proposed solution achieves the same design criteria (reducing the existing flood risk to the B1023 so that it would be expected to remain passable in a 1% (1 in 100) plus climate change allowance storm event), whilst also ensuring there is no increase in runoff as a result of the additional impermeable areas introduced by the proposed scheme. The Applicant is continuing to liaise with the LLFA over these changes, including providing information requested to enable the LLFA to review the new proposals.</p>

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FM&D/004	Environment	193336			✓	<p>Drainage works associated with B1023 Kelvedon Road at Inworth; What additional information has been discovered by the Applicant? Why has it taken so long to discover this and what are the various findings and details of those research activities? The Applicant does not detail any findings and resorts to sweeping assertions and biased confirmations of the decisions made. [Named] is aware of this constant confirmation bias in all the actions of the Applicant, and requests clarification and justification for a proposed fifty per cent reduction (4 to 2) in Drainage Ponds and a reduction of just under fifty percent (in quantum) of Flood Mitigation Areas? The reduction in size of the 2 of the remaining ponds is also challenged as effectively creating over fifty percent net in reduction in this mitigation. This is of such substantial scale as to be questioned in the original design, and that reliance on those original surveys calls into question all subsequent statistics and designs based on</p>	<p>The original DCO submission was not inaccurate, erroneous or misleading as it was based on the information available at that time. As is common in engineering projects, as further information becomes available, designs are refined to reflect that information. In this instance, the hydraulic model that is based on that new information has better informed our understanding of the drainage and flood risk in this area which is why changes have been proposed.</p> <p>As stated in the B1023 Flood Mitigation and Drainage Technical Note submitted as part of the Change Consultation (please refer to Annex G of Change Application Consultation Report Annexes [TR010060/EXAM/10.14]), the additional information referred to is site surveys, in particular of the existing drainage network, but also topographic and utilities surveys. These have allowed for hydraulic modelling of the watercourses and subsequent refinement of the drainage and flood mitigation design (that includes a reduction in the number of ponds and storage areas proposed). This refinement</p>

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							<p>erroneous input. (See also the notes on the contradictory evidence contained in the Applicants Technical notes and maps (below)). [Named] wishes to see the original justification for these mitigations on a comparative assessment chart with the 'new' requirements. [Named] can see no rationale at this stage for the action of the Applicant. [Named] also wishes the Applicant to clarify why the original dDCO was submitted with such wildly inaccurate and misleading statistics.</p>	<p>has enabled a reduction in the number of drainage ponds and flood mitigation areas while still achieving the required design standards, in particular, for up to the 1% (1 in 100) plus climate change event:</p> <ul style="list-style-type: none"> <li>· No increase in existing flood risk (outside scheme areas)</li> <li>· The proposed scheme will remain operational</li> </ul> <p>As the design changes would result in reduced impact on land-take, the environment and cost, the Applicant believes these changes should be introduced to the proposed scheme.</p> <p>In response to the request for a comparison between the two designs, the design presented in the Change Consultation is not an option to be compared with the application design, it is a refinement of the application design. The methodology which supports the design refinement was presented in the consultation technical reports furthermore a Flood Risk Addendum [TR010060/EXAM/10.16] and Surface Water</p>

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								<p>Addendum [TR010060/EXAM/10.17] are submitted along with the Change Application.</p> <p>The applicant does not believe that contradictory evidence has been provided. The slight decrease in impermeable area is just one of the reasons for reduced mitigation identified, alongside the reasons identified in Section 1.3 of the B1023 Flood Mitigation and Drainage Technical Note submitted as part of the Change Consultation (please refer to Annex G of Change Application Consultation Report Annexes [TR010060/EXAM/10.14]).</p>
FM&D/005	Stakeholder	193336			✓		<p>It is also of note that the substance and materiality of the changes is being handled by the Applicant in just four and a half hours of webinar and with no other planned presentations. This is dismissive of the importance of the entire dDCO process, and further endorses the view that this is not 'consultation' but merely an exercise in instruction.</p>	<p>The Applicant has carried out this consultation using similar methods to the Statutory Consultation carried out in June 2021 and the subsequent Supplementary Consultation of November 2021. This included notices in local papers, updating the scheme website with consultation details and materials, updates via social media channels, availability of consultation materials online at eight libraries across the route and three webinars.</p>

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								<p>Each of these webinars lasted 1.5 hours and included attendance from key specialisms of the A12 Project Team including DCO, Stakeholder, Environment, Drainage, Traffic, Highway Design and Construction. Several stakeholders took the opportunity to attend the webinars.</p> <p>The Applicant also provided six map books, one to cover each proposed change in detail. Technical notes were also provided to accompany each change. These technical notes explained the proposed changes in detail, looking at potential environmental, traffic and land take impacts.</p> <p>Specifically, the B1023 Flood Mitigation and Drainage Technical note and B1023 Inworth Roundabout Technical Note (please refer to Annex G of Change Application Consultation Report Annexes [TR010060/EXAM/10.14]), include key details on Chapters 6 to 16 of the Environmental Statement.</p>

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FM&D/006	Highways	193336			✓	<p>Consultation documents specifically addressed in the proposed changes letter. Map Book 4. Flood Mitigation and Damage; This is simply diagrammatical illustrations of what the Applicant proposes. It serves no other purpose than to justify a decision the Applicant appears to have before any 'consultation'. See extensive written representations from stakeholders including [Named] about all 'consultations' undertaken by the Applicant and all breaches associated thereto.</p>	<p>Map Book 4 [TR010060/EXAM/10.8] has been collated and provided as part of the consultation materials to allow stakeholders to consider the proposed changes with the same level of detail that was provided as part of the original DCO Application. This includes General Arrangement Plans, Works Plans, Land Plans, Traffic Regulation Measures Plans, Classification of Roads Plans, Streets, Rights of Way and Access Plans.</p> <p>It is then for the consultee to consider the information provided and provide their views. As part of the consultation process it is then for the Applicant to provide conscientious consideration to the responses received. That consideration has been provided within this report.</p>

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FM&D/007	Environment	193336			✓	<p>Flood Mitigation and Drainage Technical Note; This document outlines several types of survey and the rationale to use them. [Named] questions why this was not done in the preceding 24 months of survey and investigation work. This is of special significance regarding failing existing drainage routes. These have been consistently brought to the attention of the Applicant through detailed diagrams, plans and photographs, and equally consistently ignored. There is no detail of the results and no attempt to explain the failings of the original design and the changes made. Again, the document seeks to justify a decision apparently already made, but with no technical and comparative information. It is of note that the Applicant uses as justification the 'reduced impermeable pavement' which means that mitigation can be equally reduced. However, in direct contradiction of this, the Applicant also notes there is 'only a slight decrease in the final footprint'. This is contradictory</p>	<p>The preliminary design was developed based on the level of information available at the time and therefore the design included appropriate conservative assumptions where necessary. This included an assumption that the existing drainage would be unable to contribute significantly to flood alleviation including information provided in January 2021 by stakeholders on the condition of existing drainage assets and flooding in January 2021, which did inform the design submitted as part of the DCO application. Given the limited data available, conservative assumptions were made so that as the design developed through detailed design it may be possible to reduce rather than increase the land required for drainage and flood mitigation works.</p> <p>Further information (drainage, utility and topographical surveys) has subsequently become available allowing for refinement of the design as part of the ongoing detailed design of the proposed scheme. Given that this additional information allows for</p>



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							<p>and false justification used to enforce the confirmation bias from the Applicant. The design remains fatally flawed.</p>	<p>significant reduction in required mitigation it is considered appropriate to propose this change at this stage.</p> <p>Detail of the results and further explanation of the changes made will be provided in a Flood Risk Assessment Addendum [TR010060/EXAM/10.16] that is submitted as part of the Change Application.</p> <p>The Applicant does not agree that the statements referred to are contradictory or that the design is flawed. A reduction in additional impermeable area is just one of the reasons that mitigation has been reduced from that previously proposed. Of greater relevance (particularly for flood mitigation areas), is the greater understanding of existing flood risk afforded by the hydraulic model. Further details are provided in Section 1.3 of the B1023 Flood Mitigation and Drainage Technical Note submitted as part of the Change Consultation (please refer to Annex G of Change Application Consultation Report Annexes [TR010060/EXAM/10.14]).</p>

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FM&D/008	Highways	193336			✓	<p>Map Book 5: B1023 Roundabout; This series of maps makes no attempt to be anything other than justification for the determination to drop the SLTL. This has been advocated by [Named] in the face of considerable opposition from the Applicant. [Named] now considers that all statistics and information used by the Applicant are called into question as this fundamental design flaw and perilous safety hazard was ignored for at least 14 months by the Applicant. (See the extensive notes above about the continuing flaws and errors in design and design standards and overall operational assumptions made by the Applicant).</p>	<p>Map Book 5 [TR010060/EXAM/10.9] has been collated and provided as part of the consultation materials to allow Interested Parties to consider the proposed changes with the same level of detail that was provided as part of the original DCO Application. This includes General Arrangement Plans, Works Plans, Land Plans, Traffic Regulation Measures Plans, Classification of Roads Plans, Streets, Rights of Way and Access Plans.</p> <p>The Applicant maintains that the design of the B1023 Inworth Road Roundabout, before and after the proposed change, in accordance with Essex County Council's Highways Technical Manual and Manual for Streets is appropriate and safe for this context. The design of the roundabout presented as part of the DCO application is a preliminary design. This design has been progressed and refined in the parallel detailed design process which has led to the proposed removal of the Segregated Left Turn Lane (SLTL). Validation of design elements against the strategic traffic model,</p>

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								as well as refining and developing the preliminary design, is standard practice during design development.
FM&D/009	Walking, Cycling, and Horse Riding	193336			✓		B1023 Flood Mitigation and Drainage: [Named] has no comment to make provided that the proposed changes do not negatively affect any PROWs - specifically Messing-cum-Inworth PROW 15 - or other publicly accessible land or the width proposed to be available for pedestrians and cyclists along Inworth Road.	The Applicant welcomes the Interested Party's support of the proposed changes to the flood mitigation and drainage on the B1023 and confirms that there will be no impact on the Public Rights of Way in the area, including Footpath 15 (PRoW 145_15), and no proposed changes to the available width along the B1023 for pedestrians and cyclists.

## 1.5 B1023 Roundabout Design

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
RD/001	Highways	Essex County Council	✓				<p>6. B1023 roundabout design The proposed amendment to the B1023 roundabout (which will provide a new connection between the B1023 Inworth Road and the new Junction 24) is described in the document TR010060 B1023 Roundabout Technical Note. This technical note is accompanied by Map Book 5, which comprises the original submitted drawings for the roundabout and the amended versions referenced in the technical note (see appendix. The Council's comments are based on the content of these documents.</p> <p>The Council note that section 1.3 of this technical note sets out the reasons for the proposed change to the roundabout design, which would comprise the removal of the originally proposed segregated left-turn lane (SLTL) connecting the northbound carriageway of the B1023 with the new link road to</p>	<p>A detailed set of tables in the style of Appendix F of the original Transport Assessment submitted as part of the DCO application [APP-259] (i.e. showing queue lengths and delays on all arms of the junction) is provided in Appendix F (Tables F-3 and F-4) in the Transport Assessment Addendum [TR010060/EXAM/10.15]. This confirms that all arms of the B1023 roundabout would have a Level of Service A, in line with the Level of Service presented for that arm in the original Transport Assessment provided as part of the DCO application. Level of Service A indicates 'highly stable, free-flow condition with little or no congestion'. In 2042, the predicted average queue on the approach to the roundabout from the B1023 to the south is 12m in the AM peak, and 4m in the PM peak.</p> <p>Noting the Council's previous comments about the number of lanes on the approach to the B1023 roundabout from the south, the Applicant can confirm that the detailed</p>

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>Junction 24. It is understood that the SLTL was intended to alleviate potential queuing at this arm of the junction caused by conflict between drivers travelling northward on the B1023 and drivers turning right at the roundabout to access the link road; however, subsequent modelling work is stated to have identified that the junction is capable of operating in a satisfactory manner without the SLTL.</p> <p>It is stated at paragraph 1.3.2 that removing the SLTL from the proposed design would help to reinforce the local nature of the B1023, and that reducing the footprint of the junction would also reduce the impermeable surface area, providing a benefit in terms of local drainage.</p> <p>With regard to the stated benefits, the Council are in agreement in principle that a smaller or less complex junction would be in keeping with the nature of the surrounding local road network, and that such a junction would have slightly</p>	<p>design being taken forward, and on which the traffic information provided in the technical note is based, retains a length of two-lane approach.</p> <p>Furthermore, the applicant can confirm that the environmental assessments contained within the Environmental Statement Addendum [TR010060/EXAM/10.12] consider the two lane approach to the roundabout. To reaffirm this fact, the plans certified in the DCO will be updated to confirm the two lane arrangement.</p>

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							<p>less impact in terms of land take and drainage. However, the Council also note that the assessments provided in section 3.4 of the technical note on environmental matters appraise these changes as minor or not significant in terms of the wider environmental assessments.</p> <p>Section 3.3 references Table 4.1 of the Transport Assessment (TA) submitted as part of the DCO application, which summarises the results of the highway capacity modelling undertaken for the original proposed B1023 roundabout design. This table provides Level of Service (LOS) grades for the junction in each of the modelled scenarios, but does not provide the corresponding information on delays, average queues or average maximum queues; this information is instead provided at tables F 9-4 (2027) and F 9-5 (2042) within Appendix F of the TA report.</p> <p>It is stated in this technical note at paragraph 3.3.1 that the models of the</p>	

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							<p>revised junction design continue to produce a LOS rating of A. Whilst this indicates that the junction continues to operate efficiently, it does not provide any information on how delays and queue lengths alter at the northbound B1023 arm of the junction with the removal of the SLTL. The LOS rating of A does suggest that these changes are minor, however, it is our view that a proper comparison of the delay, average queues and average maximum queues is necessary to enable us to confirm that there will not be any specific impacts arising from the need for all traffic to enter the roundabout which would be of concern. In particular, we wish to confirm that any extension to the expected queues would not result in potential safety concerns, i.e. that vehicles approaching from the south will have sufficient time to see and react to queued vehicles. The production of tables in the style of those presented in</p>	

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							<p>Appendix F of the TA report would be sufficient to address this requirement.</p> <p>The Council have additionally noted that the entry to the roundabout from the B1023 northbound arm is shown as being marked for two lanes in the original scheme drawings (plate 1.1 in the technical note), whereas in the revised scheme drawing (plate 1.2 in the technical note) this marking is absent, indicating a single lane entry. We would request confirmation that this change has been reflected in the updated scheme modelling, as less traffic is theoretically able to enter the roundabout in this arrangement and we would as such expect there to be further impacts to delay values and queue lengths at this arm.</p> <p>In summary, the principle of removing the SLTL is supported, subject to confirmation of the detail of specific impacts as set out above.</p>	



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RD/002	Highways	Colchester City Council		✓			<p>i)Junction 24/Inworth Road B1023 – Removal of Segregated left turn Lane. In terms of the detailed engineering and highway safety issues, the City Council wishes to defer to the technical opinion of Essex County Highways. We are however aware of the concerns expressed by the Messing cum Inworth Parish Council and wish to ensure that their concerns are given full and detailed consideration by the Examiners. In particular:</p> <p>- The application of the correct baseline modelling and design standards to maximise public safety including the provision of appropriate visibility and in particular with regard to horizontal radii and stopping sight distance.</p>	<p>The Applicant acknowledges the Interested Party's comments and confirms that concerns from all Interested Parties, including Messing cum Inworth Parish Council, have been taken into consideration in the development of the design. The Applicant has previously responded to the concerns raised by Messing cum Inworth Parish Council and the Messing and Inworth Action Group (MIAG) regarding the changes to the Inworth Road roundabout REP3-063-003 at Deadline 4 [REP4-056].</p> <p>The Applicant maintains the use of Essex County Council's Highways Technical Manual and Manual for Streets for the design of the B1023 Inworth Road Roundabout as the most appropriate design standards for this context. The proposed design achieves appropriate visibility, horizontal radii and stopping sight distance in accordance with these standards.</p>

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RD/003	Highways	193336			✓	<p>The relevant issues from the list of 6 are; Junction 24/Inworth Road B1023 – Removal of segregated left turn lane; [Named] believes that this is an inadequate, although probably life-saving, admission of error on the part of the Applicant. [Named] has repeatedly stated and proved the failings of the original design which the Applicant maintained had undergone full and detailed review and was an integral part of the original design. [Named] asks what has changed for the Applicant, and why it has taken 24 months of pressure from [Named] for the Applicant to fail to admit its error? In admitting this error of design, [Named] firmly believes that all statistics, designs and justifications used by the Applicant for this roundabout, and its position, should be recalculated and reappraised. This must be done without confirmation bias and in the proper spirit of consultation as detailed in the Gunning principles. The Applicant has</p>	<p>The Applicant notes the Interested Party's comments.</p> <p>The design for the B1023 Inworth Road Roundabout presented as part of the DCO application is a preliminary design. This design has been progressed and refined in the parallel detailed design process which has led to the proposed removal of the Segregated Left Turn Lane (SLTL). Validation of design elements against the strategic traffic model, as well as refining and developing the preliminary design, is standard practice during design development.</p> <p>Regarding geometry of the roundabout and visibility, the Applicant has previously explained the use of Essex County Council's Highways Technical Manual and Manual for Streets for the design of the B1023 Inworth Road Roundabout in response to REP2-085 [REP3-009] and REP3-063 [REP4-056].</p> <p>The Applicant maintains that appraisal of the link road design against the Design Manual for Roads and Bridges, both in terms of</p>

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							<p>consistently failed to take account and acknowledge its failings.</p> <p>[Named] further states that this re-design removes the largely redundant Segregated Left Turn Lane (SLTL), which did not comply with Design Manual for Roads and Bridges standards in any case. There is also a variation in the geometry of the Inworth Road north approach arm. The centreline horizontal radius of 67.5 m has been increased to 75.0 m compared to the design submitted in the DCO application. Where is the notification of this change made apparent? Visibility; the Applicant has previously stated that Inworth Road Roundabout arms (except the new link to Junction 24), have been designed to Manual for Street Standards (MfSS), with regard to horizontal radii and stopping sight distance (SSD). The reason given for this is in order to give road users the impression that they are entering a village environment and will therefore drive more cautiously.</p>	<p>stopping sight distance and superelevation, is not relevant considering the Applicant's continued rationale that the roundabout acts as a traffic calming feature and has been designed in accordance with Manual for Streets design guidance.</p> <p>The Applicant has previously addressed the repeated comments regarding visibility in response to REP3-063-003 at Deadline 4 [REP4-056].</p> <p>As previously documented in the above referenced responses, the Applicant has explained the narrative for the use of established and widely used standards to undertake the design of junction 24 and the Inworth Road roundabout. The Applicant disagrees with the comments raised by the Interested Party and maintains that the design of the roundabout both before and after the proposed change is appropriate for this context.</p>

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							<p>[Named] are of the view that MfS standards are not appropriate for roundabout approach roads in this rural location where there are open fields, and with no built frontage that would give road users the impression of being in a village. Essex Highways are also of the view that the Design Manual for Roads and Bridges (DMRB) is the appropriate standard to be used for the roundabout approach road designs in this case. It is expected that Essex Highways will adopt this roundabout (except the link road to Junction 24), and therefore the correct design standards to be used should be those of The Essex Design Guide. The Essex Design Guide refers to other design standards, including MfS and DMRB. There are however some supplemental requirements in The Essex Design Guide which modify the requirements of the other documents referenced. One of these requirements relates to the use of the Table 7.1 "Derived SSDs for Streets" from MfS. Due to the very short lengths</p>	

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							<p>of SSD given by Table 7.1, The Essex Design Guide states that for any layout promoting these values they should be accompanied by appropriate speed restraint measures. No such speed restraint measures appear to have been proposed in the Applicant design for Inworth Road Roundabout. [Named] are concerned about the low values of SSD on the approach to and exit from the roundabout. The arm connecting to Inworth Road north of the roundabout is of particular concern and [Named] do not feel confident that even the value of 43m SSD has been achieved for this arm. In fact, the proposed back of verge and earthworks appear to encroach into the Park Farm boundary. Inadequate SSD checks carried out by the Applicant only continue as far as the tie in of the new works with the existing Inworth Road. This does not show the full effect of the new works on SSD. If SSD checks are continued further along Inworth Road a 43m SSD line would be obscured by the existing brick wall on</p>	

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							<p>the boundary of Park Farm. Over this length, visibility values at 5m intervals were measured, the results were as follows: 40.5m, 37.2m, 34.2m, 32.3m, 33.2m. This would indicate a length of about 30m of the alignment where the claimed 43m SSD is not achieved.</p> <p>What makes this even more worrying for [Named] is that there is an entrance to Park Farm immediately following this reduction in available visibility. This would make access and egress extremely hazardous for residents of Park Farm when vehicles approaching after leaving the roundabout will have very little forward visibility. Exit visibility for Kelvedon Road, the eastern arm of the roundabout, does not seem to have been considered at all. In this case, values of SSD would fall to as low as 26m, with the 43m long visibility line crossing the DCO boundary into the adjacent property. Oddly for approach roads that are supposedly designed to MfS standards for visibility, the Applicant</p>	

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							<p>have shown what at first sight appear to be DMRB standard forward visibility lines on the approach to the give way lines. Forward visibility lines of approximately 70m length (suitable for a 50kph design speed), have been shown for the Inworth Road arms to the north and south of the roundabout and for the Kelvedon Road approach. This degree of visibility would not be compliant with DMRB standards. [Named] believes the Applicant has not applied consistent logic or approach and is using convenient and inappropriate design standards to justify their flawed design. Even this length of forward visibility would not be available from 1.5 x SSD distance in advance of the give way lines for these arms, as required by CD 109 paragraph 2.13 (6) (DMRB). [Named] believes the reason for showing this information is to re-create the false narrative surrounding the viability of this design and to obscure its failings. The Applicant does not appear to have related the design to any</p>	

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						particular or recognisable consistent standard. [Named] therefore challenges not only the amendment requests contained in the Application Consultation but fundamentally challenges the original design of this roundabout.	
RD/004	Highways	193336			✓	B1023 Roundabout Technical Note; This technical note continues the theme of confirmation bias and shows no engagement with the errors in design standards used (qv above), shows no recognition of SSD faults (qv above) and, amongst many other assumptive assertions, fails to recognise the fatal flaws in the mixed use of various design standards and the incorrect application of those standards to the overall design. [Named] has consistently pointed to the errors in this design, and the removal of the SLTL indicates that the original	The Applicant notes the Interested Party's comments. The purpose of the B1023 Roundabout Technical Note (please refer to Annex G of Change Application Consultation Report Annexes [TR010060/EXAM/10.14]) is to explain the changes the Applicant is proposing to the proposed scheme at the B1023 roundabout and document the environmental assessment that has been undertaken of said changes. The Applicant has previously explained the narrative for the use of established and widely used standards to undertake the design of junction 24 and the Inworth Road roundabout in



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						design, and all associated statistics, are invalid, and the design should be dismissed. The Applicant avows that the overarching determinant for the design of this roundabout is that it 'operates safely'. [Named] has demonstrated the multiple failings of design, multiple failings to heed safety warnings and multiple failings to reasonably consult, which have led to this botched, fatally flawed and absolutely NOT safe design.	response to REP2-085 [REP3-009] and REP3-063 [REP4-056]. The Applicant disagrees with the comments raised by the Interested Party and maintains that the design of the roundabout, both before and after the proposed change, in accordance with Essex County Council's Highways Technical Manual and Manual for Streets is appropriate for this context.
RD/005	Walking, Cycling, and Horse Riding	193337			✓	B1023 Roundabout Design: [Named] would like to see detailed clarification as to how vehicles, including farm shop delivery vehicles, will enter & leave the properties on the east side of Inworth Road (Rowan Lodge, Hillside & Stonefields Farm shop & farm). Are vehicles, including delivery & farm vehicles, expected to drive along shared cycle/ footway? Also how the the existing bus stops by and opposite Hillside will be integrated - I wished to attach an annotated snip from the Essex Highways Interactive map but this does	It is proposed that vehicles accessing properties to the east of Inworth Road will use the existing shared driveway access on the old B1023 at the Stonefield Farm Shop to access the northern arm of the new Inworth Road Roundabout. Vehicles will not need to drive along the proposed cycleway/footway to access the roundabout. Access to the B1023 from Rowan Lodge and Hillside would be via a small extension to the existing driveways which do not interact with the proposed cycleway. This will be further developed in the detailed design. The arrangement along the old B1023 is shown

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							not seem to be possible with this consultation form.	on General Arrangement Plan Sheet 14 in Map Book 5: B1023 Roundabout [TR010060/EXAM/10.9].  The existing southbound Yew Tree Farm bus stop will be unaffected by the proposed scheme. The Applicant does not expect the northbound Yew Tree Farm bus stop to be impacted, however the continuation of services is a matter for the bus operators.
RD/006	Walking, Cycling, and Horse Riding	193333			✓		At one stage towards the end of the webinar, mention was made of the Inworth to Feering Road. This appears to have been looked at entirely from a motor vehicle perspective, in fact an HE representative acknowledged that the route would not only become busier but the speed of throughput would increase. There is a lack of clarity of how cyclists would navigate the roundabout. I doubt that the current road would meet LTN 1/20 standards as it is. It is alarming that it will become worse and that no separate facilities for cyclists are	The Applicant recognises that roundabouts can be high-risk location for cyclists and this has been reflected in the scheme design. The proposed roundabout is located to the west of the current alignment of B1023, and a section of the current carriageway would become an access road to local houses and the farm shop on the east side. This also provides scope for cyclists travelling north-south on B1023 to bypass the roundabout; the details of this design would be finalised in the final design stage that is currently underway.

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							<p>planned, especially with the reasons (public health, road danger reduction and climate change) that are behind the thrust for active travel. In my view, if HE is altering any part of a highway as part of a major scheme (in this instance drainage), that should include new cycling infrastructure.</p>	<p>It is noted though that this would be a localised measure because the whole route from B1024 in Feering to the north to Tiptree to the south have no dedicated cycle facilities. The winding route is a road that would only be likely to be chosen by more confident cyclists, and it is not practicable to meet the aspirational objective of a route that is "Coherent; Direct; Safe; Comfortable and Attractive" as described in LTN 1/20 paragraph 1.5.2.</p> <p>Therefore, the Applicant is providing new infrastructure in terms of a bypass of the roundabout for cyclists, but the wider aspect of improving the route alongside by installing dedicated cycle facilities is not required as a result of the proposed scheme.</p>

## 1.6 Junction 25

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
Change J25/001	Traffic	Essex County Council	✓				<p>7. Junction 25 Traffic Impact To enable the Council to review the likely traffic impact of the proposed changes to Junction 25, a meeting between the Council and National Highways took place on 18 May 2023 following additional traffic modelling data provided by National Highways on 16 May 2023. Further traffic modelling data was requested by the Council at this meeting and this was provided on 19 May 2023. This included strategic model outputs for the highway network in the vicinity of Junction 25 and local junction model outputs for:</p> <ul style="list-style-type: none"> <li>• Station Road Junction roundabout</li> <li>• Western Junction 25 roundabout</li> <li>• Prince of Wales roundabout</li> </ul> <p>The Council is content that, based on a high-level review of the evidence provided, the proposed changes to the Station Road Junction would not lead to a significant overall change in traffic flows at the junction.</p>	<p>The Applicant welcomes the Council's support in principle for this proposed change. A detailed set of tables showing queue lengths and delays on all arms for each of the proposed roundabouts at junction 25 is provided in Appendix F (Tables F-7 and F-8) of the Transport Assessment Addendum [TR010060/EXAM/10.15]. As shown in Tables F-9 and F-10 of that report, the proposed changes to Station Road Junction roundabout (also referred to as Old Rectory junction) means that it would operate with a better Level of Service than it would without the proposed A12 scheme. The information shown in Appendix F referred to above reflects that shared with the council on 19 May 2023, following the meeting on 18 May.</p>

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							On balance, the proposed change to the design of the Station Road Junction would appear to be beneficial and as such the Council is supportive in principle of the revision. Should the design change be accepted into examination, the Council would expect to carry out a more detailed review of the junction modelling and any localised impacts of traffic flow changes, at that stage. As a result, the Council reserves its rights to make further comments on this matter.	
Change J25/002	Walking Cycling and Horse Riding	Essex County Council	✓				<p>Walking Cycling &amp; Horse-Riding Impact</p> <p>No details have been provided in the Supplementary Consultation regarding the width of the footway/cycleways being proposed. The Council would expect all the shared use footway/cycleways in the vicinity of Junction 25 to have a minimum width of 3m, in accordance with LTN 1/20 guidelines.</p> <p>The proposed scheme includes a staggered cycle crossing across south-</p>	<p>The Applicant confirms that the width of the proposed footway/cycleways in the vicinity of junction 25 is three metres.</p> <p>The Applicant is investigating a single phase crossing across the south-western approach to Old Rectory roundabout as part of the detailed design phase.</p> <p>With regard to the design of Marks Tey overbridge, the Applicant has confirmed the design intent for the bridge in a letter to the Interested Party on 24 April 2023 [AS-060].</p>

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							<p>western approach to Old Rectory roundabout. This does not accord with LTN1/20 guidelines. The cycle crossing should be replaced with a single stage crossing of the arm, or, if National Highways can demonstrate that this is not feasible, a two-stage crossing with no stagger.</p> <p>The Supplementary Consultation plans show no changes to the proposed A12 overbridge. As such, the Council still has significant concerns regarding its design. To ensure that the overbridge provides an attractive, pleasurable experience, that will encourage future growth in active travel, it needs to be redesigned to fully accord with the Government's LTN1/20 guidelines.</p>	

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Change J25/003	Comment	Anglian Water	✓				Junction 25 modifications: The technical document notes that there will be consequential changes to utility diversions in the area – should this impact on diversions to any of our assets we would welcome further engagement via our asset diversions team.	The Applicant will continue to engage with Anglian Water relating to necessary diversions and protection of their assets in the vicinity of junction 25 noting that, should the Examining Authority accept the proposed change into the Examination, there may need to be minor amendments to the scope and extent of diversionary/protection works.
Change J25/004	Stakeholder	Marks Tey Parish Council	✓				Junction 25: As maintained all through the design process, Marks Tey Parish Council agrees with National Highways alteration to retain the Old Rectory roundabout at Jn 25 in Marks Tey as part of the A12 widening proposals. The retention of this island will maintain the existing level of landscape separation of the major part of the village from the A12.	The Applicant welcomes the council's support for the proposed change. Furthermore, the Applicant is grateful for the opportunity to meet with the council prior to the launch of the consultation to present the proposed change.

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Change J25/005	Walking Cycling and Horse Riding	Marks Tey Parish Council	✓					<p>However, there are still elements of the Jn 25 proposals that concern the Parish Council. Directly related to the Old Rectory roundabout is the proposed replacement of the pedestrian bridge over the A12. The Parish Council have always maintained that the bridge should continue over the adjacent duelled A120 and in doing so this would remove the need for the new footpath to the south of the Old Rectory roundabout and its associated controlled crossing. Like Essex County Council, the Parish Council are concerned that this bridge is designed to an exemplary standard as it will be such a prominent aesthetic statement on the new road and within Marks Tey. It's indicated siting and form shown on the Consultation plans gives concerns that this will not be the case. In particular it would seem sensible for the new bridge to be re- positioned further towards the shops (rather than moved further from them) to take advantage of the change of level</p>	<p>The Applicant maintains the position outlined to the Interested Party in response to REP1-045 at Deadline 2 [REP2-030] that extending the bridge to cross the A12 and the A120 would require considerable ramp length to span both trunk roads and tie into the existing ground level. The Applicant cannot justify a proposed extension of the bridge, and has instead proposed a toucan crossing of the A120 which does not impede the operation of the junction 25 roundabout or the Prince of Wales roundabout.</p> <p>The Applicant is investigating the location and alignment of the bridge crossing in collaboration with Essex County Council to see if this can be moved closer to the shops, and the Applicant is happy to share the details of these discussions with the Interested Party.</p>



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							between the roads and thus minimise ramps. As proposed it might be better for the existing elegant bridge to be retained and for it to be simply extended to cross the A120 (if necessary with a dedicated cyclist route redirected over the A12 Road bridge) . We request specific discussion concerning this	
Change J25/006	Highways	Colchester City Council		✓			iii) Junction 25 – removal of the signalised crossroads and partial designalisation of the existing roundabout at A120/Junction 25 We welcome that the new design maintains the Old Rectory roundabout and avoids tree loss within the island which form important green feature at the heart of the village. The City Council consequently supports this design change.	The Applicant welcomes the support from Colchester City Council for the proposed design change to retain the Old Rectory roundabout at junction 25.

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Change J25/007	Traffic	Braintree District Council		✓			<p>Changes to bullet point 3 is within Colchester City Council however Braintree residents would be affected by the proposed highways alterations. ECC are the local highways authority to whom we defer our view on the operational impacts of this change. However we would want to be assured that any changes proposed would not have a detrimental impact on traffic congestion on the local road network.</p>	<p>The Applicant has assessed the impact of the proposed design changes in its traffic models. A summary of these impacts was provided in the Consultation Brochure and Junction 25 Technical Note (please refer to Annex G of Change Application Consultation Report Annexes [TR010060/EXAM/10.14]). Overall, there is not predicted to be a detrimental impact on traffic congestion on the local road network.</p> <p>Section 3.3 of the Junction 25 Technical Note (please refer to Annex G of Change Application Consultation Report Annexes [TR010060/EXAM/10.14]) presents the predicted Level of Service, which is based on average vehicle delay and can be used as a guide for how well the junction operates. Level of Service A represents the best possible operating conditions, while Level of Service F is the worst.</p> <p>The partially signalised Old Rectory Junction roundabout is predicted to operate better than the previously planned signalised crossroads. In the AM peak, the Level of</p>

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								<p>Service would improve from a Level of Service D (categorised as 'approaching unstable condition') to a Level of Service C (categorised as 'stable flow condition').</p> <p>Because traffic would be able to flow more freely through a partially signalised Old Rectory roundabout compared to a signalised crossroads, the adjacent Prince of Wales roundabout would become slightly busier. This would result in a lowering of the Level of Service from a B to a C, although both Levels of Service C and B are still categorised as having 'stable flow condition'.</p> <p>At quieter times of the day, the change in design means that traffic from non-signalised arms of the Old Rectory Junction (e.g. on the A120 arm approaching from Braintree) would be able to pass through the roundabout without the risk of having to wait at signals.</p> <p>Overall, junction 25 would therefore perform better as a result of the proposed change with fewer locations where the traffic flow is approaching unstable conditions.</p>

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								Detailed arm-by-arm results for the junction performance are provided in Appendix F of the Transport Assessment Addendum [TR010060/EXAM/10.15] which will be submitted with the change application.
Change J25/008	Stakeholder	193333			✓		I attended the Highways England webinar on May 2 and posed a series of questions. Earlier that day I asked for drawings for the section covering the Marks Tey junction. I would still appreciate sight of these but please regard this email as my submission unless any issues come to light. In such an event, I will send an amendment before the consultation deadline. Several of my questions were the result of HE "indicative materials" being inaccurate and/or lacking detail. Some of the illustrations did not have North	The maps provided in the consultation brochure and the technical notes are indicative of the proposals being consulted upon.  More detailed map books were provided alongside the technical notes and brochure. Readers of the brochure were directed to the relevant map books at the conclusion of each proposed change section. As an example, page 27 of the brochure confirmed that further information on the junction 25 change could be found in the Junction 25 Technical Note (please refer to Annex G of

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							<p>compass arrows. An example is below, which I have laid over an OS map. It took me time to realise that the label for Marks Tey station is not the station itself, which is 300m to the east; also the proposed new pedestrian bridge is 70m west of where it actually is (and where you say it will remain).</p>	<p>Change Application Consultation Report Annexes [TR010060/EXAM/10.14] and Map Book 6: Junction 25 (Part 1 [TR010060/EXAM/10.10] and Part 2 TR010060/EXAM/10.11)].</p> <p>To assist further, the Applicant notified the Interested Party of the map books included in the consultation materials on the consultation website with an email on 10 May 2023. The Interested Party was provided with links to the junction 25 map books part 1-3 within this email.</p> <p>If the changes proposed are accepted by the Planning Inspectorate into the DCO application the DCO documentation will be updated.</p>

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Change J25/009	Walking, Cycling, and Horse Riding	193333			✓		<p>Because of manpower issues, [Named] is limiting its detailed comment to the Marks Tey junction and possible funding (from HE but separate to the core A12 scheme) for a cycleway link between Marks Tey and Tollgate roundabout in Stanway. During the webinar, however, it occurred to me that one of our proposals – for an independent audit covered in the following three italicised paragraphs – should apply to the entire scheme. I made mention of the possibility of an HE-funded independent audit of cycle facilities at Marks Tey by either Active Travel England or a consultancy such as Phil Jones Associates. Please regard this submission as an official request for that to happen for the entire scheme. While I recognise that HE employees are experts, the agency deals primarily with large-scale issues from a motor vehicle perspective. The addition of high-quality, detailed cycle infrastructure such as that specified by LTN 1/20 is new: a second</p>	<p>The Applicant notes the poor quality current provision of facilities for cycling on the current local road network, including this section on B1408 through Copford to Colchester.</p> <p>This lack of facilities is likely to deter many people who would like to use active travel options for journeys in that area.</p> <p>However, the A12 scheme does not have an adverse effect on the form of those routes, or their safety for users cycling on road because no protected route can be accommodated. Therefore, while the idea of an audit of cycling facilities and opportunities for improvement might have substantial merits, it is not within the scope of the A12 scheme to undertake.</p> <p>That said, the Applicant has proposed to replace the existing substandard footbridge over the A12 at junction 25. The replacement bridge will have improved ramp gradients, as well as 4m internal radius on the ramp switchbacks. This bridge will provide a</p>

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						set of eyes and a fresh imagination would ensure not only compliance but it would also maximise the opportunities to achieve the best result for active travel.	superior user experience for both pedestrians and cyclists in the area.  In addition, the signalling of the roundabout junction with A120 will incorporate a signal-controlled Toucan crossing of the southern arm for pedestrians and cyclists to safely travel between A120 and other parts of Marks Tey to the west and east of A12, which is not the case at present.
Change J25/010	Walking, Cycling, and Horse Riding	193333			✓	I am disappointed that HE has been so unambitious that it has not attempted to envisage/design and/or fund a one-stage bridge that crosses both the A12 and the A120 at Marks Tey. While I appreciate that ground levels are uneven and that more generous alignments and a one-stage crossing of the A120 are planned, this once-in-60-years scheme presents an opportunity to do far better than replace like with like. I will flag this to the inquiry inspector.	The Applicant acknowledges the Interested Party's comments and notes that the Applicant has previously explained to the Interested Party why extending the Marks Tey bridge to cross the A12 and the A120 has not been included in the proposed scheme. This can be found in response to RR-213 in the Applicant's Response to Relevant Representation at Deadline 1 [REP1-002], and in response to AS-043-008 in the Applicant's Comments on Information Received at Deadline 3 [REP4-056].

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Change J25/011	Walking, Cycling, and Horse Riding	193333			✓		<p>Anticipating a cycleway from Marks Tey to Stanway, the A12 scheme at Marks Tey should include a toucan crossing over the B1406 and also the installation of a protected cycleway on the south side of the Prince of Wales roundabout. This would protect cyclists from Stanway who want to access the railway station via the bridge, and vice versa. Finally it is unclear from the indicative materials what happens to cycle facilities at various points, such as the section between the old A12 and the Marks Tey A120 roundabout; the eastern landing point of the crossing over the A120 to the station, and between Marks Tey old village and Hall Chase. Clarification would be welcome.</p>	<p>The Applicant recognises the poor quality current provision of facilities for cycling on the current local road network, including this section on B1408 through Copford to Colchester. However, provision of new infrastructure outside of the proposed scheme extents is not feasible due to the width of the existing highway corridor and the need to widen (or otherwise restrict the existing carriageway) to provide cycleway within this corridor which would require compulsory acquisition of land which is not justifiable within the scheme. Provision of a Toucan crossing without a connecting route therefore has little network benefit for cyclists.</p> <p>Cyclists can already use the local access road on the south side of the roundabout to bypass the high-conflict area of the roundabout circulatory carriageway. This is not formally connected at each end but simple measures could improve that connectivity and this would be a matter for</p>



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								Essex County Council to address, because the proposed scheme does not have an adverse effect on cycling in that area.
Change J25/012	Walking, Cycling, and Horse Riding	193337			✓		Junction 25: [Named] has no comment to make provided that the proposed changes do not negatively affect (e.g. make longer & more tortuous) any PROWs or other publicly accessible land.	The Applicant confirms that there will be no negative impact on the public rights of way or other publicly accessible land as a result of the changes to Junction 25.

## 1.8 Further Topics

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
FT/001	Comment	Essex County Council	✓					<p>The Council remains of the view, however, that additional changes to the scheme are required (for example around de-trunking and the provision of facilities for walking, cycling, and horse-riding (WCH)) and in that respect it is unfortunate that the current consultation does not include reference to these changes. The Council will continue to make representations in respect of the changes it considers are required.</p>	<p>The Applicant can confirm that within the Deadline 5 Submission - 3.1 draft DCO [REP5-004] it has provided a new Requirement 14 that provides commitments to the design of WCH bridges along the length of the proposed scheme. This Requirement covers Paynes Lane Bridge, Little Braxted Bridge, Snivellers Lane Bridge, Potts Gren Bridge and Marks Tey footbridge.</p> <p>Regarding de-trunking, discussions are ongoing and the Applicant submitted a draft matrix for ECC 9.59, library reference REP5-018. The Applicant continues to maintain that the need for a specific de-trunking requirement is not justified and does not agree to its inclusion in the draft DCO. The requirement provided in the matrix was therefore submitted by the Applicant without prejudice.</p>

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party	Public interest, Landowner, Public	What you said	National Highways' Response
FT/002	Comment	Historic England	✓				<p>We note the proposed six changes to the scheme:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Junction 19 Slip Road</li> <li><input type="checkbox"/> Anglian Water Pumping Station (Bury Lane, Hatfield Peverel)</li> <li><input type="checkbox"/> Replacement Land South of Witham</li> <li><input type="checkbox"/> B1023 Flood Mitigation and Drainage</li> <li><input type="checkbox"/> B1023 Roundabout Design</li> <li><input type="checkbox"/> Junction 25</li> </ul> <p>We do not believe these changes would alter the assessment of affects relating to highly-graded designated heritage assets (scheduled monuments, grade I and II* listed buildings).</p>	The Applicant notes the comments from Historic England.
FT/003	Comment	Natural England	✓				<p>Natural England has reviewed the consultation documents detailing the proposed changes to the Development Consent Order. We are satisfied that the Technical Notes confirm that the proposed changes to the DCO will not significantly change the construction and operational effects reported in the Environmental Statement, including Section 9.11 of Chapter 9: Biodiversity [APP-076]. On this basis Natural</p>	The Applicant notes the comments from Natural England.

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							England has no further comments to make.	
FT/004	Comment	Canal & River Trust	✓				Thank you for your consultation on the proposed changes to the Development Consent Order Application for the A12 Chelmsford-A120 Widening Project. The Trust have reviewed the details and considering the location of the works in relation to our network, the Trust can confirm that we have no comments to make on the proposed changes.	The Applicant notes the Canal and River Trust's response.

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party	Public interest, Landowner, Public	What you said	National Highways' Response
FT/005	Comment	Environment Agency	✓				Thank you for consulting us on the six proposed changes to the DCO application for this scheme. We have reviewed the submitted documents and can confirm that we have no comments to make except to highlight that the Lead Local Flood Authority must be satisfied in respect of the amended proposals for flood mitigation and drainage on the B1023.	The Applicant notes the Interested Party's comments. Essex County Council, as Lead Local Flood Authority, has been consulted on the proposed flood mitigation and drainage changes on the B1023.
FT/006	Utilities	Openreach	✓				Response to DCO Application Consultation and the recent DCO Change Application Consultation. FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS 1. For the protection of any operator, referred to in this Part of this Schedule, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the operator. 2. In this Part of this Schedule— "the 2003 Act" means the Communications Act 2003	The Applicant notes that Openreach has made no specific comments relating to the six proposed changes. The Applicant will continue to work with Openreach to ensure the safety of its apparatus through the ongoing engagement during the detailed design, agreeing appropriate protection and diversionary measures and through Protective Provisions.

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>(1); “the code rights” has the same meaning as in the Paragraph 3 of the electronic communications code</p> <p>(2) “electronic communications apparatus” has the same meaning as in the electronic communications code</p> <p>(2);</p> <p>“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act</p> <p>(2);</p> <p>“electronic communications code network” means— (a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and (b) an electronic communications network which the undertaker is providing or proposing to</p>	

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							<p>provide; “electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act; “infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7(2) of that code; and “operator” means the operator of an electronic communications code network. 3. The exercise of the powers conferred by Communications Act 2003 any statutory undertakers is subject to Part 10 (undertaker’s works affecting electronic communications apparatus) of the Electronic Communications Code. 4.—(1) Subject to sub-paragraphs (2) to (3), if as a result of the authorised development or its construction, or of any subsidence resulting from any of the authorised development— (a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the</p>	

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							<p>repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development), or other property of an operator; or (b) there is any interruption in the supply of the service provided by an operator, the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other reasonable expenses, loss, damages, penalty or costs incurred by it, by reason, or in consequence of, any such damage or interruption. (1) 2003 c.21 (2) See section 106. Section 106 was amended by section 4(3) to (9) of the Digital Economy Act 2017 (c.30) (2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents. (3) The operator must give the undertaker</p>	



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Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker and if such consent, is withheld, the undertaker has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. 5. Any difference arising between the undertaker and the operator under this Part must be referred to and settled by arbitration under the Communications Act 2003 6. This Part of this Schedule does not apply to— (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the NRSWA 1991 Act. The following clause only applicable to HVDC installations 7. High Voltage – DC Construction - The Communications Code 2003, Part 10 provides for the protection of Code Operator Networks from potential damage which may be caused as a result of a new construction</p>	

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							<p>introduced by other undertakers. a) Where a proposed new HV/DC construction is likely to come close to existing BT Network / Infrastructure or Exchange building, it is for the Undertaker to carry out the necessary evaluation, to determine whether, as a result of that proposed construction, if there is a likelihood of physical damage, or electrical interference/ interruption to BT's Network. b) Where the evaluation identifies potential for such damage / interference, it is for the Undertaker to decide the level and nature of mitigation required to eliminate that risk. In order to support the evaluation, Openreach will provide a full list of Network Cable types, building diagrams and policy requirements for the Telecommunications apparatus. If the undertaker requires more specific information, a more detailed site study can be provided by Openreach. The latter is a significant undertaking and one which would be chargeable. c) The Undertakers evaluation must cover all</p>	

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							<p>aspects of any potential interference both physical and safety during any proposed alterations and the potential impact once the Undertakers apparatus is operational. i.e. potential impact from outages / maintenance routines after installation is complete. Any alterations must be within Openreach's planning policy tolerance and agreed at each stage and for any alterations during build that are altered from the original specification. d) Where the mitigation proposed by the Undertaker involves shifting / re-arrangement of BT's Network / Infrastructure, that can be arranged and agreed through the Openreach Network Re-Arrangement Team, who can provide an estimate of costs for the work required and will work with the Undertaker to arrive at an agreed solution to protect the BT assets. e) Whilst Openreach may carry out mitigation works as requested by the Undertaker; it bears no responsibility for</p>	

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							the effectiveness of that solution. Such responsibility lies with the Undertaker.	
FT/007	Stakeholder	Marks Tey Parish Council	✓				The Parish Council still have concerns about HGV traffic from employment sites on Old London Road being forced onto the residential and sub-standard road. The A12 proposals see the closure of the direct access from these sites onto the existing A12. For this reason Marks Tey Parish Council have asked that the new A12 northern exit roundabout adjacent to Old London Road be repositioned adjacent to these existing or future employment sites and away from residential property. In this regard, Essex County Council's proposal's for the	The Applicant has considered previously the proposal put forward by Marks Tey Parish Council to relocate the proposed London Road roundabout to align with Marks Tey Ltd's proposed redevelopment of the derelict Andersons site. Relocating the proposed roundabout would require increased permanent land take and compromises on horizontal geometry which cannot be justified for the purposes of the proposed scheme. The suggested location of the London Road roundabout would also result in the

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>detrunked A12 could significantly assist this. Reducing the detrunked A12 between Feering and Marks Tey to a single two way (southern) carriageway could give more scope to reposition the exit roundabout further south and give the option for the employment sites to access directly onto this detrunked single carriageway, thus leaving Old London Road for residential traffic and to the Parish Hall. The ECC proposals also greatly enhance the landscape and pedestrian recreation facilities for Marks Tey. Thus the Parish Council strongly support the ECC detrunking proposals and request that National Highways adopt these and continue to seek to move the Jn 25 northern exit roundabout adjacent to the employment sites and away from residential properties.</p>	<p>realignment of the northbound offslip closer to the residential occupiers on Old London Road, which may result in more noise when compared to the reductions in noise expected to be achieved by the current scheme design.</p> <p>Compared to the existing arrangement where vehicles wishing to access the Anderson must use Old London Road, the Applicant's de-trunking proposal and location of the London Road roundabout negates the need for vehicles to use Old London Road to access the site from the existing A12, and to exit the site to the proposed new A12 northbound, southbound and the A120.</p> <p>It is important to reaffirm, however, as set out in the Applicant's de-trunking technical note [REP4-057] and in various other documents submitted throughout Examination, most recently in the Applicant's 9.53 Written submission of oral case for Issue</p>

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								Specific Hearing 3, that the proposals put forward by the county council cannot be included within this DCO. However, ECC and the Applicant are collaboratively working on a requirements matrix, which includes detrunking proposals, a draft of which was submitted without prejudice at Deadline 5 (9.59 National Highways and Essex County Council – Draft Requirements Matrix [REP5-018]).
FT/008	Stakeholder	Chelmsford City Council		✓			These latest plans still have a lack clarity on the mitigation works on Main Road adjacent to Boreham House, which is still a matter to be resolved.	As noted by the council, this is not a matter for the change consultation. That said, the Applicant met with Chelmsford City Council on 16 March 2023 and explained that the intention is to retain the existing trees where practicable that are shown at risk on the Retained and Removed Vegetation Plans Part 1 Sheet 2 [APP-035], including trees subject to tree preservation orders at the frontage of Boreham House. It is not possible to say at this stage if this is achievable until the detailed design is resolved.

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								<p>This approach is described in Chapter 8 Landscape and Visual of the Environmental Statement [APP-075] paragraphs 8.6.14 and 8.11.7 and secured by the following clauses in the First Iteration Environmental Management Plan Appendix A: Register of Environmental Actions and Commitments (REAC) [REP4-023] along with a commitment to use sympathetic designs and materials:</p> <p>CH3:</p> <p>Use of sympathetic designs or materials where practicable, to respect the settings of sensitive built heritage receptors during the construction or operational phases.</p> <p>LV4:</p> <p>Existing vegetation within the Order Limits including temporary works areas would be retained as far as reasonably practicable.</p>

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								<p>Particular attention would be given to the retention of mature vegetation including the following, which would be retained in accordance with, as a minimum, the Retained and Removed Vegetation Plans [TR010060/APP/2.14]. Vegetation to be removed is shown on the same plan.</p> <ul style="list-style-type: none"> <li>• Ancient, veteran and notable trees (both verified and potential)</li> <li>• Trees subject to tree preservation orders</li> <li>• Specimen trees</li> <li>• Category A and B trees</li> <li>• Important hedgerows</li> <li>• Ancient woodlands</li> </ul> <p>All trees to be retained would be protected throughout the construction period in accordance with BS 5837:2012 Trees in relation to design,</p>



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								<p>demolition and construction – Recommendations.</p> <p>LV5:</p> <p>Works to Tree Preservation Orders, veteran, ancient and notable trees would be supervised by the Ecological Clerk of Works and supported by an experienced arboriculturist. In the event tree canopy pruning is required to facilitate the works, this would be undertaken by qualified and competent staff working to BS 3998:2010 Tree work - Recommendations</p> <p>The Applicant has met with the council to discuss this, most recently on 24 of May. The Applicant is currently considering whether Boreham House should be specifically referenced within the scheme's commitments to provide further reassurance to the council, and will continue to engage with the council on this with the aim of capturing the outcome within the statement of common ground.</p>

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party Landowner, Public interest, Public	What you said	National Highways' Response
FT/009	Stakeholder	Colchester City Council		✓		<p>The City Council wishes to support the Marks Tey Parish Council's remaining concerns. The City Council has also consistently expressed the opinion that the detailed project design must seek to minimise and mitigate the segregation of the village by the A12. To that end, CCC has supported the case made by ECC with regard to detrunking of the existing infrastructure given the convergence at Marks Tey. We wish to reiterate their concerns regarding: -Connectivity of the proposed roundabout with Old London Road to minimise HGV movements along the existing street which has a significant number of residential properties along its north side; -The detailed siting and design of the pedestrian footbridge over the A12. This footbridge provides an essential link for active travel to connect the parish communities to the north and south of the trunk road. Any replacement needs to maximise these opportunities through detailed siting and design. There are</p>	<p>The Applicant notes the Interested Party's support for Mark Tey Parish Council. As noted in the consultation brochure provided as part of this consultation, as well as the accompanying map book and Junction 25 Technical Note, the change to the design at junction 25 seeks to better utilise the existing infrastructure and as a result minimise tree loss in the area. If this change is accepted by the ExA, then this design will be taken forward in detailed design.</p> <p>Furthermore, as part of the proposed scheme, a new footbridge bridge would be put in place at junction 25 to replace the current bridge which is substandard. This contributes to the walking connectivity across the A12. The bridge would provide four metres width to allow for the safe passage of pedestrians and cyclists. The gradients of the ramps would also be reduced to allow for improved disabled access in accordance with CD 353 Design</p>

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							<p>concerns that the current design proposal does not represent the optimal design, both in terms of functional and aesthetic design considerations. The City Council shares these concerns to ensure that the final design solution delivers the greatest dividend for the local community in terms of functionality but also design quality having regard to the Government's agenda for beauty in the built environment.</p> <p>We trust that these representations are constructive and assist the Examiner's in consideration of the design changes now proposed by National Highways to the Development Consent Order insofar as they affect the communities within Colchester City Council.</p>	<p>Criteria for Footbridges and the Equality Act 2010. As noted in the Deadline 5 Submission 3.1 A12 Chelmsford to A120 Widening DCO at Deadline 5 (clean) [REP5-004], the Applicant has provided a new Requirement 14 regarding the walking, cycling and horse-riding bridges which includes the junction 25 footbridge. This requirement reaffirms the importance of implementing this improved walking and cycling connection at detailed design.</p> <p>With regards to design, all highways structures have been designed in accordance with CD 351 "The Design and Appearance of Highway Structures" (Design Manual for Roads and Bridges (DMRB)). This document provides requirements and guidance which aim to improve the aesthetic outcomes of schemes that include bridges and other highway structures. It outlines an underlying approach to encourage best practice, establish</p>

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								<p>intended outcomes that support aesthetic quality, and evidence how these can be addressed throughout all stages of the design life cycle of a highway structure. The most suitable solution, based on these considerations, was taken forward in the design.</p> <p>The Marks Tey footbridge would use the Warren Truss type of structure which is coherent with the other footbridges on the proposed scheme providing a family of structures along the A12 route.</p> <p>The light and weight-saving Warren Truss bridge is the preferred solution as it provides a smaller footprint for the bridge. The steel equilateral triangles create an almost 'see-through' type aesthetic which camouflages the structure within the surrounding environment, reducing the visual impact of the footbridge.</p>

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party Landowner, Public interest, Public	What you said	National Highways' Response
FT/010	Comment	Maldon District Council		✓		<p>I can confirm that Maldon District Council received the consultation invitation to the April DCO change consultation. It was reviewed and determined that none of the changes concerned matters Maldon District Council was interested in and it was therefore determined we would not respond to the consultation on this occasion.</p> <p>I hope this clarifies Maldon District Council's position.</p>	The Applicant notes the comments received.
FT/011	Highways	193343			✓	<p>I have just received notification of a few fairly minor amendments to the above scheme. I have no issue with them. I do have an issue in that jct 20 (southbound) is still proposed to be removed. Given the housing developments at Maldon, it seems that it is more than likely that traffic will increase from there and as it cannot go east from Maldon, it has to go west and likely onto the A12 at some point. We cannot assume traffic headed London bound will head in the wrong direction to come back on itself so as</p>	<p>The Interested Party's comments are not related to the change application.</p> <p>The decision not to re-open junction 20A was revisited following feedback at the statutory consultation and again following the submission of relevant representations in the Examination process. The Applicant produced a detailed technical note 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</p>

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>proposals stand, it will come through Boreham towards an increasingly multi-road junction 19 (or via back roads/protected lanes of Boreham to jct 18). In order to prevent a complete overload at jct 19, jct 20 (southbound) needs to remain in place. In order to prevent additional land purchase, a set of traffic lights could be used to allow traffic from Hatfield Peverel to cross the B1137 to access the A12 southbound (broadly as it is now). No more land from Crix House is needed. Boreham does not need additional traffic to join the soon to be mega busy jct 19 just before the A12 becomes a dual carriageway again.</p>	<p>the Applicant's Response to Relevant Representations [PDA-004].</p> <p>In the technical note, the Applicant explored the option to signalise the right turn movement from the B1137 to the A12 southbound slip road. This option, along with a roundabout option, were assessed by technical experts to determine the impact on a number of criteria compared to the Applicant's proposal to close the junction. The assessment found that whilst reinstating the southbound on slip may reduce the traffic on Main Road in Boreham, 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. For this reason, the option to signalise the junction was discounted.</p>

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								<p>The traffic modelling work predicts that drivers on the B1019 Maldon Road heading to either Chelmsford or the A12 southbound towards London, 88% would turn right at the Duke of Wellington roundabout and travel via junction 21. This is because even though it is a longer distance, it is predicted to be quicker. The traffic model includes growth in Maldon District within the future year traffic models used to support the development of the proposed scheme.</p> <p>Traffic on B1137 The Street Hatfield in Hatfield Peverel is predicted to reduce by up to 50%, as this stretch of road would no longer take the major movement between A12 junction 20A and the B1019 Maldon Road.</p> <p>Further information is provided on the predicted changes in traffic flow around Hatfield Peverel in image C.1 of Appendix C [APP-256] of the Applicant's Transport Assessment.</p>

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party, Landowner, Public interest, Public	What you said	National Highways' Response
FT/012	Highways	193341			✓	<p>A12 widening – Gershwin Boulevard bridge The Inspectorate seem to have decided that the alternative route (route 2) for the foot/cycle bridge over the A12 has no benefits over the original proposed route (route 1) across the green space at the end of Olivers Drive. We should have a right of reply to that supposed decision that should be taken into account by the Inspectorate. 1. The current route of the footpath as it leaves Howbridge Hall Lane (HHL) is a diversion from its original route. It now goes through 2 residential streets and if it would link up with a bridge at route 1 it would mean that users have to cross 2 roads between HHL &amp; the bridge 2. If the path were rerouted up the link path (which is wide enough to include a cycle path too) to Gershwin Boulevard and then run down to the bend in Gershwin to link up with a bridge there, it would be a safer and more sensible route. When you think of families with young children using the route it makes much more</p>	<p>The Applicant is not consulting on the Gershwin Boulevard bridge as part of this consultation, nevertheless, the Applicant notes the comments from the Interested Party and has sought to provide further clarity on the information provided in the Gershwin Boulevard Bridge Technical Note, which assesses the visual impact of the proposed bridge and includes an assessment of the alternative location for the footbridge as suggested by Interested Parties. This document is available in the examination library as REP3-011.</p> <p>The Applicant notes that Gershwin Boulevard bridge is not included in the DCO change application consultation, and the Applicant is not proposing to change the Gershwin Boulevard bridge design from that submitted in the DCO application.</p> <p>Points 1, 2 &amp; 3</p>



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							<p>sense not to have to cross roads – particularly Olivers Drive where it has a blind bend. 3. The path was rerouted once (when the houses in Olivers were built) and so there is a precedent as well as a common sense approach t reroute it to link up with Gershwin, now. 4. The green space at route one is an amenity open space for lots of residents in the wider Maltings Lane area. It is used at all times of the day for dog walkers where it forms one of the few areas unbounded by roads for its majority, that can be used to exercise dogs in the whole of South Witham. It is regularly used by children for sport and exercise, and is a safe space for local children to play, again away from roads. To lose any of that amenity space will be a very real loss in an area that does not have a park nearby, apart from the safety hazard of people being able to access that play area from the other side of the A12, making the space much less safe for children. 5. Were the bridge at route 2, all the amenity space at route 1 would be</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 A12, it would also have the effect of prohibiting use of the</p>

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							<p>retained for the benefit of Witham south residents, whereas the land that would be taken up by route 2 is of little use at present and would be no great loss if it were built on. I understand that it has not been purchased as yet but that surely is easily resolved. If, we the public, are going to have our money spent on something that is not currently deemed necessary by the majority, then at least spend the money sensibly and not ruin a very loved and used area at present. 6. Route 1 links to an area the other side of A12 that presumably is intended to link up to the footpath down the side of Olivers Garden Centre on the other side of Maldon Road. However, to do so would mean walking along and across a dangerous road and crossing it by a notorious blind bend where traffic often whips round. It is an accident waiting to happen unless a further bridge is built to cross that road. 7. Route 2 would link to the existing Howbridge Hall Road (HHR) which is a track linking 1 farm to Maldon Road. The point at which it, and</p>	<p>current crossing of 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 reprovion is not required. The Applicant has proposed the position of Gershwin Boulevard bridge as the most reasonable alternative diversion route.</p> <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.</p> <p>Point 4</p>

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							<p>therefore the new path, would meet Maldon Road is at the open bend where you get a long view in both directions. It is a much safer place to cross than at the blind bend further up Maldon Road. The owner of the garden centre has said he would allow a permissive path at the HHR end of his land and which would have the benefit that the path could be run up to James Cooke Wood which is woodland operated by Witham Town Council for the benefit of all residents. It currently is not safely accessible on foot from Witham, and only has a car park for 4/5 vehicles. Building a bridge at route 2 and working with the owner of Olivers would actually open up the wood for use by many more users who could then walk to get there. 8. Mention has been made that impact on residents would be the same for both schemes but this seems to be a complete misunderstanding. Route 1 would be directly by the local houses and would also mean that the trees that to some degree screen the A12, would be</p>	<p>The Applicant has considered the loss of open space, including north of the proposed Gershwin Boulevard Bridge, in the Replacement Land Statement [TR010060/APP/7.9]. 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 [TR010060/APP/7.9]. 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).</p> <p>Point 5</p> <p>The Applicant maintains that the correct position for the bridge which reconnects the severed footpath</p>

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							<p>removed and so the residents of Olivers Drive and would have the triple whammy of the sight of the bridge, the removal of the green space and the increased visibility &amp; noise from the A12 due to the gap in the bank of trees. A bridge at Route 2 would be more remote from the closest houses, and if sited behind the pumping station some of it would be partly obscured in any case and would be easier to screen with trees there. Gershwin Blvd is the spine road for the estate through which traffic is directed to get to /from the A12. It has a 40mph speed limit along much of its length, It is a route designed to carry much traffic. Residents who purchased houses by it knew that when they purchased them. The residents of Olivers &amp; Halfacres however, purchased houses in very low traffic cul de sacs bordering onto the green space. If a bridge has to be built anywhere, why build it by the cul de sacs than the area where it is already has a through route, a wider road and is nto directly by the houses. There has been</p>	<p>121_95 is that which has been submitted in the DCO Application. As such, the Applicant has not consulted landowners of additional third party land outside of the Order Limits which would be required to construct the bridge at the proposed alternative location. This was a specific response made during Issue Specific Hearing 3 [reference 4.2, REP5-020] as one of the reasons why the bridge cannot be moved during the project's current change consultation, rather than a distinct reason for the bridge's proposed location.</p> <p>Point 6</p> <p>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 proposed scheme.</p>

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							<p>mention that the houses right over the other side of the lake would be affected, but that is much much further away – whereas the location of route 1 is very close to the houses. The comment seems to completely misunderstand the local geography and frankly is completely wrong. 9. We were advised in writing by the project team a few years ago that the Eastern half of grass area running from Ashby Close and down past Halfacres to Olivers Drive was classified under the project as a Noise Important Area and that trees would be retained to mitigate the increased road noise and pollution. Now it seems a large swathe of those trees will be removed, which will give a direct view of the A12 (as well as a substantial bridge) from that Eastern end, increase the audible traffic noise and reduce the effect the trees have on the air pollution. We were told there would be no noise barrier installed and now we are told there will be a large gap in the trees. All because the Inspectorate are unwilling to properly consider the</p>	<p>Point 7 With regards to James Cooke Woods, 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 [REP5-020], 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.</p> <p>Point 8 The impact on residents to the north of the A12 has been considered in the assessment undertaken by the Applicant in the Gershwin Boulevard technical note available in the Examination Library [REP3-011].</p>

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							<p>alternative route from Gershwin Boulevard (which is quite ironic since it is being referred to as the Gershwin Blvd Bridge!) and seem to have dismissed it largely out of hand. What mitigation will be introduced to reduce the noise of traffic tyo the Noise Important Area? 10. The documents seem to admit that the visible impact of a bridge at route 1 will be very significant for 15 years and even then only reduce to moderate. Fifteen years! And that only if the trees are properly maintained (will the project team replant any that fail or are vandalised) and even then at the cost of a large part of the amenity space having been lost and the use of what is left, spoilt by the increased noise. The officials making these decisions which will have long term detriment to local residents should remember they are public officials and should be acting in the interests of all the public, and not treat the public like they are irrelevant and to be ignored, and be swayed by facts like the alternative land has not yet been purchased. Inspectors</p>	<p>Regarding visual impact, 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.</p> <p>Whilst it is acknowledged that there would be a greater distance between residential properties at Gershwin Boulevard and a bridge at the suggested alternative location compared with between residential properties at Olivers Drive and the bridge at the location proposed by the Applicant, there is greater scope for landscape and visual mitigation at the proposed location. At the suggested alternative location, due to the presence of the Gershwin Boulevard and a lake north of it, there would be</p>

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							<p>should visit the site again – on both sides of the A12 – and meet with local residents. This is not something that can be done properly looking at maps. This whole idea of building a bridge seems to be so that a tick can be put in a box of reinstating lost footpaths, but the way it is being considered is in danger of creating a very expensive bridge to nowhere, and at worst presents a significant risk of death and critical injuries to those who follow the path and then decide to try and cross Maldon Road where it really is not safe to do so. If huge amounts of public money are being spent on something that someone in an office has decided is necessary then the least you can do is let the local public decide where it makes most sense to build it, not foist a dangerous path &amp; bridge in a location that is more obtrusive &amp; disruptive to local residents and open space users. A footpath needs to lead somewhere otherwise it serves no purpose. Clearly paths can be rerouted as this one was when houses were built blocking off</p>	<p>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.</p> <p>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.</p> <p>The alternative location suggested by the Interested Party does not resolve the concerns raised by the community, but simply relocates the impacts on the receptors whilst increasing the diversion of the public right of way by approximately 600m.</p> <p>Point 9</p>

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							<p>HHL. It makes sense now to reroute it again to cross the A12 slightly further along from near the bend in Gershwin Blvd and link to HHR on the other side and then on to a much safer point to cross Maldon Road. There is no point, ticking the box of reinstating a path if by doing so you reduce current amenity space at a time when children and all of us are being encouraged to get more active and need open space to do that – so solving one problem and causing another, let alone the increased pollution caused which will be a problem needing to be addressed in the future.</p>	<p>The extent of tree loss at the proposed and alternative locations would be similar and much of this loss is due to the widening of the A12 regardless of the location of the bridge. Vegetation loss for the proposed scheme is shown on the Retained and Removed Vegetation Plans Part 1 Sheet 8 [APP-035].</p> <p>The area around Halfacres / Ashby Road and then east towards Olivers Bridge is classed as a DEFRA Noise Important Area (NIA) and is shown on Figure 12.1: Noise study areas, noise important areas and noise monitoring location, of the Environmental Statement [APP-228]. This is NIA 5415 and has been classified as an NIA since these were defined in 2011 following the first round of strategic noise mapping in 2007. The NIA classification is not defined by the project team.</p> <p>The Applicant is proposing to provide a noise barrier in this location, and this is</p>



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								<p>shown on sheet 8 of the Environmental Masterplan [APP-086]. In addition to the noise barrier, The Applicant is proposing noise mitigation in the form of enhanced road noise surfacing, which is proposed along all of the Witham bypass. This is described within paragraph 12.10.16 of Chapter 12: Noise and vibration, of the Environmental Statement [APP-079] and the extent shown on sheet 2 of Figure 12.4: Additional noise mitigation, of the Environmental Statement [APP-231]. Within Figure 12.4 the enhanced surface is referred to as AMS3.</p> <p>The effect of these two noise mitigation measures at reducing the noise is shown on sheet 4 of Figure 12.8: Noise change contour map (opening year 2027), of the Environmental Statement [APP-235]. This shows a widespread reduction in noise of between 1 and 2.9 dB(A) at receptors along the Witham bypass, with a greater reduction within the NIA. The decrease in noise within</p>

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								<p>the NIA is reported in Table 12.33 of Chapter 12: Noise and vibration, of the Environmental Statement [APP-079].</p> <p>In response to the impact of vegetation and its effect on air quality. The effects of planting schemes to alleviate air quality problems with vegetation are small. Reductions in concentrations of particulate matter (PM10) for planting schemes would be expected to be at the scale of a few per cent. For nitrogen dioxide (NO<sub>2</sub>), vegetation is of little benefit; it is not a very efficient 'sink'. Vegetation is also a very poor sink for nitric oxide (NO) and soil is a source of NO, at least partially offsetting any potential benefit of uptake by vegetation. Locally (tens to hundreds of square metres) tree planting may enhance or reduce dispersion; however, this redistributes pollution but does not remove it.</p> <p>Point 10</p>

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								<p>Landscape effects are assessed in Chapter 8 of the Environmental Statement [APP-075]. Gershwin Boulevard Bridge is located in local landscape character area A9 Blackwater River Valley. The overall assessment of the landscape effects on this landscape character area is assessed as large adverse during construction and during operation in year 1, and moderate adverse during operation in year 15 [APP-120].</p> <p>Visual effects are assessed in 9.26 Technical Note Gershwin Boulevard Bridge [REP3-011]. The proposed Gershwin Boulevard Bridge is assessed as having a very large adverse visual effect on the representative viewpoints presented in Appendix A Visual Impact Assessment of the technical note during construction and in year 1. At year 15 when mitigation planting has established, this would reduce to a moderate adverse visual effect.</p>

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								<p>Year 15 is the design year for assessment required by the DMRB LA 107 Landscape and visual 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 REP4-055 that during detailed design the inclusion of evergreen species, larger stock and fast-growing species would be considered to provide early establishment and screening.</p> <p>The Landscape and Ecology Management Plan, which is appended to the first iteration Environmental Management Plan [APP-193], presents how landscape and ecological features would be protected during construction, and how landscape and ecological mitigation would be implemented, monitored and maintained. Any dead,</p>

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								<p>dying or damaged tree/shrub would be replaced with matching species of the same size (unless agreed otherwise) during the next planting season after failure for a period of five years after planting.</p> <p>Conclusion</p> <p>The Applicant has considered the feedback and the alternative proposal put forward by the community in the Gershwin Boulevard Technical Note [REP3-011] as part of the examination process. As explained in the technical note and in response to the Interested Party's comments, the Applicant maintains that the proposed location of Gershwin Boulevard bridge in front of the Examining Authority is the most reasonable position to reinstate the connection between footpath 121_95 on either side of the A12 and provide onwards connections north to Witham and south towards Maldon Road and footpath 121_96.</p>

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								The Applicant acknowledges the request for an additional site visit in the vicinity of the proposed bridge, however this is at the discretion of the Examining Authority.
FT/013	Environment	193334			✓		Further Comments: It would seem to me that the concerns of those living along the route of the A12 have not properly been considered, for example extending low noise surfacing along all sections adjacent to village locations and the inclusion of acoustic barriers at sensitive sites also. This is a once in a generation opportunity to improve the lives of those living in close proximity to the A12 and are impacted by noise. More can and should be done by National Highways to deliver this without hiding behind the cost	Mitigation has been included in the proposed scheme design where practicable to avoid or reduce significant adverse noise effects. The noise mitigation provided includes noise bunds, low noise surfacing (including road surfacing with greater noise reducing properties than conventional low noise road surfacing), and noise barriers. The provision of noise mitigation has been based on the assessment of likely significant adverse noise effects, as reported in Section 12.11 of Environmental Statement

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							<p>benefit analysis. It should be your duty to deliver these improvements.</p>	<p>Chapter 12: Noise and vibration [APP-079], not a cost-benefit analysis.</p> <p>The use of low noise road surfacing has been used in the first instance as this would reduce the noise at source (i.e. the tyre/road interface). This would result in noise benefits over a wider area compared to the use of noise barriers. This would lead to noise reductions in the settlements of Hatfield Peverel, Witham, Rivenhall End, Feering and Marks Tey, as shown on Environmental Statement Figure 12.8 [APP-235], which would all benefit from road surfacing with greater noise reducing properties than conventional low noise road surfacing. In addition, there would be significant noise reductions along the southern edge of Kelvedon (as shown on Environmental Statement Figure 12.5 [APP-232]) due to the resurfacing of the existing concrete road surface on the A12 with conventional low noise surfacing.</p>

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								<p>Overall, the proposed scheme would result in a greater number of receptors experiencing a significant reduction in noise than a significant increase in noise (824 significant beneficial effects compared to 127 significant adverse effects; see Table 12.34 in Chapter 12: Noise and vibration [APP-079]). In addition, seven significant adverse effects in Copford would be removed due to the proposed design change at junction 25 which would reduce traffic along the B1408 London Road between Copford and Stanway.</p> <p>The Applicant has responded to queries on noise mitigation specific to the village Boreham in response to ExQ1 15.0.4 and ExQ1 15.0.5 in the Deadline 2 Submission - Applicant's Response to the Examining Authority's First Round of Written Questions (ExQ1) [REP2-025].</p>



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							The Applicant is not proposing any additional noise mitigation as part of the DCO change application.
FT/014	Planning	193336			✓	[Named] are in receipt of the letter confirming the requests for the proposed changes to the submitted dDCO. Paragraph one. It is disputed and not agreed that the original dDCO is adequate and holds power to create an entirely new stretch of road between Feering and Marks Tye. [Named] firmly believes the original dDCO is incorrect and has no merit. It therefore follows that the opening paragraph is incorrect and not agreed in any form by the Examining Authority. [Named] believes and has illustrated that the creation of this entirely	The Interested Party's comments are not related to the change application. Notwithstanding this fact, the Applicant's response to the Interested party comment can be found in the examination library in reference to the response to REP2-084-004 within 9.24 Applicant's Comments on Written Representation [REP3-009] and the Applicants written response to Ref.5 of 9.28 Written submission of oral case for Issue Specific Hearing 2 [REP3-013] which state that the Applicant

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							<p>new stretch of road requires and separate NSIP and thus a separate DCO.</p>	<p>does not agree with the Interested Party's comments for the following reasons:</p> <p>This is a large development consent order application which could have fallen within any of the limbs of section 22 of the Planning Act 2008. The proposed scheme is either within the 2008 Act or not. Section 22 provides further guidance specific to highway projects and defines 'construction', 'alteration' and 'improvement'.</p> <p>The Applicant took the view that there is more alteration than construction and applied accordingly. The proposed scheme is either "through the gate" of being a highways NSIP or not. It would be artificial to work out in a scheme as complex as this one what is alteration or construction. It is not necessary. The proposed scheme is within the 2008 Act and it was accepted for examination. The Town and Country</p>

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								<p>Planning Act 1990 and Highways Act 1980 are not open to the scheme. It is a scheme to be tested in policy terms by the National Networks National Policy Statement.</p> <p>The suggestion from the Interested Party seems to be that for a composite scheme comprising part construction and part alteration the application should be on the basis that there are separate NSIPs for each element of the overall scheme and that separate applications should be made. The applicant believes this would be confusing and extremely difficult to do with precision given the overlapping nature of the areas of construction and alteration. The nature extents and design of the scheme is well known to affected persons and to persons that were consulted pre application. The artificial division of the project in this way would be of no assistance to anyone. It would make no material impact to the powers in the order or the</p>

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								<p>effects on those persons interested in, or affected by, the scheme or the general public.</p> <p>The Applicant does not believe that this is how the statutory regime works – the purposes of Section 14 and in particular Section 22 are to see whether a scheme meets the thresholds of the 2008 Act or not. If a project does so meet the thresholds for the relevant type of project then there is no need to sub-divide the project in to one or more nationally significant infrastructure projects within the relevant part of Section 14 or apply for separate consents for each project.</p> <p>The Application has two Nationally Significant Infrastructure Projects (NSIP) only because we have a gas NSIP which needs to be considered by a different Secretary of State and a different National Policy Statement.</p>

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FT/015	Stakeholder	193336			✓	<p>Paragraph two. It is disputed and not agreed that there has been any 'consultation' that adequately addresses the concerns raised by individuals and stakeholders. Meetings arranged by the Applicant have been to tell any attendees what is going to happen, and at no time have the Gunning Principles established for proper consultation been followed by the Applicant.</p>	<p>The Applicant has carried out the Change Consultation using similar methods to the Statutory Consultation carried out in June 2021 and the subsequent Supplementary Consultation of November 2021. This included notices in local papers for two weeks, updating the proposed scheme website with consultation details and materials, updates via social media channels, availability of consultation materials online at eight libraries along the route and three webinars. The consultation also took place from 13 April to 14 May exceeding the 28 day minimum length for a consultation</p> <p>The webinars which took place as part of the Change Consultation were an opportunity for Interested Parties to ask questions and discuss the proposals with the project team.</p> <p>The Applicant provided contact details within the consultation brochure and on the proposed scheme website for</p>

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								<p>anyone who wanted to get in touch with the project team and discuss the Change Consultation further.</p> <p>Lastly, as noted by the Interested Party, the Change Consultation is to inform stakeholders about what is being proposed and provide information explaining the proposals. The channels to respond provide the stakeholder with the opportunity to provide their views on the proposals, and this report provides the proposed schemes' response to those views.</p>
FT/016	Planning	193336			✓		<p>Paragraph 3. The Applicant advises they are seeking 6 changes. In this general statement the Applicant 'is not seeking to acquire additional land'. What does the Applicant propose to do with land and property it has already acquired and now no longer needs? What is the anticipated loss from the purchase and subsequent sale of blighted property?</p>	<p>Plot 14/1j has changed as a consequence of one of the six changes which is a plot that relates to a property acquired by the Applicant . However, as there is still permanent land required from this property this would not have changed the ability of the owner to submit a blight application to the Applicant. All residential properties acquired by the Applicant will be</p>

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								<p>managed and sold at the appropriate time where possible to do so.</p> <p>No other plots affected by the change application were subject to blight applications.</p>
FT/017	Environment	193335			✓		<p>Further Comments: I have made a number of requests to Braintree District Council (BDC) for their latest AQ monitoring results which I understand have been submitted to DEFRA. BDC seem unwilling to release the results. The NPPF Annex 2 states that Air quality management areas ; Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines. At the last Inquiry session KC representing NH appears to acknowledge that interim targets will not be met. Given this</p>	<p>The Applicant acknowledges the difficulties encountered by the Interested party in obtaining air quality data from BDC. However, this is solely a matter between the Interested Party and BDC rather than the Applicant. The Applicant obtained air quality data from BDC via the publicly available Annual Status Report. The latest version is available from here:  <a href="https://www.braintree.gov.uk/homepage/279/air-quality-report-2022">https://www.braintree.gov.uk/homepage/279/air-quality-report-2022</a>.</p>

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							<p>acknowledgement it is irrational not to treat significant parts of Hatfield Peverel as a AQMA zone.</p>	<p>The Applicant assumes that the Interested Party's question is concerned with PM2.5. The Applicant is not consulting specifically on air quality assessments as part of this consultation, nevertheless, the Applicant confirmed verbally at Issue Specific Hearing 3 that the interim policy based annual mean PM2.5 target would likely be exceeded in 2028 if it were applicable. The response provided in response ExQ2 2.2.3 in the Deadline 4 Submission - Applicant's Responses to ExQ2 - Rev 2 [REP4-055] explained that the new PM2.5 annual mean target does not apply because the targets only apply at designated monitoring stations. The nearest such monitoring station is in Southend-on Sea and will not be affected by emissions associated with the Scheme (see response to ExQ2 2.3 [REP4-055])</p> <p>The Applicant confirmed in REP4-086-001, in the Deadline 5 submission -</p>



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								<p>Applicant's Comments on Information received at Deadline 4 [REP5-002] that the results of the air quality assessment shown in Environmental Statement Appendix 6.5: Air Quality Modelling Results [APP-104] indicate annual mean PM2.5 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 PM2.5 of 20 µg/m3, which was not predicted to be exceeded.</p> <p>The Applicant provided a detailed explanation of the procedures for designating an Air Quality Management Area (AQMA) and the preparation of a Project Air Quality Action Plan in its response to ExQ2 2.2.1 [REP4-055]. In accordance with the described procedures in that response, there is no basis for AQMA designation in</p>

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								Hatfield Peverel or any other parts of the proposed scheme study area.
FT/018	Construction	193338			✓		Further Comments: The [Named] has continuing concerns as to the traffic management plans through the Terling Settlement and surrounding roads which have been detailed in our previous submissions to the Examining Authority. These country roads presently have a 60mph speed limit, apart from through the Terling village where it is 30 mph. At a recent webinar, NH advised it was continuing to work with Essex County Council (ECC) Highways on traffic management plan and consideration of speed restrictions during the	<p>The Applicant has not included this matter as part of its Change Consultation, nevertheless it can confirm that it has previously responded to the Interested Party with regards to temporary reduction in speeds limits on the diversion route for when Station Road is closed in its response to REP2-121-005 in 9.24 Applicant's Comments on Written Representation [REP3-009].</p> <p>The Applicant has committed to undertake a risk assessment on all</p>

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							reconstruction of the Station Road bridge in Hatfield Peverel. We have yet to any proposals by NH or ECC Highways. We would welcome early sight of these proposals for commentary; may we again stress this is an agricultural area with farm vehicles and associated servicing needed to have continued and unimpeded vehicular access to farms, fields and storage premises. This is ever more important at harvest times. The burden of increased traffic on these constricted roads will inevitably cause damage and destruction to road pavements at the edges, leading to failure of these surfaces and an increase in pot holes. We would encourage a condition survey of the roads being promoted for temporary diversion to have a CCTV condition survey prior to implementation of the temporary diversion(s). We continue to request the Examining Authority places a condition(s) relating to speed on the roads previously identified in any approval granted to the DCO application.	proposed diversion routes. If the risk assessment deemed a reduction in speed limits beneficial, a temporary reduction in speed would be considered. This is detailed in paragraph 5.9.41 of 7.7 - Outline Construction Traffic Management Plan (Tracked Changes) [TR010060/APP/7.9]. Subject to approval of the Development Consent Order, and the current construction programme, which is subject to ongoing review, the closure of Station Road is not currently planned until 2025. The Applicant will undertake a risk assessment on the proposed diversion route for the Station Road closure prior to construction of the new Station Road Bridge, and will consider the requirement for a temporary reduction in speed in collaboration with the local highway authority.  As stated in the response to RR-020-009 of the Deadline 1 Submission 9.3

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Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>Informatives The [Named] has made representations to the Examining Authority with these references:- Interested Party Ref RR 020; Deadline 2 submissions Reqs 2-119,2-120, 2-121, 2-122</p>	<p>Applicant's Response to Relevant Representation [REP1-002], the Applicant would conduct a pre-condition survey of diversion routes, prior to being used as temporary routes, and a post-condition survey upon completion of the temporary use. This is detailed in 4.4.2 of the Outline Construction Traffic Management Plan (OCTMP) [TR010060/APP/7.9] The Applicant would liaise with Essex County Council, the highways authority, to ensure that roads that are subject to winter maintenance, such as gritting, continue to be so.</p>

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party Landowner, Public interest, Public	What you said	National Highways' Response
FT/019	Walking, Cycling, and Horse Riding	193337			✓	<p>Further Comments: It would be helpful if existing PROWs, cycleways and other publicly accessible land were shown on the plans, especially on the replacement land plans (e.g. on EP4-002 2.5 Updated Special Category Land Plans rev2 (April 23)). [Named] request confirmation that the proposed replacement land will be publicly accessible.</p>	<p>The replacement land and existing and proposed public rights of way for the areas included in the DCO change application are shown in the corresponding change application map books listed below. This confirms that the proposed replacement land will be publicly accessible.</p> <p>Junction 19 slip road – Map Book 1 General Arrangement Plans Sheet 2 [TR010060/EXAM/10.5]</p> <p>Anglian Water Pumping Station – Map Book 2 General Arrangement Plans Sheet 5 [TR010060/EXAM/10.6]</p> <p>Replacement Land, Witham – Map Book 3, General Arrangement Plans Sheet 8 and 9, and Special Category Land Plans Sheet 8 and 9 [TR010060/EXAM/10.7]</p> <p>B1023 Flood Mitigation and Drainage – Map Book 4 General Arrangement Plans Sheet 14 and 20 [TR010060/EXAM/10.8]</p>

DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
								<p>B1023 Roundabout – Map Book 5 General Arrangement Plans Sheet 14 [TR010060/EXAM/10.9]</p> <p>Junction 25 – Map Book 6 General Arrangement Plans Sheet 18 and 19, and Special Category Land Plans Sheet 18 and 19 [TR010060/EXAM/10.10 and 10.11]</p> <p>For other areas that are not proposed to be changed in the change application, the replacement land and existing and proposed public rights of way are shown on the General Arrangement plans Parts 1 to 5 [AS-029, AS-030, APP-022 to 024].</p>

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party Landowner, Public interest, Public	What you said	National Highways' Response
FT/020	Highways	193342			✓	<p>Further to my previous email: I was reading one of the recent documents filed TR010060/EXAM/9.41 and was concerned at some of the comments:</p> <p>It was confirmed by the applicant that in seeking to link 2 sections of footpath 121_95 to the path to the left of the entrance of Olivers garden centre, there would be 200m or so that would be on the road. This section of road has 3 90 degree bends and the traffic zips along . It would be dangerous to walk this road. The applicant seemingly says it is not their problem as anyone walking it now already has that safety issue. What the applicant fails to recognise is that there is no real pedestrian use of it at present. I have cycled that route and even that doesn't feel very safe. There is no way I would walk it, and to think that children may venture over the bridge and then decide to walk to the garden centre (to use the summer fun field / buy snacks - there being no other shops nearby, etc) on that stretch of road doesn't bear</p>	<p>The Applicant is not consulting on the Gershwin Boulevard bridge as part of this consultation, nevertheless, the Applicant acknowledges the comments from the Interested Party.</p> <p>The Applicant has previously explained to the Interested Party the rationale behind the design of the Gershwin Boulevard bridge to replace the legal right of way across the A12 along footpath 121_95 in its response to RR-131 in the Deadline 1 Submission 9.3 Applicant's Response to Relevant Representations [REP1-002], and in its response to REP2-102 in the Deadline 3 Submission 9.31 Applicant's Comments on Information received at Deadline 2 [REP3-015].</p> <p>There are no options that avoid users having to walk on the road to connect to the onward routes. Both the option proposed by the Applicant and the alternative presented by the Interested Parties involves walking on sections of</p>

DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>thinking about. If the applicant is insistent on building a bridge in their proposed location they should only do so if it will not put users at risk during their onward journey. They have alternatively said that walkers could link up with the old rail trail, but this would mean crossing Maldon Road near Blue Mills Hill. That also, is an unsafe place to cross unless a crossing is installed - which would cause more delays for traffic. These plans are not thought through and not in the safety interests of users. Words cannot sufficiently demonstrate the safety issues, and the Inspectorate really should view the layout on the ground in person before exposing local residents to risk.</p> <p>The applicant has said that the alternative route would present similar problems. What they fail to recognise however is that the sections of road at the end of Howbridge Hall Rd [HHR], are straight for sufficient distance and so visibility is much better. The bend is an</p>	<p>Maldon Road where no footway or continuous flat verge is available. 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 compulsorily powers as the issue is an existing one and is not required mitigation for the proposed scheme.</p>



DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
							<p>open bend whereas on the original route 2 bends are blind bends. The verges may well present a similar problem, but at least with the much improved long distance visibility, it would be safer to cross Maldon Road there. Personally, I do not see the benefit in reinstating this footpath (&amp; presenting an opportunity for thoughtless children and adults from the Gershwin Blvd housing area to drop objects onto traffic on the A12), but if it is to be done in our name and with huge amounts of public money, it should at least present a safer onward route for its users. The applicant is completely wrong in saying the visibility at the end of HHR is just as bad as the original route. That is either a complete misunderstanding of the 2 sites or is a deliberately inaccurate statement. They seek to minimise the safety problems they will cause with the original route and suggest the alternative route is as unsafe. Both of these points are just wrong.</p>	

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party Landowner, Public interest, Public	What you said	National Highways' Response
FT/021	Environment	193342			✓	<p>It is said that the visual impacts on houses in Olivers Drive can be mitigated. However the applicant's own statements say that it will still be a moderate impact after 15 years i.e. once new trees have grown. That is not true mitigation. The plans suggest that the bridge will be higher than the rooftops of the very nearby houses (the A12 being on an embankment at that point). How can they possibly mitigate against that size of structure - both to Olivers Drive and to Halfacres?</p>	<p>The landscape and visual mitigation presented within Section 8.10 of Chapter 8: Landscape and visual [APP-075] of the Environmental Statement and illustrated on the Environmental Masterplan [APP-086, APP-087 and REP4-015] seeks to avoid and minimise harm to the landscape and views. This is in line with the Design Manual for Roads and Bridges (DMRB) LA 107 Landscape and Visual Effects, Revision 2, which states that, 'Where effects cannot be avoided through alignment/design choices, a mitigation strategy should be developed to reduce the potential effects.'</p> <p>The visual impact assessment, Appendix A within 9.26 Technical Note Gershwin Boulevard Bridge [REP3-011], concludes that visual effects caused by the proposed scheme in the vicinity of Gershwin Boulevard Bridge would reduce from very large adverse during construction and during operation in year 1, to moderate</p>

DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
								<p>adverse during operation in year 15 when the proposed mitigation planting would be established.</p> <p>Year 15 is the design year for assessment required by DMRB 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 the 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.</p>

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party Landowner, Public interest, Public	What you said	National Highways' Response
FT/022	Highways	193342			✓	The alternative site at least moves the bridge much further away from the closest housing, sites it off the estate spine road rather than a quiet cul de sac, as well as providing a safer onward route on the other side. If there is an absolute need for the bridge I commend the alternative site/route to the Inspectorate.	The Applicant notes the Interested Party's comments. 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 to 600m diversion to the existing Public Right of Way. The Applicant maintains that the proposed position of Gershwin Boulevard bridge is the most reasonable alternative diversion route for footpath 121_95.

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Interested Party	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
FT/023	Highways						✓	<p>Letting you know of an issues near Boreham. Came to know that jct 20 (southbound) is still proposed to be removed. As there are many housing developments at Maldon, It is more likely that traffic will increase from there and as it cannot go east from Maldon, it has to go west and likely onto the A12 . As proposals stand, it will come through Boreham towards an increasingly multi-road junction 19. In order to prevent a complete overload at jct 19, jct 20 (southbound) needs to remain in place. In order to prevent additional land purchase, a set of traffic lights could be used to allow traffic from Hatfield Peverel to cross the B1137 to access the A12 southbound (broadly as it is now). No more land from Crix House is needed. Boreham does not need additional traffic to join the soon to be mega busy jct 19 just before the A12 becomes a dual carriageway again. Kindly consider these issues when planning the road closure.</p>	<p>The decision not to re-open junction 20A was not an area of the design which the Applicant was consulting on during this consultation.</p> <p>Nevertheless, to assist, the Applicant can confirm the decision not to re-open junction 20A was revisited following feedback at the statutory consultation and again following the submission of relevant representations in the Examination process. The Applicant produced a detailed technical note 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 Procedural Deadline 3 Submission 9.3 Applicant's Response to Relevant Representations [PDA-004].</p> <p>In the technical note, the Applicant explored the option to signalise the right turn movement from the B1137 to the A12 southbound slip road. This</p>

DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
								<p>option, along with a roundabout option, were assessed by technical experts to determine the impact on a number of criteria compared to the Applicant's proposal to close the junction.</p> <p>The assessment found that whilst reinstating the southbound on slip may reduce the traffic on Main Road in Boreham, 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 outweighed the benefits arising from reduced traffic. For this reason, the option to signalise the junction was discounted.</p> <p>The traffic modelling work predicts that of the drivers on the B1019 Maldon Road heading to either Chelmsford or the A12 southbound towards London, 88% would turn right at the Duke of Wellington roundabout and travel via</p>

DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
								<p>junction 21. This is because even though it is a longer distance, it is predicted to be quicker. The traffic model includes growth in Maldon District within the future year traffic models used to support the development of the proposed scheme.</p> <p>Traffic on B1137 The Street Hatfield in Hatfield Peverel is predicted to reduce by up to 50%, as this stretch of road would no longer take the major movement between A12 junction 20A and the B1019 Maldon Road.</p> <p>Further information is provided on the predicted changes in traffic flow around Hatfield Peverel in image C.1 of Appendix C [APP-256] of the Applicant's Transport Assessment.</p>

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
FT/024	Construction					✓	<p>Will there be ready access to Maldon from Springfield while the A12 junctions are being altered? Or will there need to be a lengthy route through Chelmsford via the Army &amp; Navy roundabout and the A414?</p>	<p>The Applicant is conscious that traffic diversions disrupt travel for the public and will aim to minimise the number of these. Construction activities have been programmed and sequenced to ensure effective traffic management can be implemented to minimise the impact of construction traffic on the local road network.</p> <p>The Outline Construction Traffic Management Plan (OCTMP) [TR010060/APP/7.9], section 2.2 gives a general overview of how the traffic management will be used to enable the construction works. Sections 9.2.4, 9.2.5 and 9.2.6 of the OCTMP detail the high-level temporary traffic management arrangements to undertake the construction activities around junction 19.</p> <p>Construction activities such as the demolition of the southern parapet of the bridge for widening works, or installation of bridge beams will require</p>



DEVELOPMENT CONSENT ORDER CHANGE APPLICATION

Reference Number	Theme	Consultee	Prescribed	Local Authority	Public interest, Landowner, Interested Party	Public	What you said	National Highways' Response
								<p>overnight and/ or weekend directional closures or total closures of Boreham Bridge, when there is insufficient space to undertake this works with normal traffic flows which would require diversion routes to be implemented.</p> <p>It should be noted that this is not influenced by the proposed change relating to the slip road, but rather is a requirement of the proposals to increase capacity on the existing structure as part of the proposed scheme.</p>

# A12 Chelmsford to A120 widening scheme

TR010060

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

### 10.14 Consultation Report Annex G: Technical Notes

Advice Note 16 (Version 3) 2023

May 2023

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# 1 Junction 19 Slip Road Technical Note

# A12 Chelmsford to A120 widening scheme

TR010060

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

### Junction 19 Slip Road Technical Note

Rule 113 and 114  
Infrastructure Planning (Examination Procedure)  
Regulations 2010

April 2023

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# 1 Introduction

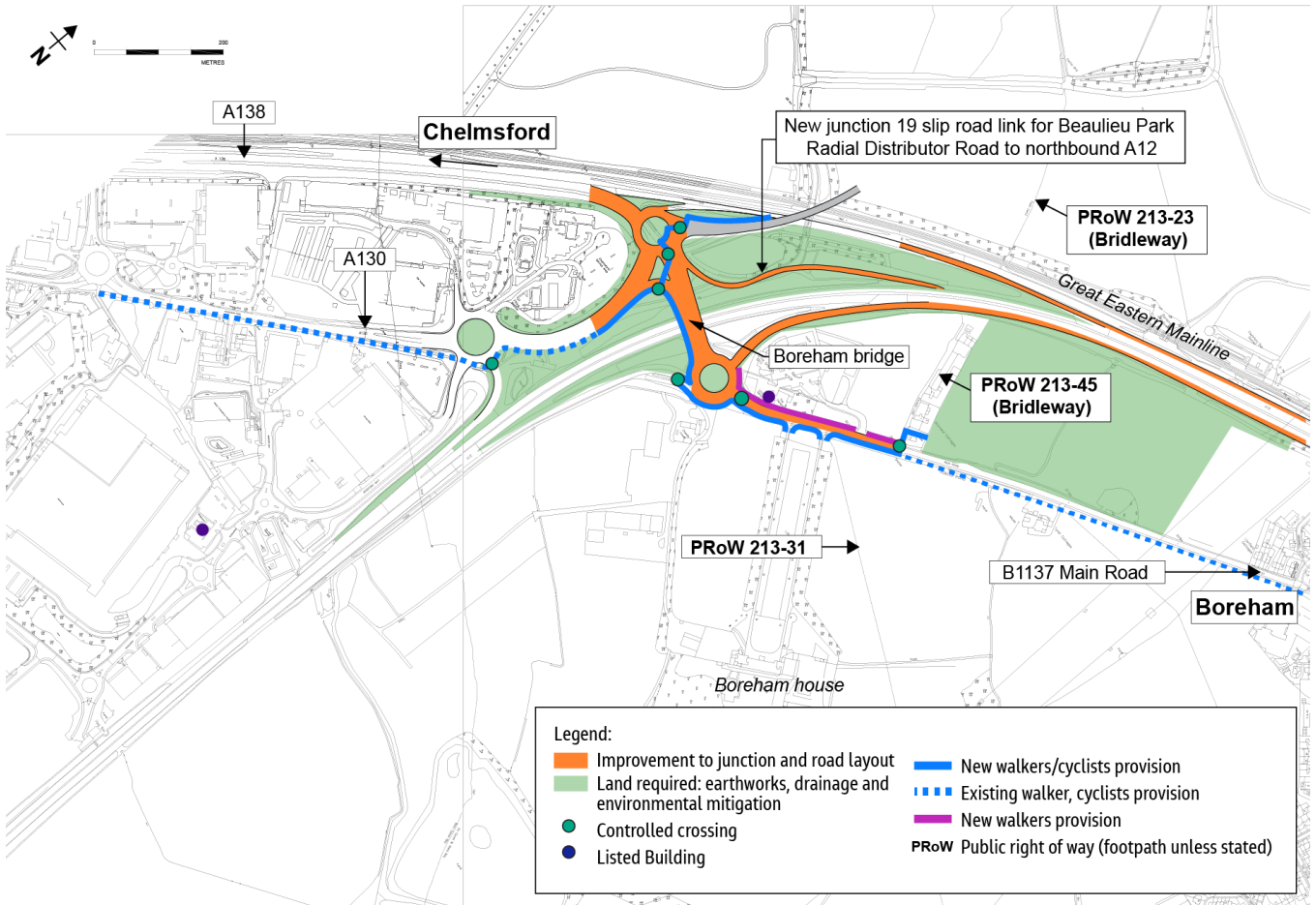
## 1.1 Background

- 1.1.1 An application seeking a development consent order (DCO) 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 Examination started on 12 January 2023 and is expected to finish on 12 July 2023.
- 1.1.3 Since the DCO application was made, National Highways has continued to engage and refine designs to identify opportunities to further improve the proposals. As a result of this, National Highways are consulting on changes to the proposed scheme during the Examination stage to address interested parties' suggestions and implement improvements to the proposed scheme.
- 1.1.4 This targeted DCO change application consultation reflects design changes to the DCO application that we are proposing. These changes are as a result of the continued design evolution, detailed design progressing in parallel with the application, and continued engagement with stakeholders, interested parties and our delivery partners.
- 1.1.5 Map books have been created to support the consultation which show the key DCO drawings which would be affected by the proposed change.
- 1.1.6 The DCO application can be found on the Planning Inspectorate's website at the following link  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a12-chelmsford-to-a120-widening-scheme/>
- 1.1.7 References to the DCO application or subsequent documents submitted during the Examination will be made in this report, the document reference number will be written in square brackets and all documents with a reference number can be found in the Examination Library on the Planning Inspectorate's website.

## 1.1 Changes being made

- 1.1.8 In the DCO application, traffic wanting to travel between the Beaulieu Park Radial Distributor Road and the northbound A12 would use a segregated left-turn lane, which connected to the existing Junction 19 Northbound On-slip Road. This merge was proposed to use an offside merge, which would require traffic to join the offside lane 2 of the Junction 19 Northbound On-slip Road.
- 1.1.9 It is proposed that this arrangement could be improved by connecting the link from the Beaulieu Park Radial Distributor Road directly to the A12 northbound carriageway. This proposed merge will be more conventional, in that the merging slip road would join the nearside lane 1 of the A12.
- 1.1.10 The proposed new merge is sufficiently far from the existing junction merge and overall improves safety for road users due to the more conventional layout.

There are no changes to the arrangement for walkers, cyclists or horse riders as a result of this refinement. There are consequential changes to the utility diversions in this area including the removal of the diversion of a buried water main that is no longer required.



**Plate 1.1 Junction 19 – Redesign of north bound on slip road**

## 1.2 Reason behind changes

**1.1.11** As part of the detailed design process which is happening in parallel with the DCO examination, the configuration of the northbound slip road at junction 19 has been refined to allow traffic to merge directly with the A12. This new design improves the safety for road users when joining the A12 northbound at junction 19.



## **2 Impacts**

### **2.1 Land take**

2.1.1 There is no change to the land take as a result of this change.

### **2.2 Drainage Design**

2.2.1 The change in slip road position has some consequences to the proposed highway drainage design, resulting in a change to the highway drainage catchments and associated attenuation requirements in and around Junction 19. It is noted that the changes to the proposed highway drainage including any design refinement for the proposed attenuation ponds will be within the proposed scheme limits of deviation and will be refined through detailed design. There will not be any impact on the flood risk assessment from that explained in the Flood Risk Assessment Report [APP-162].

### **2.3 Traffic**

2.3.1 As described above, the proposed change would mean that traffic from the Beaulieu Park Radial Distributor Road wanting to join the A12 northbound at junction 19 would join the A12 directly via a new slip road, rather than joining via the existing northbound slip road. This would mean a slightly different journey for that traffic, and the traffic on those slip roads would change as a result.

2.3.2 However, traffic modelling work predicts that this change would not result in other unaffected drivers changing which routes they take for their journeys. Only the two slip roads and the short section of A12 between the slip roads would see a change in traffic numbers. There would be almost no change in traffic on any other roads. The traffic model does predict very slight changes in traffic on some roads, but these are so extremely small that they have been dismissed as 'model noise' and not taken forward for detailed assessments of environmental impacts or capacity calculations.

2.3.3 As there are no significant changes in traffic using the roundabouts within junction 19, there would be no effect on the operational performance of the junction as reported in the Transport Assessment.

### **2.4 Environment**

2.4.1 The below sections describe the predicted environmental impacts of the new design of the slip road at junction 19, with reference to the conclusions in the assessment chapters of the Environmental Statement submitted as part of the DCO application (chapters 6 to 16 of the Environmental Statement, DCO examination library reference [APP-073 to APP-083]).

2.4.2 Each section addresses the change in potential impacts, change in proposed mitigation measures, and changes to the assessment of likely significant effects as a result of the new design.

## Chapter 6: Air quality

### Potential impacts

- 2.4.3 The air quality assessment undertaken for the Environmental Statement is based on modelling impacts to a set of predefined human health, ecological and pollution climate mapping (PCM) receptors (see Environmental Statement Appendix 6.5: Air quality modelling results [APP-104]). The new design of the slip road at junction 19 has no material effect on the traffic forecast in the opening year 2027 and the subsequent impact on air quality at the nearest relevant receptor R14 (see Environmental Statement Figure 6.9 [APP-213]). As the operational traffic remains unchanged from what was assessed in the Environmental Statement, and the receptors are unaffected, then the potential impacts would remain as reported in Environmental Statement Chapter 6: Air quality, Section 6.9 [APP-073].
- 2.4.4 The potential impact of emissions from construction traffic in the peak construction year 2025 would not change from what was assessed in the Environmental Statement as a result of the new design.

Potential impacts from dust during construction would not change.

### Design, mitigation and enhancement measures

- 2.4.5 No additional mitigation measures, beyond standard mitigation for dust management, have been proposed on the basis that there would be no likely significant air quality effects, in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 (see Chapter 6: Air quality, paragraph 6.10.6 [APP-073]). The new design of the slip road at junction 19 has no material effect on this outcome, and therefore no change to mitigation is required.

### Assessment of likely significant effects

- 2.4.6 As the potential impacts would not change due to the new design of the slip road at junction 19, there would be no change to the significant effects for human health, ecological, or PCM receptors (see Chapter 6: Air quality, Section 6.11 [APP-073]).

## Chapter 7: Cultural heritage

### Potential impacts

- 2.4.7 The impacts on cultural heritage assets that would be caused by the proposed scheme at junction 19 are considered within the assessment of effects presented in Environmental Statement Chapter 7: Cultural heritage [APP-074] and Appendix 7.9: Cultural heritage impact assessment summary tables [APP-117].
- 2.4.8 The proposed changes to the alignment of the slip road at junction 19 would be of a similar scale to those already assessed, so there would be no change to the significance of effects on cultural heritage assets to those described in the Environmental Statement.
- 2.4.9 There is no change in impact on Boreham House from the new design.

### **Design, mitigation and enhancement measures**

- 2.4.10 No change to design, mitigation and enhancement measures would be required as the effects on cultural heritage assets from construction and operation of the revised slip road at junction 19 would not differ from those previously assessed.

### **Assessment of likely significant effects**

- 2.4.11 The changes from the new design would not be at a level that would generate any new or different likely significant effects to those already reported for the proposed scheme, and there is therefore no change to the reported residual significance of effects reported in Section 7.11 of Chapter 7: Cultural heritage [APP-074].

## **Chapter 8: Landscape and visual**

### **Potential impacts**

- 2.4.12 The landscape effects that would be caused by the proposed scheme at junction 19 are considered within the assessment of effects on local landscape character area B21 Boreham Farmland Plateau, presented within Environmental Statement Appendix 8.2: Landscape effects schedule [APP-120]. There would be slightly more loss of vegetation between the A12 and the A138 to accommodate the new design when compared with the loss of vegetation that would be necessary to accommodate the design assessed in the Environmental Statement. However, the vegetation that would be lost to accommodate the new design is not designated or recognised as veteran, ancient or notable and is assessed as low quality and low value within Environmental Statement Appendix 8.4 Arboriculture impact assessment [APP-122]. There would be no further landscape effects than what was assessed as the changes would be localised, and the assessment of impacts on B21 Boreham Farmland Plateau within the Environmental Statement considers the full extent of the proposed scheme where it falls within B21 Boreham Farmland Plateau, including proposals along the A12 mainline, the wider proposals at junction 19 and the proposals at junction 21 east of Hatfield Peverel. As such, the overall conclusions on landscape impacts reported within Environmental Statement Chapter 8: Landscape and visual [APP-075] and Appendix 8.2: Landscape effects schedule [APP-120] would not change as a result of the new design.
- 2.4.13 Visual effects have been assessed through the application of representative viewpoints located at publicly accessible viewpoints, a proportionate approach which is supported by the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) and DMRB LA 107 Landscape and Visual Effects, Revision 2. Although representative viewpoints 1 and 2 consider views towards junction 19, the new design would not be readily evident from the viewpoints due to intervening landform and vegetation and the wider proposals at junction 19 (refer to Environmental Statement Figure 8.5 [APP-221], which includes photomontage from viewpoint 2 towards junction 19). Therefore, the visual impacts assessed within Chapter 8: Landscape and visual [APP-075] and Appendix 8.3 Visual effects schedule [APP-121] would not change as a result of the new design.

**Design, mitigation and enhancement measures**

- 2.4.14 The new design affects the landscape mitigation presented on sheet 2 of the Environmental masterplan, part 1 [APP-086]. Proposed mitigation planting has been revised to reflect the new layout. The revisions comprise minor adjustments to the proposed mitigation, and do not materially affect the mitigation that would be delivered. The updated sheet of the Environmental Masterplan showing the revised planting forms part of the Consultation Materials (Map Book 1).

**Assessment of likely significant effects**

- 2.4.15 Consistent with the explanation presented above that the new design would not affect the landscape and visual impacts reported within the Environmental Statement, the landscape and visual effects reported within Chapter 8: Landscape and visual [APP-075], Appendix 8.2: Landscape effects schedule [APP-120] and Appendix 8.3: Visual effects schedule [APP-121] would not change as a result of the new design.

**Chapter 9: Biodiversity****Potential impacts**

- 2.4.16 The new design of the junction 19 slip road would not change the assessment of effects with respect to sensitive ecological receptors assessed within Environmental Statement Chapter 9: Biodiversity [APP-076].
- 2.4.17 There would be no material change to traffic forecast in the opening year 2027 and so there would be no change to the assessment of air quality impacts on ecology receptors as presented in Environmental Statement Appendix 9.15: Assessment of air quality impacts on ecology receptors report [APP-139].
- 2.4.18 There would be no change regarding the proximity of the revised works to badger setts compared with the original proposed works. As such, there would be no change in impact or change to the Draft Badger Licence [APP-141] for the proposed scheme. The significance of effect in relation to this species would not change from that assessed in the Environmental Assessment.
- 2.4.19 There would be a slight increase in vegetation loss between the A12 and the A138 to accommodate the new design of the junction 19 slip road. However, there would be no loss of ancient or veteran trees, important hedgerows or priority habitat from the new design, nor would there be any loss of trees with potential bat roosting features or barn owl nest sites. As such, the significance of effects assessed in Chapter 9: Biodiversity [APP-076] would not change due to the new design.

**Design, mitigation and enhancement measures**

- 2.4.20 No new effects on sensitive receptors have been identified from the new design of the junction 19 slip road, and as such there are no changes to the mitigation proposed within Section 9.10 of Chapter 9: Biodiversity [APP-076].

**Assessment of likely significant effects**

- 2.4.21 Given the potential impact from the new design of junction 19 would be the same as the design assessed in the Environmental Statement, the effects of

construction and operation would remain consistent with the findings presented within Section 9.11 of Chapter 9: Biodiversity [APP-076].

## **Chapter 10: Geology and soils**

### **Potential impacts**

- 2.4.22 The new junction 19 slip road design does not affect agricultural land take as the junction is located on non-agricultural land.
- 2.4.23 A brick pit and an industrial area (minor land quality constraints) are located close to the boundary of the new slip road location but are not within the soil disturbance area associated with the new slip road.
- 2.4.24 There are no geological receptors in this location.
- 2.4.25 The new design does not result in any changes to the potential impacts reported in Section 10.9 of Environmental Statement Chapter 10: Geology and soils [APP-077].

### **Design, mitigation and enhancement measures**

- 2.4.26 The new junction 19 slip road design does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 10.10 of Chapter 10: Geology and soils [APP-077]. No specific mitigation measures were identified for junction 19, beyond standard measures for managing soil during construction, and therefore no change to this is required with the new design.

### **Assessment of likely significant effects**

- 2.4.27 There is no change to the likely significant effects reported in Section 10.11 of Chapter 10: Geology and soils [APP-077] as there are no changes to the potential impacts associated with the junction 19 slip road.

## **Chapter 11: Material assets and waste**

### **Potential impacts**

- 2.4.28 The new design does not result in any changes to the potential impacts reported in Section 11.9 of Environmental Statement Chapter 11: Material assets and waste [APP-078]. This aspect does not assess the impacts associated with specific design elements at a local level, and instead focuses on assessing the impacts of materials consumption, minerals sterilisation and waste disposal in absolute terms.

### **Design, mitigation and enhancement measures**

- 2.4.29 The new design does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 11.10 of Chapter 11: Material assets and waste [APP-078]. No additional mitigation measures were identified for this aspect in relation to junction 19, and therefore no change to this is required with the new design.

### **Assessment of likely significant effects**

- 2.4.30 While the new design is likely to result in negligible, yet indeterminate, changes to the total materials consumption, minerals sterilisation and waste disposal

reported in Section 11.11 of Chapter 11: Material assets and waste [APP-078], any changes are considered insignificant in the context of the entire proposed scheme.

- 2.4.31 The changes from the new design would not be at a level that would generate any new or different likely significant effects to those already reported for the proposed scheme, and there is therefore no change to the reported residual significance of effects for the material assets or waste matters of this aspect.

## **Chapter 12: Noise and vibration**

### **Potential impacts**

- 2.4.32 The closest construction receptor to the proposed works is R1, which is representative of receptors to the east of junction 19 (this is shown on sheet 1 of Environmental Statement Figure 12.3 [APP-230]). For the works involving the construction of this new slip road there were no impacts predicted to be above the significant observed adverse effect level (SOAEL). The works for the revised slip road would be no different in terms of noise impacts, and so no impacts above SOAEL would be predicted.
- 2.4.33 Although the alignment of the new slip road is in places moving closer to sensitive receptors, the traffic flow on the slip road is low compared to that of the A12 mainline and is not expected to contribute to the noise level predicted at the nearest sensitive receptors. There would therefore be no change to the magnitude of change at the closest sensitive receptors.

### **Design, mitigation and enhancement measures**

- 2.4.34 No specific construction mitigation measures beyond standard mitigation measures were identified for the works associated with the construction of the slip road, and no change to this is required with the new alignment.
- 2.4.35 During operation, there were no mitigation measures identified as there were no significant adverse effects around junction 19. There is no change to the potential impact with the new design, and therefore no change to operational mitigation is required.

### **Assessment of likely significant effects**

- 2.4.36 During construction, there were no significant adverse effects identified in Environmental Statement Chapter 12: Noise and vibration [APP-079] at the closest sensitive receptors for the works associated with the construction of the junction 19 slip road. The revised alignment would not change this and so there would be no significant adverse effect from the revised works, and hence the conclusions of the Environmental Statement do not change.
- 2.4.37 The operational noise around junction 19 is not expected to change with the new alignment of the slip road, and so the conclusions in Chapter 12 of the Environmental Statement [APP-079] do not change.

## Chapter 13: Population and human health

### Potential impacts

- 2.4.38 The proposed revision to the junction 19 slip road would reduce land-take from a parcel of land between the existing A12 and the existing A12 on-slip at junction 19, which is identified in Environmental Statement Appendix 13.3: Land Use and Accessibility Assessment Tables [APP-155] as belonging to Agricultural Landholding 2 (shown on Environmental Statement Figure 13.2 [APP-237]). However, this impact would not affect agricultural land use as the land is currently being used for construction activities associated with the Beaulieu Park development and land use change was expected in this area from agricultural land to mixed use development.
- 2.4.39 No notable change in impact is identified from the new design on private property and housing, community land and assets or development land and business as these types of land use would not be directly affected by the new design in this location.
- 2.4.40 No impacts on walkers, cyclists or horse riders are expected from the new design.
- 2.4.41 No change in impact on human health is anticipated from that assessed within the Environmental Statement on the basis that there is no change in health determinants impacted on from the new design.

### Design, mitigation and enhancement measures

- 2.4.42 The new design would not affect mitigation proposals set out in Environmental Statement Chapter 13: Population and human health [APP-080]. This is because there would be no change of impact to land use, accessibility or health determinants from the new design.

### Assessment of likely significant effects

- 2.4.43 There is no change in the significance of effect conclusions in Chapter 13: Population and human health [APP-080] from the new design as it does not result in a notable change to impacts on land use, accessibility or health determinants identified in the Environmental Statement.

## Chapter 14: Road drainage and the water environment

### Potential impacts

- 2.4.44 The change in slip road position has some consequences to the proposed highway drainage design, resulting in a change to the highway drainage catchments and associated attenuation requirements in and around junction 19. It is noted that the changes to the proposed highway drainage, including any design refinement for the proposed attenuation ponds, will be within the proposed scheme limits of deviation and will be refined through detailed design.
- 2.4.45 The new design does change the total catchment area discharging to the mainline drainage as reported in Section 14.9 of Environmental Statement Chapter 14: Road drainage and the water environment [APP-081]. However, the water receptors that would be impacted are already identified as part of

existing assessed catchments S1-OU1, S1-OU11 and S1-OU12 and there would be no new receptors.

- 2.4.46 Within the Water Quality Assessment Report [APP-158], catchment outfalls S1-OU1, S1-OU11 and S1-OU12 are assessed to show no significant impacts to the water environment without embedded mitigation. It should also be noted that as a form of enhancement, these outfalls are designed to have water quality treatment ponds.
- 2.4.47 The new design does not impact any watercourses, areas of Flood Zone 2 or 3 or major surface water flow paths and therefore would not change impacts on hydromorphology or flood risk.
- 2.4.48 The proposed changes to the junction 19 slip road would not increase impacts to the groundwater environment or associated receptors. The original design required a moderately deep cutting, anticipated to be in permeable material and would have potentially generated a wide area of groundwater drawdown. The proposed revision is more closely aligned with an adjacent cutting associated with junction 19 and requires less depth of excavation. Consequently, it would generate a less extensive area of groundwater drawdown.

#### **Design, mitigation and enhancement measures**

- 2.4.49 There would be no changes to design, mitigation and enhancement measures reported in Section 14.10 of Chapter 14: Road drainage and the water environment [APP-081] for hydromorphology.
- 2.4.50 With regard to water quality, there would be minimal changes in the sizes of the proposed 'enhancement' ponds treatment volume (increased for the mainline and decreased for the changed slip road catchment). It is expected these changes will be included within the existing footprint of the ponds.
- 2.4.51 The groundwater mitigation measures presented in Chapter 14: Road drainage and the water environment [APP-081] are considered to remain valid, and therefore no changes to the measures presented in the Environmental Statement for potential groundwater impacts are required.
- 2.4.52 There is no change to the flood risk mitigation required as there is no change in flood risk with the new design. The drainage design within this area will be altered, based on the same design principles reported in Environmental Statement Chapter 14: Road drainage and the water environment [APP-081] to ensure no further mitigation will be required.

#### **Assessment of likely significant effects**

- 2.4.53 The changes from the new design would not be at a level that would generate any new or different likely significant effects to those already reported for the proposed scheme, and there is therefore no change to the reported residual significance of effects for the water environment reported in Section 14.11 of Chapter 14: Road drainage and the water environment [APP-081].



## Chapter 15: Climate

### Potential impacts

- 2.4.54 The proposed changes to the junction 19 slip road would not substantially influence the quantities of materials required to construct the proposed scheme, nor substantially affect traffic flows with the proposed scheme in place. As such, the proposed changes would not have a material impact on the magnitude of estimated changes in greenhouse gas (GHG) emissions associated with the proposed scheme.
- 2.4.55 Furthermore, the proposed changes would not alter the vulnerability of the proposed scheme to future changes in climate.

### Design, mitigation and enhancement measures

- 2.4.56 The mitigation measures presented in Environmental Statement Chapter 15: Climate [APP-082] are considered to remain valid, and therefore no changes to the measures presented in the Environmental Statement are required.

### Assessment of likely significant effects

- 2.4.57 As neither emissions of GHGs nor the vulnerability of the proposed scheme to climate change would be affected by the proposed changes, then the conclusions set out in Chapter 15: Climate [APP-082] remain unchanged.

## Chapter 16: Cumulative effects assessment

### Potential impacts

- 2.4.58 In accordance with Environmental Statement Chapter 16: Cumulative effects assessment [APP-083], material assets and waste and climate have been scoped out of the assessment of cumulative effects.
- 2.4.59 The remaining individual topic sections above have been reviewed in order to identify any changes to individual topic effects before then considering how any such changes may contribute to changes in cumulative effects. The findings of this review are shown in Table 2.1.

**Table 2.1 Cumulative effects**

Topic	Potential for cumulative effects
Air quality	There would be no change to the air quality effects reported in Environmental Statement Chapter 6: Air quality [APP-073]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Cultural heritage	There would be no change to the effects reported in Environmental Statement Chapter 7: Cultural heritage [APP-074]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].

Topic	Potential for cumulative effects
Landscape and visual	There would be no change to the landscape and visual effects reported in Environmental Statement Chapter 8: Landscape and visual [APP-075]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Biodiversity	There would be no change to the landscape and visual effects reported in Environmental Statement Chapter 9: Biodiversity [APP-076]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083]
Geology and soils	There would be no change to the likely significant effects reported in Environmental Statement Chapter 10: Geology and soils [APP-077]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Noise and vibration	There would be no change to the likely significant effects reported in Environmental Statement Chapter 11: Noise and vibration [APP-079]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Population and human health	There would be no change to the likely significant effects reported in Environmental Statement Chapter 12: Population and human health [APP-080]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Road drainage and the water environment	There would be no change to the likely significant effects reported in Environmental Statement Chapter 14: Road drainage and the water Environment [APP-081]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].

### **Design, mitigation and enhancement measures**

- 2.4.60 No new or different cumulative effects are predicted from the new design, hence no design, mitigation and enhancement measures are required.

### **Assessment of likely significant effects**

- 2.4.61 There is no change to the reported assessment of cumulative effects in Chapter 16: Cumulative effects assessment [APP-083] due to the new design.

### **Overall environment conclusion**

- 2.4.62 There would be slight changes to the potential impacts from junction 19 due to the realigned slip road. This includes a slight increase in the amount of vegetation that would be lost, and a slightly reduced impact on groundwater. However, the change in impacts would not be on a scale or magnitude to change the significant effects reported in the Environmental Statement. There

are therefore no new or different likely significant effects arising from the new design.

### **3 Conclusion**

- 3.1.1 By changing the alignment of the segregated left turn lane for traffic from the A131 Radial Distributor Road to the northbound A12, from joining the existing junction 19 northbound on slip road as proposed within the DCO application, to join the northbound A12 mainline itself, there is expected to be an overall improvement to the safety of the junction. The impacts of this new design have been assessed from an environmental perspective and the effects of construction and operation of the scheme would remain consistent with the findings presented within the relevant chapters of the Environmental Statement.

## **2 Anglian Water Pumping Station Technical Note**

# **A12 Chelmsford to A120 widening scheme**

**TR010060**

## **DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION**

### **Anglian Water Pumping Station (Bury Lane, Hatfield Peverel) Technical Note**

Rule 113 and 114  
Infrastructure Planning (Examination Procedure)  
Regulations 2010

April 2023

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# 1 Introduction

## 1.1 Background

- 1.1.1 An application seeking a development consent order (DCO) 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 Examination started on 12 January 2023 and is expected to finish on 12 July 2023.
- 1.1.3 Since the DCO application was made, National Highways has continued to engage and refine designs to identify opportunities to further improve the proposals. As a result of this, National Highways are consulting on changes to the proposed scheme during the Examination stage to address interested parties' suggestions and implement improvements to the proposed scheme.
- 1.1.4 This targeted DCO change application consultation reflects design changes to the DCO application that we are proposing. These changes are as a result of the continued design evolution, detailed design progressing in parallel with the application, and continued engagement with stakeholders, interested parties and our delivery partners.
- 1.1.5 Map books have been created to support the consultation which show the key DCO drawings which would be affected by the proposed change.
- 1.1.6 The DCO application can be found on the Planning Inspectorate's website at the following link  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a12-chelmsford-to-a120-widening-scheme/>
- 1.1.7 References to the DCO application or subsequent documents submitted during the Examination will be made in this report, the document reference number will be written in square brackets and all documents with a reference number can be found in the Examination Library on the Planning Inspectorate's website.

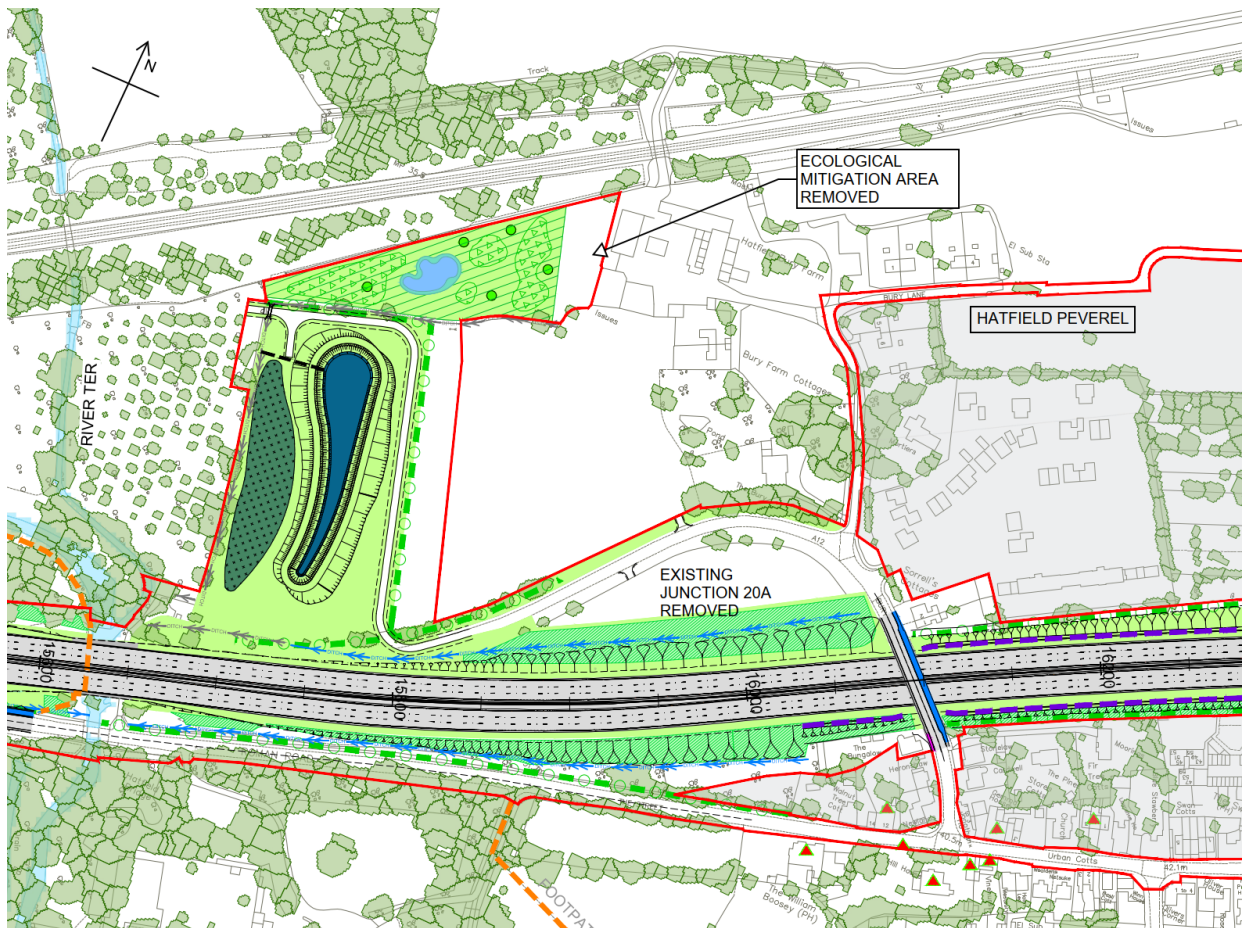
## 1.2 Changes being made

- 1.2.1 The purpose of this document is to explain the proposed change to the extent of an Environmental Mitigation Area as shown on the General Arrangement Drawings (Map Book 2) to accommodate a pumping station at the Bellway Homes Site, Hatfield Bury Farm, Bury Lane, Hatfield Peverel (planning permission 19/01803/FUL). This falls within the Order Limits of the proposed scheme and specifically land plot 5/12c as shown on Sheet 5 of the Land Plans [APP-018]. The Applicant proposes to change the land use at this location from compulsory acquisition for ecological mitigation, to, land not subject to powers of compulsory acquisition or temporary possession. The small area of ecological mitigation that will be lost is a negligible decrease in the overall land

being provided for ecological mitigation across the whole proposed scheme, as explained further in Section 2 of this document.

### 1.3 Reason behind changes

1.3.1 A small area that was identified for acquisition for ecological mitigation purposes in the DCO application, comprises land that has been allocated for a small pumping station to be operated by Anglian Water Limited. After submission of the DCO application, the existing landowner has requested that the land be excluded from order powers to allow the pumping station to come forward as approved. The proposed change has been made following discussions with Bellway Homes and Braintree District Council and will ensure that a planning permission on the neighbouring land (Ref: 19/01803/FUL) would not be affected by the proposed scheme in this regard.



**Plate 1.1 Change to Landtake**



## 2 Impacts

### 2.1 Land take

2.1.1 The land take will reduce in this area, as the land associated with the pumping station will be excluded from compulsory purchase powers as set out in the draft Development Consent Order (dDCO). Details of the changes proposed to the land take can be found in Map Book 2 and the Schedule of Changes to the draft DCO, Book of Reference and Statement of Reasons which form part of the consultation materials.

### 2.2 Infrastructure design

2.2.1 There is no impact to the design of the proposed scheme.

### 2.3 Traffic

2.3.1 There are no impacts to the traffic flows.

### 2.4 Environment

2.4.1 The below sections describe the environmental impacts of the revised ecology mitigation area, with reference to the conclusions in the assessment chapters of the Environmental Statement submitted as part of the DCO application (chapters 6 to 16 of the Environmental Statement, DCO examination library reference [APP-073 to APP-083]).

2.4.2 Each section addresses the change in potential impacts, change in proposed mitigation measures, and changes to the assessment of likely significant effects as a result of the new design.

#### **Chapter 6: Air quality**

##### **Potential impacts**

2.4.3 The air quality assessment undertaken for the Environmental Statement is based on modelling impacts to a set of predefined human health, ecological and pollution climate mapping (PCM) receptors (see Environmental Statement Appendix 6.5: Air quality modelling results [APP-104]). The reduction of land take for the ecology mitigation area has no material effect on the location of receptors, nor does it affect traffic forecasts in the opening year 2027. As the operational traffic remains unchanged from what was assessed in the Environmental Statement, and the receptors are unaffected, then the potential impacts would remain as reported in Environmental Statement Chapter 6: Air quality, Section 6.9 [APP-073].

2.4.4 The potential impact of emissions from construction traffic in the peak construction year 2025 would not change from what was assessed in the Environmental Statement as a result of the new design.

2.4.5 Potential impacts from dust during construction would not change.

**Design, mitigation and enhancement measures**

- 2.4.6 No additional mitigation measures, beyond standard mitigation for dust management, have been proposed on the basis that there would be no likely significant air quality effects, in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 (see Chapter 6: Air quality, paragraph 6.10.6 [APP-073]). The land take reduction for the ecology mitigation area has no material effect on this outcome, and therefore no change to mitigation is required.

**Assessment of likely significant effects**

- 2.4.7 As the potential impacts would not change due to the reduction in land take for the ecology mitigation area, there would be no change to the significant effects for human health, ecological, or PCM receptors (see Environmental Statement Chapter 6: Air quality, Section 6.11 [APP-073]).

**Chapter 7: Cultural heritage****Potential impacts**

- 2.4.8 The new design does not result in any changes to the potential impacts on cultural heritage as reported in Section 7.9 of Environmental Statement Chapter 7: Cultural heritage [APP-074].

**Design, mitigation and enhancement measures**

- 2.4.9 There are no changes to design, mitigation and enhancement measures as reported in Section 7.10 of Chapter 7: Cultural heritage [APP-074].

**Assessment of likely significant effects**

- 2.4.10 The changes from the new design would not be at a level that would generate any new or different likely significant effects to those already reported for the proposed scheme, and there is therefore no change to the reported residual significance of effects reported in Section 7.11 of Chapter 7: Cultural heritage [APP-074].

**Chapter 8: Landscape and visual****Potential impacts**

- 2.4.11 The landscape effects that would be caused by the proposed scheme at junction 20a are considered within the assessment of effects on local landscape character area B21 Boreham Farmland Plateau, presented within Environmental Statement Appendix 8.2: Landscape effects schedule [APP-120]. There would be no further landscape effects than assessed as the changes comprise minor and localised adjustments to proposed planting within an advanced ecology mitigation area, and the assessment of impacts on B21 Boreham Farmland Plateau within the Environmental Statement considers the full extent of the proposed scheme where it falls within B21 Boreham Farmland Plateau, including proposals along the A12 mainline and proposals at junctions 19 and 21. As such, the overall conclusions on landscape impacts reported within Environmental Statement Chapter 8: Landscape and visual [APP-075] and Appendix 8.2: Landscape effects schedule [APP-120] would not change as a result of the new design.

- 2.4.12 Visual effects have been assessed through the application of representative viewpoints located at publicly accessible viewpoints, a proportionate approach which is supported by the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) and DMRB LA 107 Landscape and Visual Effects, Revision 2. There are no representative viewpoints that would be affected by the revised ecology mitigation area. Therefore, the visual impacts assessed within Environmental Statement Chapter 8: Landscape and visual [APP-075] and Appendix 8.3 Visual effects schedule [APP-121] would not change as a result of the new design.

**Design, mitigation and enhancement measures**

- 2.4.13 The new design affects the landscape mitigation presented on sheet 5 of the Environmental Masterplan Part 1 [APP-086]. Proposed mitigation planting has been revised to reflect the new layout. The revisions comprise minor adjustments to the proposed mitigation, and do not materially affect the mitigation that would be delivered. The updated sheet of the Environmental Masterplan showing the revised planting forms part of the Consultation Materials (Map Book 2).

**Assessment of likely significant effects**

- 2.4.14 Consistent with the explanation presented above that the new design would not affect the landscape and visual impacts reported within the Environmental Statement, the landscape and visual effects reported within Chapter 8: Landscape and visual [APP-075], Appendix 8.2: Landscape effects schedule [APP-120] and Appendix 8.3: Visual effects schedule [APP-121] would not change as a result of the new design.

## **Chapter 9: Biodiversity**

### **Potential impacts**

- 2.4.15 The reduction in land take within the ecology mitigation area would result in a minor reduction in the land available for reptile mitigation. It would result in a reduction of the mitigation area from 0.8ha to 0.64ha, a change of 0.16ha. This equates to an 20% decrease in the area of this mitigation area, but a 0.4% decrease in the overall land being provided for reptile mitigation across the whole proposed scheme. This overall reduction is considered negligible and it is assessed that this would not reduce the effectiveness of reptile mitigation for the proposed scheme, and so there would be no change to the significance of effect for reptiles.

### **Design, mitigation and enhancement measures**

- 2.4.16 The potential impacts would not change owing to the reduction in land take within the ecology mitigation area, therefore no additional mitigation is required. The Environmental Masterplan has been updated to show the new layout of the ecology mitigation area. The updated Environmental Masterplan showing the revised planting forms part of the Consultation Materials (Map Book 2).

### **Assessment of likely significant effects**

- 2.4.17 As the potential impacts would not change owing to the reduction in land take within the ecology mitigation area, there would be no change to the significant

effects reported within Environmental Statement Chapter 9: Biodiversity [APP-076].

## **Chapter 10: Geology and soils**

- 2.4.18 The change to the ecology mitigation area slightly reduces the agricultural land take required by the proposed scheme. Although, the agricultural land would still be lost to the Anglian Water pumping station.
- 2.4.19 There are no land quality constraints or geological receptors in this location, so the new design does not result in any changes to the potential impacts reported in Section 10.9 of Environmental Statement Chapter 10: Geology and soils [APP-077].

### **Design, mitigation and enhancement measures**

- 2.4.20 The new design does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 10.10 of Chapter 10: Geology and soils [APP-077]. No specific mitigation measures were identified for this aspect for the ecology mitigation area, beyond standard measures for manging soil during construction, and therefore no change to this is required with the new design.

### **Assessment of likely significant effects**

- 2.4.21 While the new design is likely to result in a small reduction in overall agricultural land loss/disturbance, this reduction is considered insignificant compared to the overall agricultural land loss/disturbance for the proposed scheme as a whole, and therefore, there is no change to the significance of effects reported in Section 10.11 of Chapter 10: Geology and soils [APP-077].

## **Chapter 11: Material assets and waste**

- 2.4.22 The new design does not result in any changes to the potential impacts reported in Section 11.9 of Environmental Statement Chapter 11: Material assets and waste [APP-078]. This aspect does not assess the impacts associated with specific design elements at a local level, and instead focuses on assessing the impacts of materials consumption, minerals sterilisation and waste disposal in absolute terms.

### **Design, mitigation and enhancement measures**

- 2.4.23 The new design does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 11.10 of Chapter 11: Material assets and waste [APP-078]. No additional mitigation measures were identified for this aspect in relation to the ecology mitigation area, and therefore no change to this is required with the new design.

### **Assessment of likely significant effects**

- 2.4.24 While the new design is likely to result in negligible, yet indeterminate, changes to the total materials consumption, minerals sterilisation and waste disposal reported in Section 11.11 of Chapter 11: Material assets and waste [APP-078], any changes are considered insignificant in the context of the entire proposed scheme.

- 2.4.25 The changes from the new design would not be at a level that would generate any new or different likely significant effects to those already reported for the proposed scheme in the Environment Statement, and there is therefore no change to the reported residual significance of effects for the material assets or waste matters of this aspect.

## **Chapter 12: Noise and vibration**

### **Potential impacts**

- 2.4.26 The closest construction receptor to the proposed works is R4, which is representative of receptors at Meadow Bank, Hatfield Peverel (this is shown on sheet 2 of Environmental Statement Figure 12.3 [APP-230]). During certain construction activities (see paragraph 12.9.16 of Environmental Statement Chapter 12: Noise and vibration [APP-079]), the noise level was predicted to be above the significant observed adverse effect level (SOAEL), indicating the potential for likely significant adverse effects if the temporal threshold is exceeded, as defined in paragraph 12.5.27 of Chapter 12: Noise and vibration [APP-079]. However, none of the identified activities likely to exceed the SOAEL were from works associated with the ecology mitigation area. The reduced size of the ecology mitigation area would therefore result in no change in the impacts from these works.
- 2.4.27 The operation of the ecology mitigation area would not generate any noticeable levels of noise and so impacts were not calculated within Chapter 12: Noise and vibration [APP-079]. This would be the same for the new design.

### **Design, mitigation and enhancement measures**

- 2.4.28 No specific construction mitigation measures beyond standard mitigation measures were identified for the ecology mitigation area works, and no change to this is required with the new design.
- 2.4.29 During operation there were no mitigation measures identified as there was no potential impact. There is no change to the potential impact with the new design, and therefore no change to operational mitigation is required.

### **Assessment of likely significant effects**

- 2.4.30 No significant adverse effects were identified from the ecology mitigation area construction works. There is no change to this with the reduced size ecology mitigation area. The conclusions on construction effects in the Environmental Statement do not change as a result of the new design.
- 2.4.31 The operation of the ecology mitigation area does not generate any noticeable levels of noise and so effects were not predicted within Chapter 12: Noise and vibration [APP-079]. This would be the same for the new design, and so the conclusions of the Environmental Statement do not change.

## **Chapter 13: Population and human health**

- 2.4.32 The reduction in size of the ecology mitigation area would result in a slight reduction in overall land-take from Agricultural Landholding 5 (reported in Environmental Statement Appendix 13.3: Land Use and Accessibility Assessment Tables [APP-155]). However, this would likely be less than 0.2ha,

whereas overall it has been predicted that approximately 35ha of land within the landholding would be permanently acquired for the proposed scheme. The land would still be lost to the Anglian Water pumping station.

- 2.4.33 No notable change in impact is identified from the new design on private property and housing, community land and assets or development land and business.
- 2.4.34 There would be no change in impacts predicted for walkers, cyclists and horse riders from the new design.
- 2.4.35 No change in impact on human health is anticipated from that assessed within the Environmental Statement on the basis that there is no change in health determinants impacted on from the new design.

#### **Design, mitigation and enhancement measures**

- 2.4.36 The new design would not affect the mitigation outlined in Environmental Statement Chapter 13: Population and human health [APP-080]. Overall, there would still be a loss of agricultural land and therefore the mitigation proposals set out in the Environmental Statement remain appropriate.
- 2.4.37 There would be no change in mitigation for other matters within Chapter 13: Population and human health [APP-080], as there would be no change to the potential impacts.

#### **Assessment of likely significant effects**

- 2.4.38 The potentially reduced impact on arable land use would not materially change the assessment of likely significant effects. The change in impact would be marginal and not notably reduce the overall effect on agricultural landholdings concluded in section 13.20 of Chapter 13: Population and human health [APP-080], where the loss of agricultural land is assessed as large adverse.
- 2.4.39 There would be no change in effects for other matters within Chapter 13: Population and human health [APP-080], as there would be no change to the potential impacts.

### **Chapter 14: Road drainage and the water environment**

#### **Potential impacts**

- 2.4.40 The reduction in size of the ecology mitigation area does not result in any changes to the potential impacts reported in Section 14.9 of Environmental Statement Chapter 14: Road drainage and the water environment [APP-081].

#### **Design, mitigation and enhancement measures**

- 2.4.41 The new layout does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 14.10 of Chapter 14: Road drainage and the water environment [APP-081], as there is no change to the potential impacts.

#### **Assessment of likely significant effects**

- 2.4.42 The changes from the new layout would not be at a level that would generate any new or different likely significant effects to those already reported for the proposed scheme, and there is therefore no change to the reported residual

significance of effects for the water environment reported in Section 14.11 of Chapter 14: Road drainage and the water environment [APP-081].

## Chapter 15: Climate

### Potential impacts

- 2.4.43 The proposed changes to the ecology mitigation area would not substantially influence the quantities of materials required to construct the proposed scheme, nor affect traffic flows with the proposed scheme in place. As such, the proposed changes would not have a material impact on the magnitude of estimated changes in greenhouse gas (GHG) emissions associated with the proposed scheme.
- 2.4.44 Furthermore, the proposed changes would not alter the vulnerability of the proposed scheme to future changes in climate.

### Design, mitigation and enhancement measures

- 2.4.45 The mitigation measures presented in Environmental Statement Chapter 15: Climate [APP-082] are considered to remain valid, and therefore no changes to the measures presented in the Environmental Statement are required.

### Assessment of likely significant effects

- 2.4.46 As neither emissions of GHGs nor the vulnerability of the proposed scheme to climate change would be affected by the proposed changes, then the conclusions set out in Chapter 15: Climate [APP-082] remain unchanged.

## Chapter 16: Cumulative effects assessment

### Potential impacts

- 2.4.47 In accordance with Environmental Statement Chapter 16: Cumulative effects assessment [APP-083], material assets and waste and climate have been scoped out of the assessment of cumulative effects.
- 2.4.1 The remaining individual topic sections above have been reviewed in order to identify any changes to individual topic effects before then considering how any such changes may contribute to changes in cumulative effects. The findings of this review are shown in Table 2.1.

**Table 2.1 Cumulative effects**

Topic	Potential for cumulative effects
Air quality	There would be no change to the air quality effects reported in Environmental Statement Chapter 6: Air quality [APP-073]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Cultural heritage	There would be no change to the cultural heritage effects reported in Environmental Statement Chapter 7: Cultural heritage [APP-074]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].

Topic	Potential for cumulative effects
Landscape and visual	There would be no change to the significant effects reported in Environmental Statement Chapter 8: Landscape and visual [APP-075]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Biodiversity	There would be no change to the significant effects reported in Environmental Statement Chapter 9: Biodiversity [APP-076]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Geology and soils	There would be no change to the significant effects reported in Environmental Statement Chapter 10: Geology and soils [APP-077]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Noise and vibration	There would be no change to the significant effects reported in Environmental Statement Chapter 12: Noise and vibration [APP-079]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Population and human health	There would be no change to the significant effects reported in Environmental Statement Chapter 13: Population and human health [APP-080]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Road drainage and the water environment	There would be no change to the likely significant effects reported in Environmental Statement Chapter 14: Road drainage and the water Environment [APP-081]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].

### Design, mitigation and enhancement measures

- 2.4.2 No new or different cumulative effects are predicted from the new design, hence no design, mitigation and enhancement measures are required.

### Assessment of likely significant effects

- 2.4.3 There is no change to the reported assessment of cumulative effects in Chapter 16: Cumulative effects assessment [APP-083] due to the new design.

### Overall environment conclusion

- 2.4.4 The change in potential impacts from the reduction in size of the ecology mitigation area are considered negligible. The change in impacts would not be on a scale or magnitude to change the significant effects reported in the Environmental Statement. There are therefore no new or different likely significant effects arising from the new design.



### **3 Conclusion**

- 3.1.1 The change reported on above has resulted in a reduction in the land take in this area. The effects of construction and operation of the proposed scheme would remain consistent with the findings presented within the chapters of the Environmental Statement.

### **3 Replacement Land Statement**

# **A12 Chelmsford to A120 widening scheme**

**TR010060**

## **Replacement Land Statement**

Rule 113 and 114  
Infrastructure Planning (Examination Procedure)  
Regulations 2010

April 2023

Infrastructure Planning

Planning Act 2008

**A12 Chelmsford to A120 widening scheme**

Development Consent Order 202[ ]

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**REPLACEMENT LAND STATEMENT**

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<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 1	August 2022	DCO Application
Rev 2	April 2023	DCO Change Application

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# 1 Introduction

## 1.1 Purpose of this document

1.1.1 The application for development consent for the A12 Chelmsford to A120 Widening Scheme (the proposed scheme) by National Highways Limited (the Applicant or National Highways) includes provision for the compulsory acquisition of land, which is identified as forming part of Open Space Land, and therefore falling within the definition of 'special category land' in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

1.1.2 This document considers the Open Space Land located within the Order Limits in respect of the proposed scheme, and the associated identification appraisal process for its replacement, as required by the Planning Act 2008 (PA 2008).

1.1.3 The purpose of this report is to:

- Outline the reasons why Replacement Land will be required for the Proposed Scheme.
- Bring together baseline information on the status of the land areas expected to be affected by the proposed scheme.
- Identify which of these land areas would give rise to the need to provide Replacement Land as a necessary part of the DCO process.
- Identify the locations proposed to provide such Replacement Land and provide suitable access to it.
- Appraise the suitability of such Replacement Land for the Proposed Scheme, including any additional works that may be needed.
- Establish that the relevant statutory tests for the certification by the Secretary of State pursuant to section 131 and section 132 of the PA 2008 in relation to the acquisition of Open Space Land and new rights over Open Space Land have been met.

1.1.4 This document is being updated as a result of:  
- changes in the ownership of some of the plots required to carry out the DCO works, a  
- further engagement with local authorities and  
- changes to the proposed scheme design.

The changes are limited to areas within Witham and at Marks Tey.

1.1.5 The proposed changes in relation to the land replacing special category land required for the scheme either individually or cumulatively are considered negligible from an environmental perspective, as they would only result in minor amendments to the landscape design. The change in impacts would not be on a scale or magnitude to change the significant effects reported in the



Environmental Statement submitted in the DCO application. No new or different mitigation measures would be required.

1.1.6 This report is structured as follows:

- The rest of Section 1 provides context for the Open Space land needed for the proposed scheme and the proposed Replacement Land and briefly describes the highways context.
- Section 2 provides a summary of the required Open Space Land.
- Section 3 sets out the legal basis from which the requirement for Replacement Land arises, along with associated guidance.
- Section 4 provides a summary of the appraisal of these locations and the Replacement Land proposal and a conclusion on the statutory tests.
- Section 5 considers the proposed locations where such Replacement Land would be provided.
- Section 6 provides a summary and conclusions.
- Section 7 Grounds relied on by the Secretary of State pursuant to the relevant provisions of Section 131 and 132 of the PA 2008, by reference to Appendix A of this document.

## 1.2 The proposed scheme

1.2.1 This section provides only a brief overview of the proposed scheme, to provide context, along with more detailed explanation of the aspects that influence access to the existing and proposed areas of public open space and relevant changes proposed to the PRoW network.

1.2.2 The proposed scheme comprises improvements to the A12 between junction 19 (Boreham interchange) and junction 25 (Marks Tey interchange), a distance of approximately 24km, or 15 miles. The proposed scheme involves widening the A12 to three lanes throughout (where it is not already three lanes) with a bypass between junctions 22 and 23 and a second bypass between junctions 24 and 25. It also includes safety improvements, including closing off existing private and local direct accesses onto the main carriageway, and providing alternative provision for walkers, cyclists and horse riders (WCH) to existing routes along the A12, which would be removed. The existing highway arrangement and conditions and the highways proposals are described in detail in the Scheme Description Chapter 2 of the Environmental Statement (Examination reference [APP-068 to APP-248]).

1.2.3 The highways proposals are illustrated on the Works Plans and General Arrangement drawings included within the DCO application (Examination reference AS-025 and APP-020, AS-010 to AS-013) respectively.

1.2.4 The proposed scheme will also require the diversion and alteration of utilities, including apparatus for electricity, communications, water and gas.

## 1.3 Existing Road Network

---

- 1.3.1 The A12 is particularly important as an economic route providing access for HGVs to Felixstowe, Harwich and the other Haven ports and the commuter route between Chelmsford and Colchester.
- 1.3.2 The section of the A12 to be altered is located wholly within the administrative area of Essex County Council (which is the local highway authority for roads not forming part of the SRN in Essex). The settlements of Boreham, Hatfield Peverel, Witham, Rivenhall End, Kelvedon, Feering and Marks Tey are along the route. The A12 runs parallel and to the south of the Great Eastern Main Line (GEML) railway (which connects London with Colchester, Ipswich and Norwich) for most of its length between junctions 19 and 25.
- 1.3.3 Major connecting roads include the A130 which joins the A12 at junction 19 and the A120 which joins the A12 at junction 25. The B1137 links Boreham to junction 19 and Hatfield Peverel, the B1018 and the B1019 links Maldon to Witham and Hatfield Peverel respectively. The B1023 (Inworth Road) links Kelvedon to Tiptree and Braxted Park Road connect Tiptree to Rivenhall End. These are the main local roads that connect directly to the A12 and therefore will be subject to some associated development to integrate the proposed scheme with the local traffic network.

## 1.4 Summary of proposed scheme – Highways

- 1.4.1 The proposed scheme's main components are:
- Widening of A12 junction 19 Boreham Interchange bridge from two to three lanes in each direction and associated roundabouts to increase capacity and to enable the A12 widened to three lanes at the junction (to tie in with the current three lane section between Boreham and Hatfield Peverel (junction 20a));
  - two new three-lane dual carriageway sections, between the existing junction 22 and 23 and between junctions 24 and 25;
  - The remaining sections of the existing A12 to be altered will be widened online;
  - Three new all movement junctions (dumbbell layout) at junctions 21, 22 and 24 which replace junction 20a, 20b and 23. Junction 21 and 22 will be above ground level with a bridge over the A12 to connect both roundabouts. Junction 24 will be built in cut, with the A12 at ground level and an underpass to connect both roundabouts; and
  - Junction 25 will be improved with the South roundabout replaced by a signalised junction with a new local road connection (London Road) where the new section of A12 joins the existing mainline.
- 1.4.2 The majority of the Replacement Land which will be used for open space lies adjacent to the existing alignment of the A12.
- 1.4.3 The following areas of replacement open space are not adjacent to the A12:
- the river Chelmer (Open Space Area 1), which is required for permanent new rights of drainage in to the River Chelmer;

- that part of the Blackwater Rail Trail south of Blue Mills Hill (Open Space Area 5); which is required for new rights for diversion of a high-pressure gas main;
- land at Maldon Road, Witham which is required for new rights for utilities diversions (Open Space Area 7); and
- land at Station Road, Marks Tey (Open Space Area 12) which is required for minor highway widening.

## 1.5 Special Category, Open Space and Replacement Land

### Special Category Land

- 1.5.1 As described by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, ‘special category land’ means land identified as forming part of a common, open space, National Trust land or fuel or field garden allotment.
- 1.5.2 Open Space is defined as “any land laid out as a public garden, or used for the purposes of public recreation...”
- 1.5.3 The areas of special category land required for the proposed scheme can be seen on the Special Category Land Plans [APP-015] and are summarised in Table 2.1 below.

## 1.6 Open Space Land

- 1.6.1 If land is solely Open Space and required permanently, then under section 131 PA 2008 any of the following must apply in order to avoid SPP:
- Replacement Land must be provided and vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land (section 131(4)); or
  - Where there is no suitable land available to be given in exchange, or where any suitable land available to be given in exchange is available only at prohibitive cost, it must be strongly in the public interest for the project to be begun sooner than is likely to be possible if the order were to be subject (to any extent) to SPP (s131(4A)); or
  - The Open Space required does not exceed 200m<sup>2</sup> in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public (section 131(5)).
- 1.6.2 If possession of Open Space land is required temporarily SPP will not be triggered as acquisition does not occur. (In any event, if it were to be regarded that temporary possession amounts to acquisition, section 131(4B) or section 132(4B) would allow the Secretary of State to consider that the relevant land is being acquired only for a temporary purpose).

- 1.6.3 Section 132 uses the same definition of Open Space as section 131. Section 132 applies where rights are sought to be acquired compulsorily over special category land.
- 1.6.4 The same tests apply in respect of rights to be acquired but with one addition, set out in section 132(3) that,  
*“The land, when burdened with the right, will be no less advantageous than it was before to:*  
*the persons in whom it is vested;*  
*other persons, if any, entitled to rights of common or other rights; and*  
*the public.”*

## 1.7 Replacement Land

- 1.7.1 The requirements for Replacement Land in exchange for that lost are set out sections 131(12) and 132(12).
- 1.7.2 Section 131(12) (in respect of compulsory acquisition of land) states:  
*“Replacement Land” means land which is not less in area than the order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public”*
- 1.7.3 Section 132 (12) (in respect of compulsory acquisition of rights over land) states:  
*“Replacement Land” means land which will be adequate to compensate the following persons for the disadvantages which result from the compulsory acquisition of the order right—*  
*the persons in whom the order land is vested,*  
*the persons, if any, entitled to rights of common or other rights over the order land, and*  
*the public.*

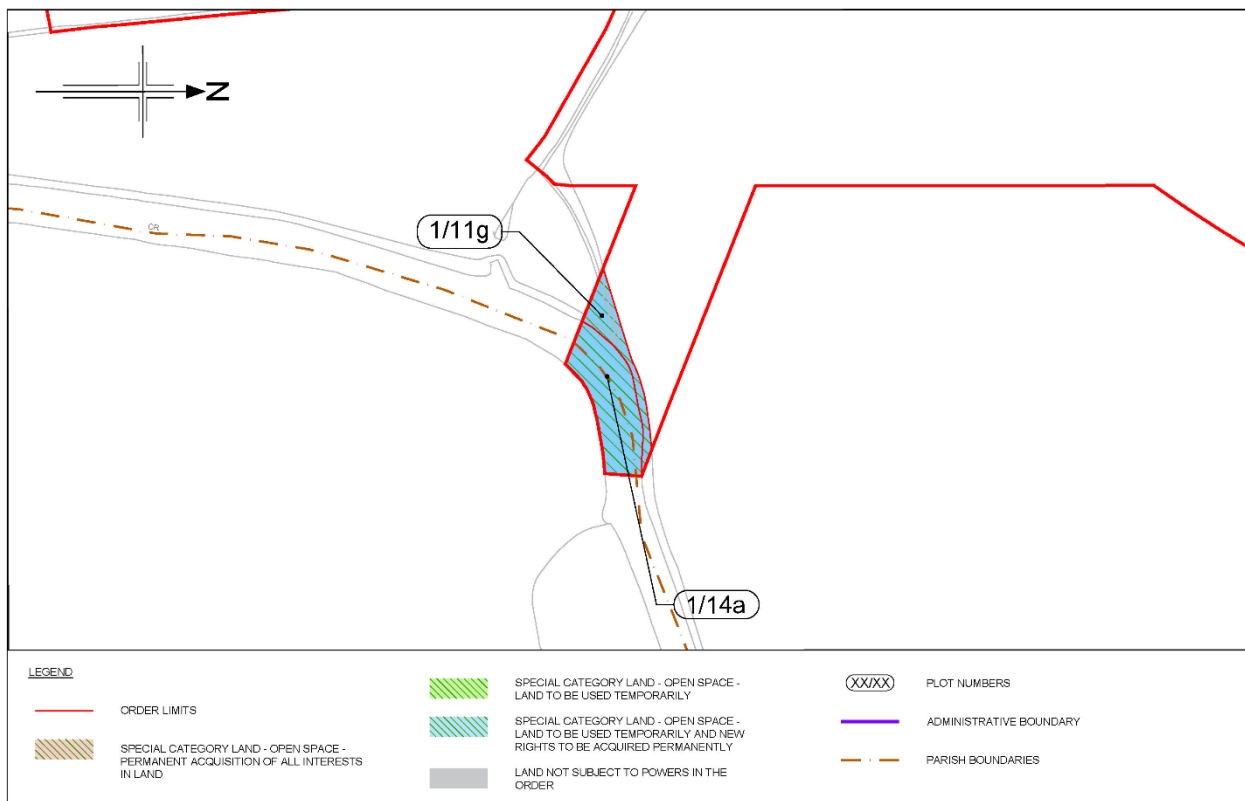
## 2 Summary of required Open Space Land

- 2.1.1 Table 2.1 at the end of this section summarises the type of Open Space Land required, details the relevant plot numbers, considers the type of land take proposed, and provides a summary as to whether Replacement Land is required. Each of the areas of Open Space are described in detail in Section 5 below but are summarised in the following paragraphs. The relevant areas of land can be seen in the Special Category Land Plans (APP-15) Section 2 and 5 will also have plates identifying the plots and areas of each plot.
- 2.1.2 Land assembly powers for the proposed scheme includes all land subject to compulsory acquisition and temporary possession powers that is considered to constitute (or may constitute) open space as defined in the Acquisition of Land Act 1981, as well as the areas to replace that open space where Replacement Land is required by the PA 2008. Land to be used temporarily does not require replacement open space as the open space land will be used for a short lived

purpose before possession is returned to the owner. This section sets out all open space needed, permanently and temporarily, even when there is no need to provide replacement.

- 2.1.3 For land over which the proposed scheme seeks permanent new rights, in most of the required areas the new rights are sought to relocate utilities that are already within the open space. In these instances, the proposed scheme considers that utilities diversion within land where the utility is already present would not result in less advantageous conditions for the landowner or the public. Accordingly, no Replacement Land is included in the order lands for those areas. Where new rights are sought over open space for a new utility route where there is not currently installed apparatus in the affected open space, Replacement Land is proposed.
- 2.1.4 The following areas have been identified as Open Space defined as open space for the purposes of providing Replacement Land under section 131 and section 132 of the PA 2008:
- Open Space Area 1 - River Chelmer, Boreham (Land Plan Plots 1/11g, 1/14a)**
- 2.1.5 The River Chelmer is managed as a recreational waterway. The river is therefore being treated as Open Space, as is the associated tow path (which is also a public footpath).
- 2.1.6 New rights to install a drain and head wall into the River Chelmer are sought as part of the proposed scheme.
- 2.1.7 Plot 1/11g is currently owned by David Lawrence Bolton and Stephen John Bolton.
- 2.1.8 Plot 1/14a is currently owned by the Company of Proprietors of The Chelmer and Blackwater Navigation Limited.

**Plate 2.1 Open Space Area 1 \_ River Chelmer, Boreham**



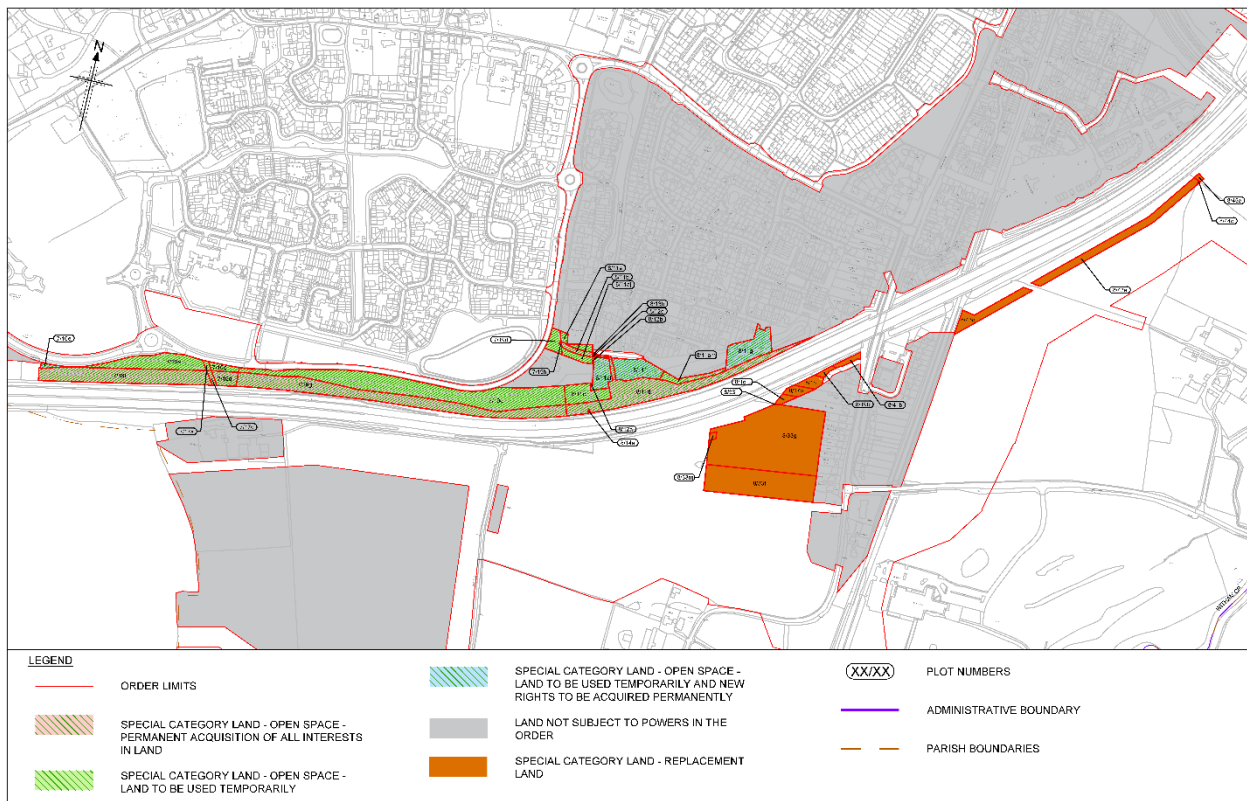
**Open Space Areas 2 to 4 - Olivers Drive and Gershwin Boulevard, Witham (Land Plan Plots 7/16a, 7/16d, 7/16e, 7/16f, 7/16g, 7/17a, 7/17d, 7/19c, 7/19d, 7/19g, 7/19h, 8/11a, 8/11b, 8/11c, 8/11d, 8/11f, 8/11g, 8/11aj, 8/11al, 8/11am 8/12a, 8/12b, 8/12d, 8/13b, 8/14a)**

- 2.1.9 Three areas form a contiguous area of open grassed landscaping and buffer area, parallel to the A12 in Witham. **Areas 2 and 3**, between the existing A12 and Gershwin Boulevard are defined as open space in the section 106 agreement dated 8<sup>th</sup> August 2000 (S106 agreement) made between the landowners (Patricia Jane Gooding and Josephine Alberta Ann Witten), developers (Taylor Wimpey) and Braintree District Council, entered into the S106 agreement in relation to the housing development adjacent to Gershwin Boulevard. Part of the land (Area 3) has been transferred to Braintree District Council. Part 2 remains with the previous owner but is subject to a commitment in the relevant S106 agreement for a transfer of the land to the District Council.
- 2.1.10 As well as freehold acquisition, giving rise to the need to provide Replacement Land, plots fronting on to Gershwin Boulevard are subject to temporary powers for possession and use during construction of the proposed scheme.
- 2.1.11 Between Areas 2 and 3 lies plots 7/17a and 7/17d, which is a small area of Open Space in the ownership of Essex County Council. Plot 7/17d is scheduled

for freehold acquisition and Replacement Land is offered to Essex County Council within the area of Replacement Land for the Blackwater Rail Trail (see Area 5).

- 2.1.12 The land at Olivers Drive (Area 4) is connected to the Gershwin Boulevard Open Space and forms part of the overall amenity space, being both grass and woodland. It is not subject to the S106 agreement that binds the Gershwin Boulevard open spaces. A small plot (8/14a) is in the freehold ownership of the owners of the private parties who hold Open Space at Gershwin Boulevard. The freehold acquisition of this plot is sought and Replacement Land for this small plot is proposed to be combined with the land provided as Replacement Land for Area 2.
- 2.1.13 Freehold acquisition, new rights for diversion of existing utilities and temporary powers will be relied on during construction for this area of open space.
- 2.1.14 In respect of Area 1, plots 7/16a, 7/16d, 7/16e, 7/16f, 7/16g these are currently owned by Patricia Jane Gooding and Josephine Alberta Ann Witten. Plots 7/17a, 7/17d are in Essex County Council's ownership.
- 2.1.15 Area 2 comprising plots 7/19c, 7/19d, 7/19g, 7/19h, 8/11a, 8/11c is in Braintree District Council's ownership.
- 2.1.16 For Area 3, plots 8/11b, 8/11d, 8/11f, 8/11g, 8/11aj, 8/11al, 8/11am are owned by Braintree District Council, plots 8/12a, 8/12b, 8/12d, 8/13b are in Taylor Wimpey UK Limited's ownership and plot 8/14a is in Patricia Jane Gooding and Josephine Alberta Ann Witten's ownership.

**Plate 2.2 Open Space Areas 2 to 4 - Olivers Drive and Gershwin Boulevard**



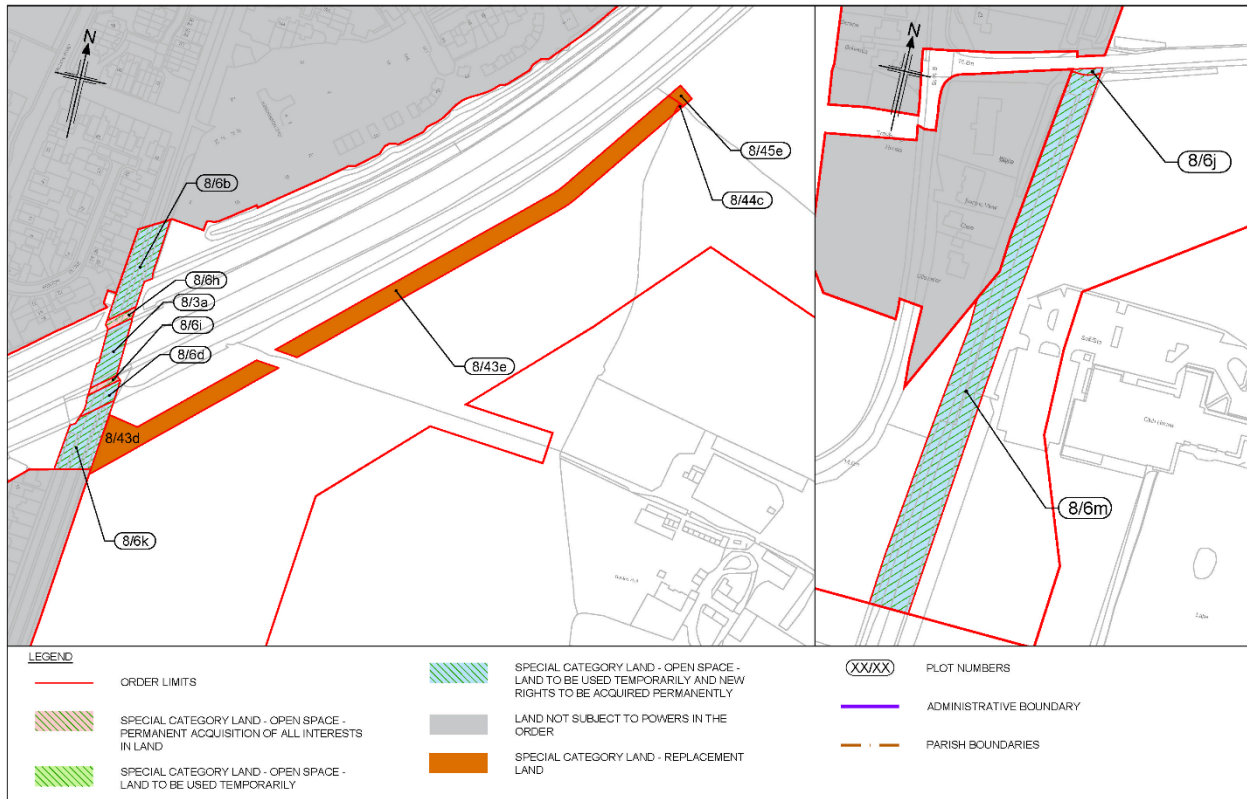
**Open Space Area 5 - the Blackwater Rail Trail (Land Plan Plots 8/3a, 8/6b, 8/6d, 8/6h, 8/6i, 8/6j, 8/6k, 8/6m)**

- 2.1.17 The railway trackbed of the railway that ran between Witham and Maldon is an open space, where the A12 passes over the former railway at Witham. The A12 is carried over the Blackwater Rail Trail by a bridge known as Benton Bridge. The former trackbed below is known as the Blackwater Rail Trail.
- 2.1.18 A small area of freehold acquisition of the trackbed is proposed, as well as air rights over the trackbed to widen the existing Benton Bridge carrying the A12. Temporary powers to use and take possession of the land during construction are also sought over the trackbed. Permanent new rights are sought for maintenance of the widened Benton Bridge and small lengths of utility diversions.
- 2.1.19 Benton Bridge itself is owned by the Department for Transport (and is therefore Crown Land).
- 2.1.20 South of Blue Mills Hill, the former railway is wooded. Permanent new rights to divert a gas pipeline are sought over this area of land. As the existing trees are to be removed, and restrictive covenants sought, Replacement Land is being proposed for this plot also.
- 2.1.21 Both areas of the Blackwater Rail Trail are owned by Essex County Council and subject to Essex County Council's bylaws for country parks. Both areas of the



former railway are therefore being treated as open space which requires Replacement Land for the purposes of the PA 2008.

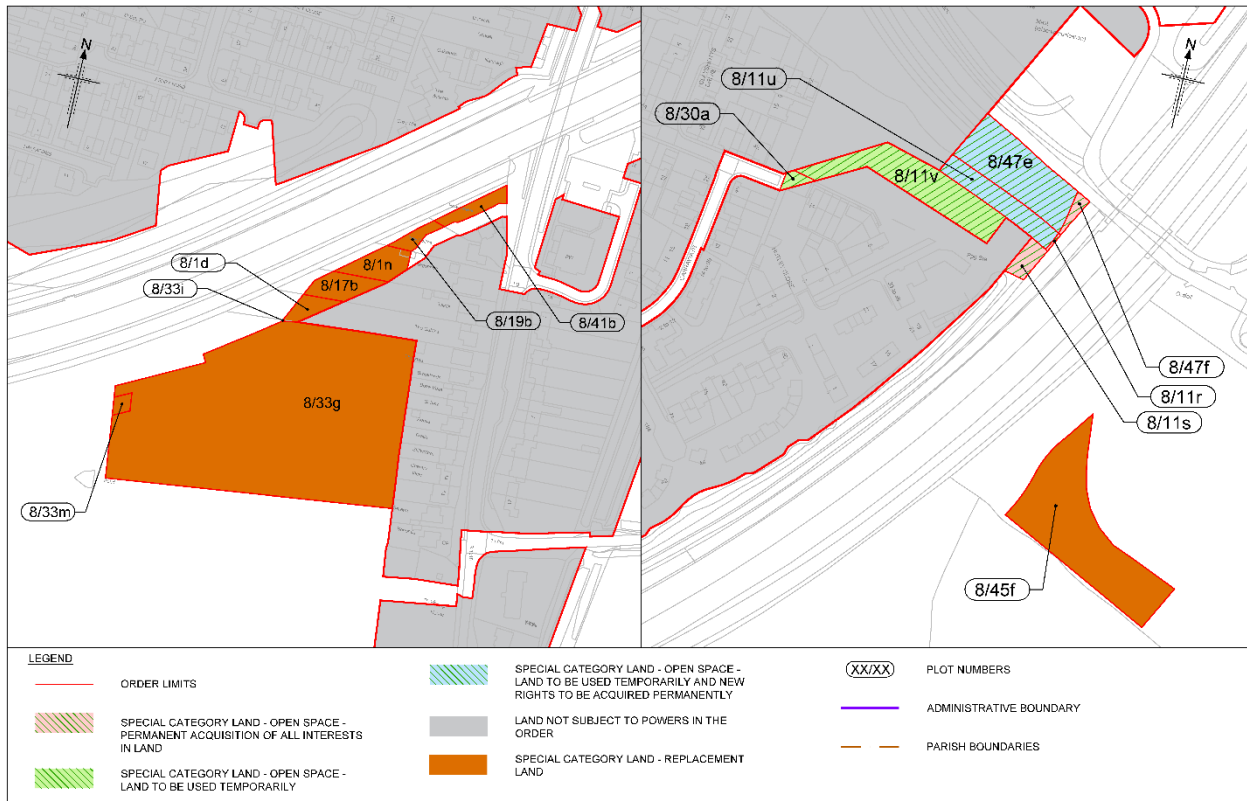
**Plate 2.3 Open Space Area 5 - Blackwater Rail Trail**



**Open Space Area 6 - Land North of Market Lane, Witham (Land Plan Plots 8/47e, 8/47f, 8/11r, 8/11s, 8/11u, 8/11v, 8/30a)**

2.1.22 The majority of this area was previously owned by Braintree District Council, save for plot 8/30a (a temporary powers plot) which is currently owned by Bloor Homes Limited, Templar’s Green Management Company Limited, and provides amenity land for the residents of the Market Lane area of Witham. It lies to the west of the A12 and south of the river Brain. Ownership of plots south of and adjacent to the River Brain was transferred to Witham Town Council. A small area of freehold acquisition is required for a new drainage pipe, as well as temporary access over the open space for the construction of the widened bridge carrying the A12 over the river Brain on neighbouring land.

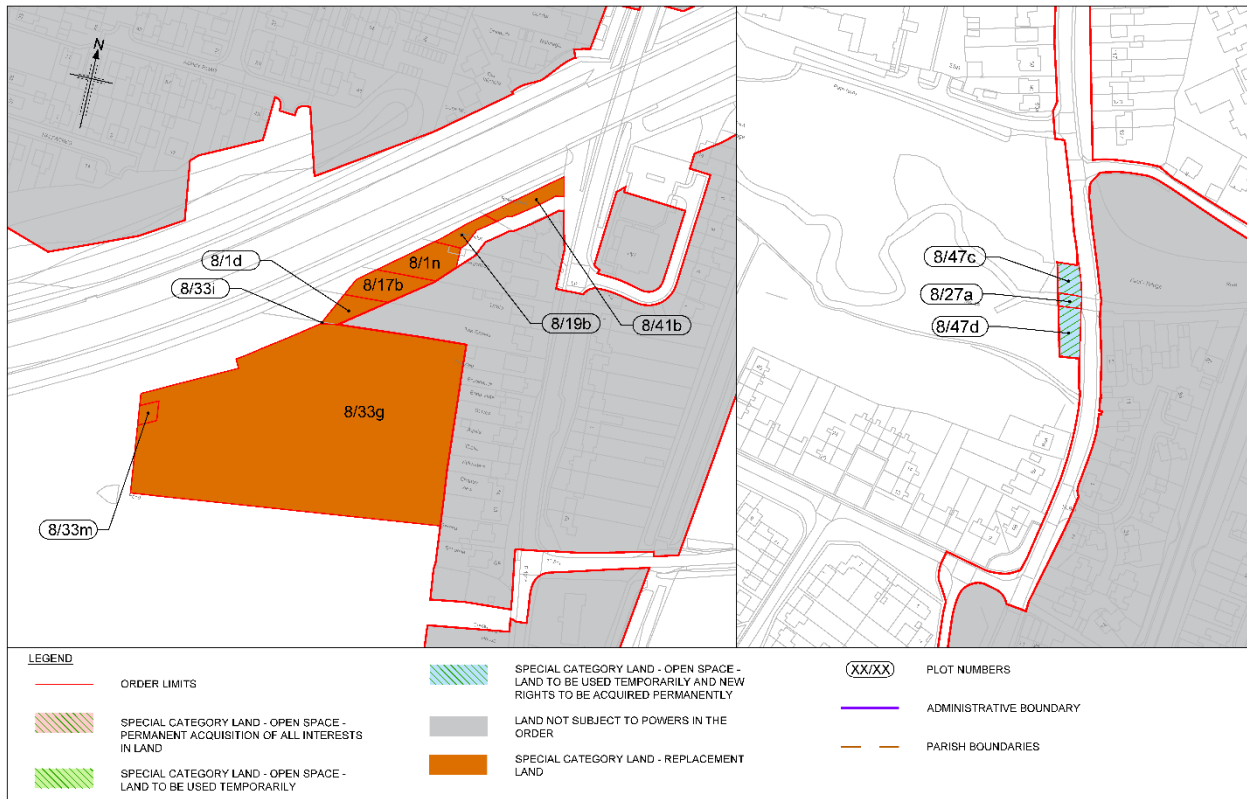
**Plate 2.4 Open Space Area 6 - Land north of Market Lane**



**Open Space Area 7 - Land at Maldon Road Crossing of River Brain, Witham (Land Plan Plots 8/47c, 8/47d and 8/27a)**

2.1.23 Permanent new rights are required to install telecommunication cables under the river Brain at the north west side of the bridge where Maldon Road crosses the river Brain. The land on either side of Maldon Road and on either side of the river Brain forms part of an open space owned by Braintree District Council and Witham Town Council. The proposed scheme will provide Replacement Land at Whetmead as restrictive covenants are sought to protect the installed apparatus, as well as the permanent new rights for their installation.

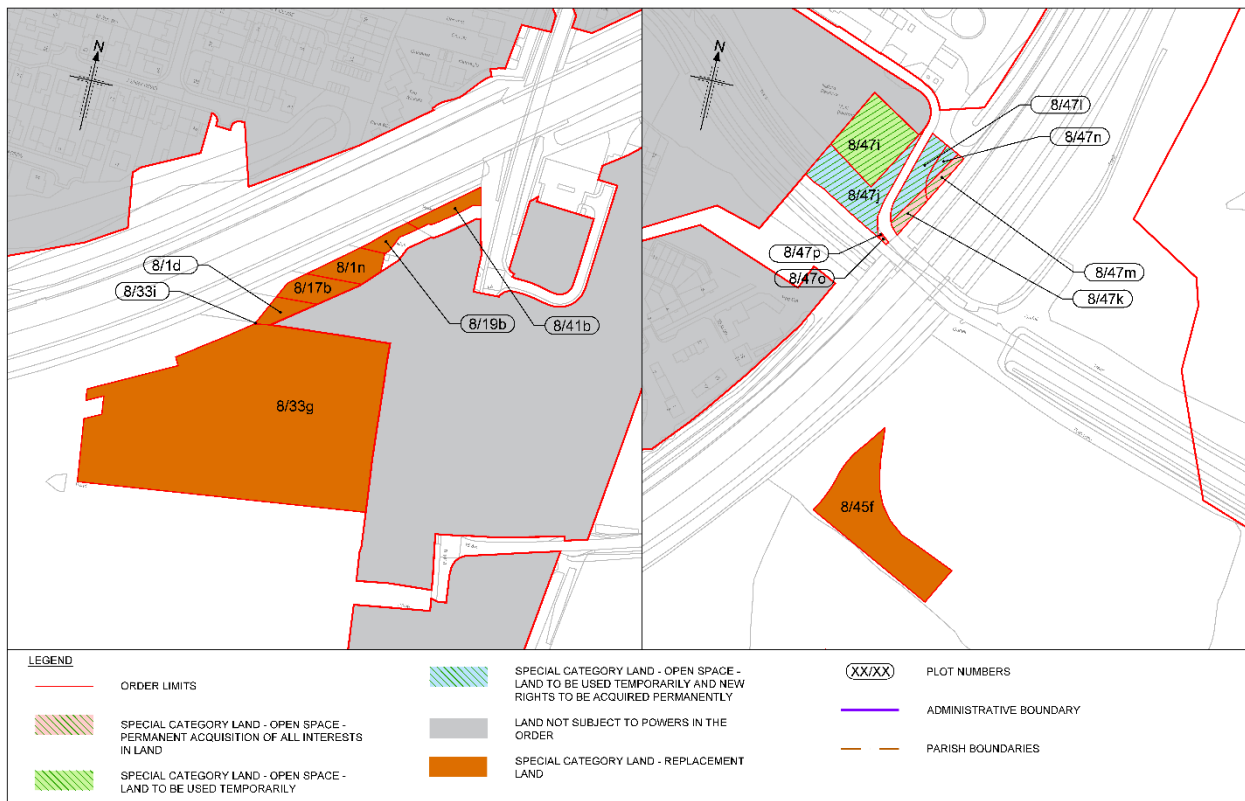
**Plate 2.5 Open Space Area 7 - Maldon Road and River Brain**



**Open Space Area 8 - River Brain, Witham (Land Plan Plots 8/47i, 8/47j, 8/47k, 8/47l, 8/47m, 8/47n, 8/47o, 8/47p)**

2.1.24 Permanent new rights and temporary possession is required for utility diversions on the west side of the A12 where it crosses the River Brain and Blackwater Lane. This land forms part of Witham Town Council's riverside walkway and open space at Witham, providing the principal entrance to the Whetmead Nature Reserve on the east side of the A12. The proposed scheme will provide Replacement Land at Whetmead.

**Plate 2.6 Open Space Area 8 - River Brain**



**Open Space Areas 9 and 10 - Whetmead Local Nature Reserve (Land Plan Plots 8/47a, 8/47b, 9/10d, 9/10e, 9/11a, 9/11b)**

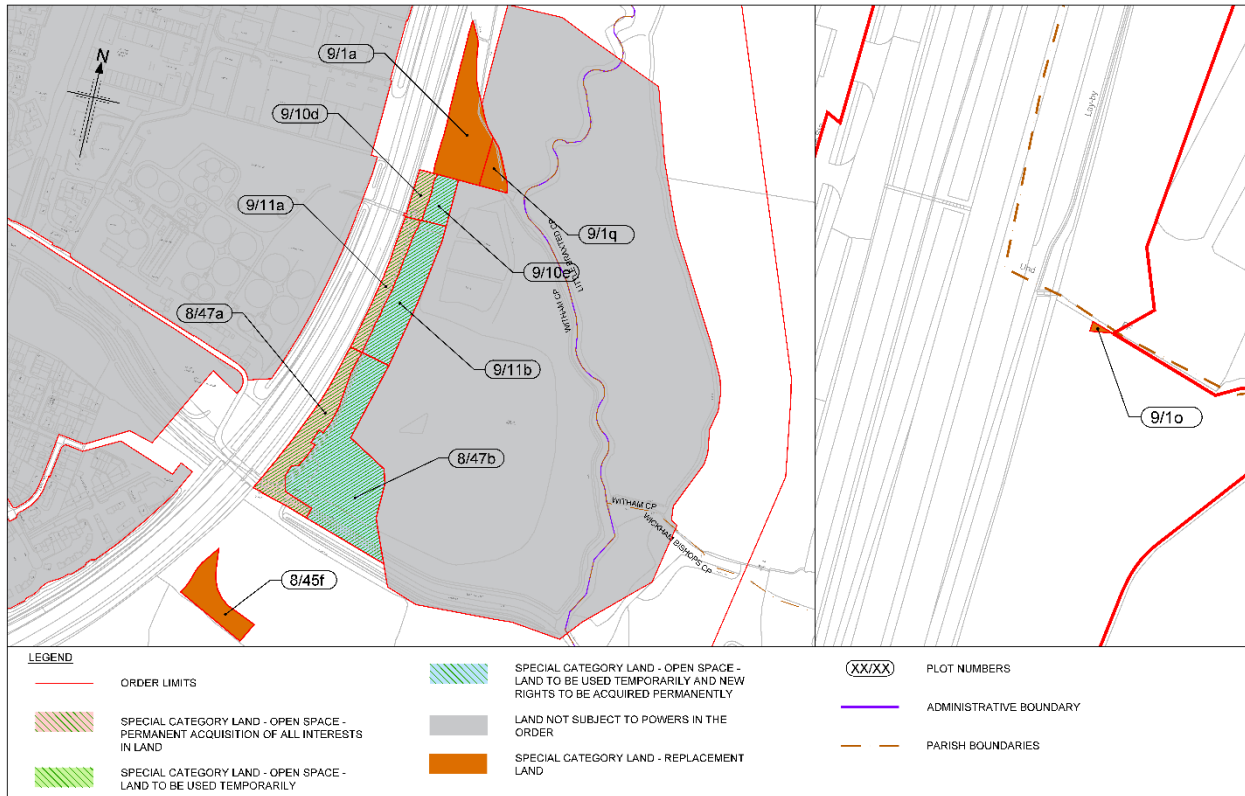
2.1.25 On the eastern side of the existing A12, accessed via Blackwater Lane and the bridge carrying the A12 over the River Brain and Blackwater Lane is the Whetmead Local Nature Reserve (LNR). The freehold is owned by Braintree District Council and leased to Witham Town Council. The nature reserve is a former waste disposal site and has been landscaped. To the north of the land owned by Braintree District Council is part of the former sewage works that were severed by the A12 when the Witham bypass was constructed in the 1960s. These area comprising plots 9/10d and 9/10e are currently in Anglian Water Limited's ownership. It is now used as open space by the public on an informal basis.

2.1.26 Freehold acquisition is proposed of 6639m<sup>2</sup> of land from Braintree District Council/Witham Town Council and 1048m<sup>2</sup> of land from Anglian Water Services Limited. Replacement land will be provided at land North the LNR between the A12 and River Blackwater and just south of a willow plantation for Witham Town Council (plot 9/1a) and Anglian Water (plot 9/1q), this land is currently owned by National Highways. A second parcel of replacement land for Witham Town Council (plot 8/45f) will be provided south of the River Brain. The land now proposed is near to the existing Whetmead Local Nature Reserve. No additional land is required, however the purposes for which the land is being used has

changed being initially proposed for landscaping and now repurposed as replacement land.

2.1.27 In addition new rights are sought over the Whetmead Nature Reserve to relocate existing services that are in the Whetmead Nature Reserve (plots 8/47b, 9/10e and 9/11b). As the services will be buried and replace existing service conduits, Replacement Land is not proposed.

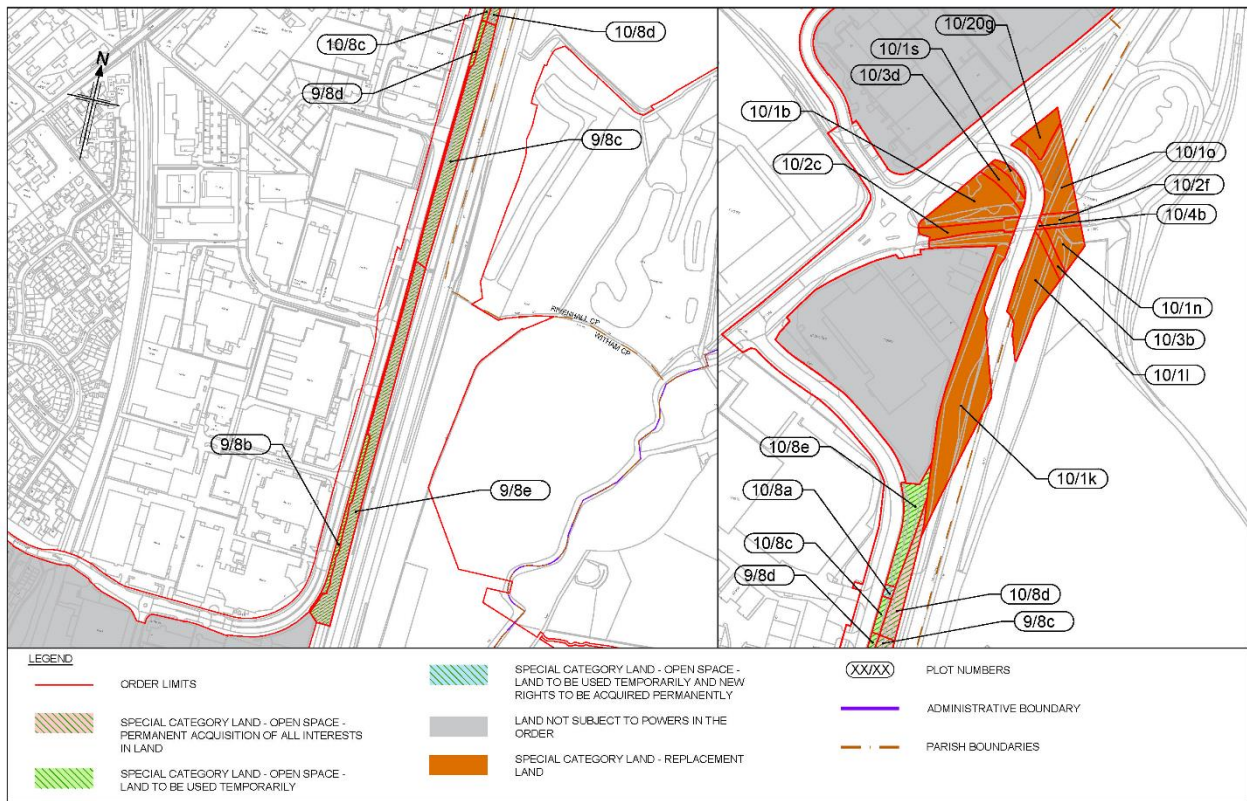
**Plate 2.7 Open Space Areas 9 and 10 - Whetmead Local Nature Reserve**



**Open Space Area 11 - Freebournes Road, Witham (Land Plan Plots 9/8b, 9/8c, 9/8d, 9/8e, 10/8a, 10/8c, 10/8d, 10/8e)**

2.1.28 On the east side of the existing A12, between the A12 and the parallel Freebournes Road is an area of landscaped land formed principally of grass land with some planting. This land is required in part for temporary access for construction purposes but also for the widening of the A12 at this location. Replacement land will be provided to the owner of the open space (Braintree District Council) on land to the north of Freebournes Road, currently forming part of the existing A12 in the vicinity of the existing Colemans Bridge (plots number 10/1b, 10/2c, 10/3b, 10/1s, 10/20g, 10/1o, 10/2f, 10/4b 10/1n, 10/3b, 10/1l and 10/1k). This part of the A12 will be closed and diverted at this location.

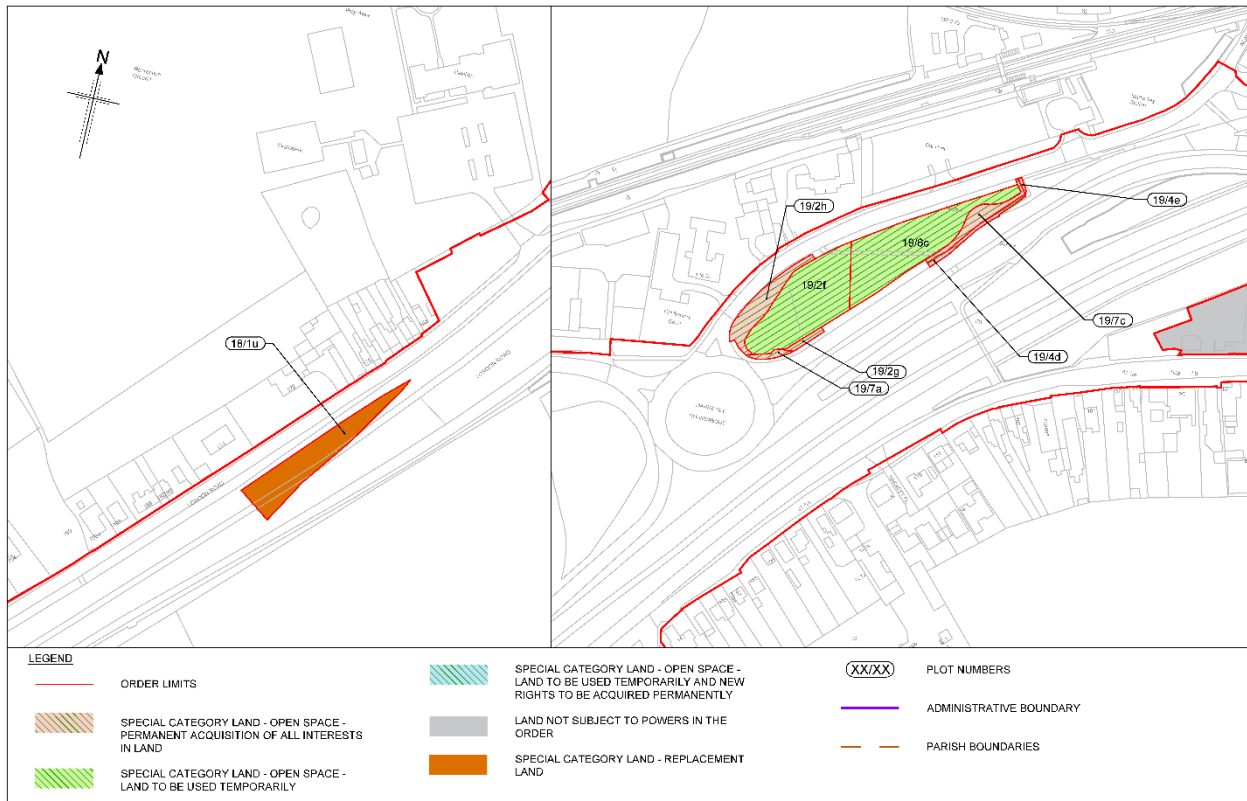
**Plate 2.8 Open Space Area 11 - Freebournes Road, Witham**



**Open Space Area 12 - Station Road, Marks Tey (Land Plan Plots 19/2f, 19/2g, 19/2h, 19/4d, 19/4e, 19/6c, 19/7a, 19/7c)**

- 2.1.29 Land between Station Road, Marks Tey and the existing A120 forms part of a landscaped amenity area which functions as highway verge and is owned by National Highways, Essex County Council being the highway authority.
- 2.1.30 Replacement land will be provided (plot number 18/1u ) south of the existing location of the open space to be used for the proposed scheme.

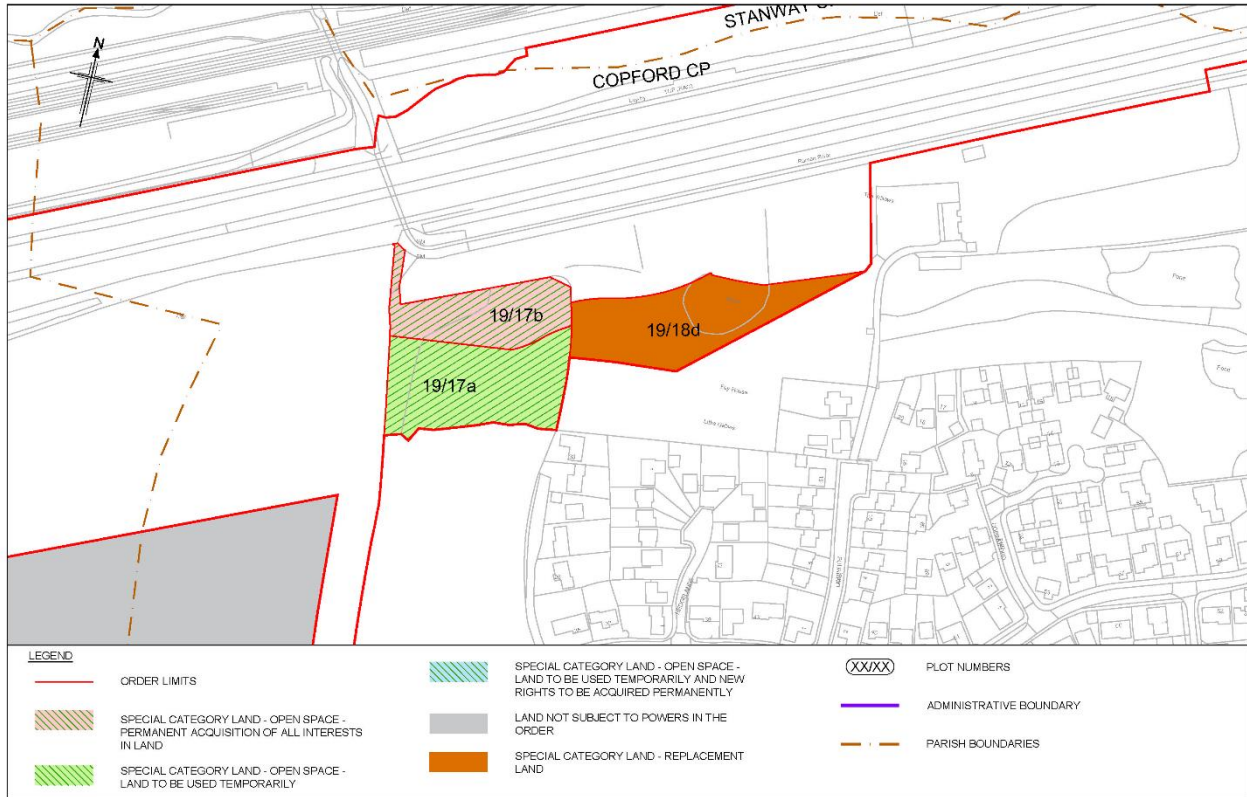
**Plate 2.9 Open Space Area 12 - Station Road Marks Tey**



**Open Space Area 13 - Copford Recreation Ground (Queensbury Avenue Playground) (Land Plan Plot 19/17a, 19/17b)**

- 2.1.31 Land to the north of the existing Copford Recreation Ground/Queensbury Avenue Playground open space, owned and managed by Copford Parish Council, is required for the diversion of the Roman River, which runs parallel to and to the south of the A12 at this location. Land immediately to the east of the council's land (plot number 19/18d) has been identified as suitable Replacement Land to be provided to the parish council. This area is in Copford with Easthorpe Parish Council's ownership.
- 2.1.32 In addition temporary powers to access **the land** will be relied on during construction over an area of woodland owned by the parish council south of the Roman river for the installation of ecological mitigation measures such as bat boxes.

**Plate 2.10 Open Space Area 13 - Copford Recreation Ground**



2.1.33 Table 2.1 summarises each plot of land characteristics, powers sought and existing ownership:

**Table 2.1 Special Category Land required for the proposed scheme**

Special Category Land - Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
River Chelmer, Boreham (Area 1)	David Lawrence Bolton and Stephen John Bolton	New rights (Temporary powers for construction)	1/11g	326	0.03
	Company of Proprietors of The Chelmer and Blackwater Navigation Limited	New rights (temporary powers for construction)	1/14a	839	0.08



## Replacement Land Statement

Special Category Land - Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
Gershwin Boulevard, Witham (1) <b>(Area 2)</b>	Patricia Jane Gooding and Josephine Alberta Ann Witten	Freehold  New rights (temporary powers for construction)  Temporary possession during construction	7/16a, 7/16d, 7/16e, 7/16f, 7/16g,	10073	1.01
	Essex County Council	Freehold  Temporary possession during construction	7/17a, 7/17d	277	0.03
Gershwin Boulevard, Witham (2) <b>(Area 3)</b>	Braintree District Council	Freehold  Temporary possession during construction	7/19c, 7/19d, 7/19g, 7/19h, 8/11a, 8/11c	22039	2.20
Olivers Drive, Witham <b>(Area 4)</b>	Braintree District Council	Freehold  New Rights (Temporary powers during construction)  Temporary possession	8/11b, 8/11d, 8/11f, 8/11g, 8/11aj, 8/11al, 8/11am,	14044	1.40
	Taylor Wimpey UK Limited	Freehold  Temporary possession during construction	8/12a, 8/12b, 8/12d, 8/13b	121	0.01
	Patricia Jane Gooding and Josephine Alberta Ann Witten	Freehold	8/14a	12	0.001

## Replacement Land Statement

Special Category Land - Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
Blackwater Rail Trail, Witham <b>(Area 5)</b>	Essex County Council	Freehold New rights (Temporary powers for construction)	8/3a, 8/6b, 8/6d, 8/6h, 8/6i, 8/6j, 8/6k, 8/6m,	7255	0.73
Land north of Market Lane, Witham <b>(Area 6)</b>	Braintree District Council	Freehold New rights (temporary powers for construction)  Temporary possession during construction	8/11r, 8/11s, 8/11u, 8/11v	2225	0.37
	Witham Town Council	Freehold New rights (temporary powers for construction)	8/47e, 8/47f	1479	0.2
	Bloor Homes Limited, Templar's Green Management Company Limited	Temporary possession during construction	8/30a	81	0.01
Land at Maldon Road crossing of River Brain, Witham <b>(Area 7)</b>	Witham Town Council	New Rights (Temporary powers for construction)	, 8/27a, 8/47c, 8/47d	524	0.05
River Brain, Witham <b>(Area 8)</b>	Witham Town Council	Freehold New Rights (temporary powers during construction)	8/47i, 8/47j, 8/47k, 8/47l, 8/47m, 8/47n, 8/47o, 8/47p	3728	0.37

## Replacement Land Statement

Special Category Land - Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
		Temporary possession during construction			
Whetmead Nature Reserve, Witham <b>(Area 9)</b>	Braintree District Council /Witham Town Council	Freehold	8/47a, 8/47b, 9/11a, 9/11b	24361	2.44
Whetmead Nature Reserve, Witham <b>(Area 10)</b>	Anglian Water Limited	Freehold	9/10d, 9/10e	2449	0.24
Land at Freebournes Road, Witham <b>(Area 11)</b>	Braintree District Council	Freehold  New Rights (temporary powers during construction)  Temporary possession during construction	9/8b, 9/8c, 9/8d, 9/8e, 10/8a, 10/8c, 10/8d, 10/8e	16414	1.64
Land at Station Road Marks Tey <b>(Area 12)</b>	National Highways/ Essex County Council (as highway authority)	Freehold  Temporary possession during construction	19/2f, 19/2g, 19/2h, 19/4d, 19/4e, 19/6c, 19/7a, 19/7c	1026	0.10
Copford Recreation Ground <b>(Area 13)</b>	Copford with Easthorpe Parish Council	Freehold  Temporary powers for installation of Bat Boxes	19/17a, 19/17b	6051	0.61

### 3 The Legal Requirement for Replacement Land

#### 3.1 Introduction

- 3.1.1 The Proposed Scheme comprises a NSIP for alteration to the A12, together with a second NSIP being a diversion of a high-pressure gas main. This means consent is required to be sought by an application for a Development Consent Order (DCO) under the powers of the PA 2008. The legal requirements and associated guidance for projects that requires acquisition of public open space are set out below. Under the PA 2008 process, land provided in replacement of the special category land is called Replacement Land.

## 3.2 Planning Act 2008

- 3.2.1 The PA 2008 enables an applicant to include the compulsory acquisition of land and rights including over any special category land required for the construction, operation and mitigation of a project as part of the application for development consent.
- 3.2.2 Any compulsory acquisition of land or rights over special category land may be subject to special parliamentary procedure (SPP) unless the tests in sections 131 and 132 of the PA 2008 are met. The tests are different depending on the type of special category land and whether it is the land or rights which are being acquired.
- 3.2.3 The compulsory acquisition of land is covered in sections 122-131 of the PA 2008. Section 122 sets out the general compulsory acquisition tests and section 131 covers compulsory acquisition of the freehold of special category land. Section 132 covers compulsory acquisition of rights over special category land. Section 122 has been amended by the Localism Act 2011 and Sections 131 and 132 have been amended by the Growth and Infrastructure Act 2013; the extracts from the PA 2008 provided below are as amended by these later Acts.
- 3.2.4 The general power of compulsory acquisition is in section 122 of PA 2008:

***“122. Purpose for which compulsory acquisition may be authorised***

*An order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State is satisfied that the conditions in subsections (2) and (3) are met.*

*The condition is that the land—*

*is required for the development to which the development consent relates,*

*is required to facilitate or is incidental to that development, or*

*is Replacement Land which is to be given in exchange for the order land under section 131 or 132.*

*The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily.”*

- 3.2.5 For freehold acquisition of common land, open spaces or relevant allotments, section 131 of the PA 2008 applies:

***131. Commons, open spaces etc: compulsory acquisition of land***

*This section applies to any land forming part of a common, open space or fuel or field garden allotment.*

*This section does not apply in a case to which section 132 applies.*

*An order granting development consent is subject to special parliamentary procedure, to the extent that the order authorises the compulsory acquisition of land to which this section applies, unless—*

*the Secretary of State is satisfied that one of subsections (4) to (5) applies, and*

*that fact, and the subsection concerned, are recorded in the order or otherwise in the instrument or other document containing the order.*

*This subsection applies if—*

*Replacement Land has been or will be given in exchange for the order land, and*

*the Replacement Land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land.*

*This subsection applies if—*

- (i) the order land is, or forms part of, an open space,*
- (ii) none of the order land is of any of the other descriptions in subsection (1),*

*(iii) either—*

*there is no suitable land available to be given in exchange for the order land, or*

*any suitable land available to be given in exchange is available only at prohibitive cost, and*

*it is strongly in the public interest for the development for which the order grants consent to be capable of being begun sooner than is likely to be possible if the order were to be subject (to any extent) to special parliamentary procedure.*

*This subsection applies if—*

- (a) (a) order land is, or forms part of, an open space,*
- (b) none of the order land is of any of the other descriptions in subsection (1), and*
- (c) the order land is being acquired for a temporary (although possibly long- lived) purpose.*

*This subsection applies if—*

*the order land does not exceed 200 square metres in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.*

*[subsections 6-10 deleted by s.24(2)(c) of the Growth and Infrastructure Act 2013]*

- (11) *If an order granting development consent authorises the compulsory acquisition of land to which this section applies, it may include provision—*
- (a) *for vesting Replacement Land given in exchange as mentioned in subsection (4)(a) in the prospective seller and subject to the rights, trusts and incidents mentioned in subsection (4)(b), and*
  - (b) *for discharging the order land from all rights, trusts and incidents to which it is subject.*
- (12) *In this section —*
- “common”, “fuel or field garden allotment” and “open space” have the same meanings as in section 19 of the Acquisition of Land Act 1981 (c. 67);*
- “the order land” means the land authorised to be compulsorily acquired;*
- “the prospective seller” means the person or persons in whom the order land is vested;*
- “Replacement Land” means land which is not less in area than the order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public.”*

3.2.6 For acquisition of new rights over common land, open spaces or relevant allotments, S132 of the PA 2008 applies:

**132. Commons, open spaces etc: compulsory acquisition of rights over land**

- (1) *This section applies to any land forming part of a common, open space or fuel or field garden allotment.*
- (2) *order granting development consent is subject to special parliamentary procedure, to the extent that the order authorises the compulsory acquisition of a right over land to which this section applies by the creation of a new right over land, unless—*
  - (a) *the Secretary of State is satisfied that one of subsections (3) to (5) applies, and*
  - (b) *that fact, and the subsection concerned, are recorded in the order or otherwise in the instrument or other document containing the order.*
- (3) *This subsection applies if the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons—*
  - (a) *the persons in whom it is vested,*
  - (b) *other persons, if any, entitled to rights of common or other rights, and*

- (c) *the public.*
- (4) *This subsection applies if—*
- (a) *Replacement Land has been or will be given in exchange for the order right, and*
- (b) *the Replacement Land has been or will be vested in the persons in whom the order land is vested and subject to the same rights, trusts and incidents as attach to the order land (ignoring the order granting development consent).*

*This subsection applies if—*

- (a) *the order land is, or forms part of, an open space,*
- (b) *none of the order land is of any of the other descriptions in subsection (1),*
- (c) *either—*
- (i) *there is no suitable land available to be given in exchange for the order right, or*
- (ii) *any suitable land available to be given in exchange is available only at prohibitive cost, and*
- (d) *it is strongly in the public interest for the development for which the order grants consent to be capable of being begun sooner than is likely to be possible if the order were to be subject (to any extent) to special parliamentary procedure.*

*This subsection applies if—*

*the order land is, or forms part of, an open space,*

*none of the order land is of any of the other descriptions in subsection (1), and*

*the order right is being acquired for a temporary (although possibly long-lived) purpose.*

- (5) *This subsection applies if—*
- (a) *the order land does not exceed 200 square metres in extent or the order right is required in connection with the widening or drainage of an existing highway or in connection partly with the widening and partly with the drainage of such a highway, and*
- (b) *the giving of other land in exchange for the order right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.*

*[subsections 6-10 deleted by s.24(3)(c) of the Growth and Infrastructure Act 2013]*

*If an order granting development consent authorises the compulsory acquisition of a right over land to which this section applies by the creation of a new right over land, it may include provision—*

*If an order granting development consent authorises the compulsory acquisition of a right over land to which this section applies by the creation of a new right over land, it may include provision—*

*for vesting Replacement Land given in exchange as mentioned in subsection (4)(a) in the persons in whom the order land is vested and subject to the rights, trusts and incidents mentioned in subsection (4)(b), and*

*for discharging the order land from all rights, trusts and incidents to which it has previously been subject so far as their continuance would be inconsistent with the exercise of the order right.*

*In this section —*

*“common”, “fuel or field garden allotment” and “open space” have the same meanings as in section 19 of the Acquisition of Land Act 1981 (c. 67);*

*“the order land” means the land to which this section applies over which the order right is to be exercisable;*

*“the order right” means the right authorised to be compulsorily acquired;*

*“Replacement Land” means land which will be adequate to compensate the following persons for the disadvantages which result from the compulsory acquisition of the order right—*

*D.6 the persons in whom the order land is vested,*

*D.7 the persons, if any, entitled to rights of common or other rights over the order land, and*

*D.8 the public.”*

3.2.7 The meanings in the 1981 Act referred to in the first bullet of subsection 12 of both Sections 131 and 132 are:

*“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,*

*“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,*

*“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.”*

### **3.3 National Networks National Policy Statement (NNNPS)**

3.3.1 The NNNPS addresses the PA 2008 by requiring an assessment of Open space loss and confirming with the local planning authority that the land is needed. Paragraphs 5.166 and 5.167 set out the assessment and required replacement for open space:

- *“5.166 - Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Applicants considering*



*proposals which would involve developing such land should have regard to any local authority's assessment of need for such types of land and buildings.*

- *5.167 - During any pre-application discussions with the applicant, the local planning authority should identify any concerns it has about the impacts of the application on land-use, having regard to the development plan and relevant applications, and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements. These are also matters that local authorities may wish to include in their Local Impact Report which can be submitted after an application for development consent has been accepted."*

3.3.2 The Paragraph 5.174 of the NNNPS states : *"The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities."*

3.3.3 Paragraph 5.175 of the NNNPS states: *"Where networks of green infrastructure have been identified in development plans, they should normally be protected from development, and, where possible, strengthened by or integrated within it. The value of linear infrastructure and its footprint in supporting biodiversity and ecosystems should also be taken into account when assessing the impact on green infrastructure."*

3.3.4 Paragraph 5.180 of the NNNPS states: *"Where green infrastructure is affected, applicants should aim to ensure the functionality and connectivity of the green infrastructure network is maintained and any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space, including appropriate access to new coastal access routes, National Trails and other public rights of way".*

3.3.5 The NNNPS sets out in the paragraphs listed above how section 131 and 132 of the PA 2008 should assess, discuss and mitigate the impacts that a road scheme can have on Open Spaces. The proposed scheme does impact open space and on section 3.2 of this document the Applicant sets out how it identified the open spaces, the engagement with the respective authorities about the nature and use of these open spaces, an assessment of the benefits of the proposed scheme, including need, outweighing the potential loss of open space and finally the area of land the applicant proposes to replace the loss of open space.

3.3.6 This document does not include the relevant Local Authority's own assessment or an independent assessment of the Open Space to be a surplus. The proposed scheme took a precautionary approach and considers that the need for the scheme outweigh the potential loss of Open Space and in accordance

with section 131 of the PA 2008 and is proposing to provide Replacement Land that is no less advantageous in nature and area than the Open Space lost.

### 3.4 **Guidance on Compulsory Acquisition Process – DCLG 2013**

Further detail is provided by the Department for Communities and Local Government (DCLG) in ‘Guidance related to procedures for the compulsory acquisition of land’ September 2013, in which the requirements regarding special category land are brought together in Annex A.

#### **“Annex A: Special categories of land**

1. *Certain special categories of land are subject to additional provisions in the Planning Act where it is proposed that they should be compulsorily acquired. This includes the possibility of any compulsory acquisition provision in the development consent order being subject to special parliamentary procedure.*
2. *Special parliamentary procedure requires those elements of a development consent order covering the compulsory acquisition of special land to be subject to further scrutiny by Parliament before it can come into effect.*
3. *Following the amendments to the Planning Act made by the Growth and Infrastructure Act 2013 the compulsory acquisition of the following types of land may, in certain cases, be subject to special parliamentary procedure:*
  - *[...];*
  - *Land forming part of a common (including a town or village green), open space, or fuel or field garden allotment (sections 131 and 132).*

*For applications for development consent made after the commencement of the Growth and Infrastructure Act, special parliamentary procedure will no longer apply where the land being acquired is held by a local authority or a statutory undertaker. Special parliamentary procedure will still apply, however, to land held by a local authority or statutory undertaker if that land is common land, open space, or fuel or field garden allotments and protected by sections 131 and 132.*

#### **National Trust Land**

*[.....]*

#### **Commons (including town or village greens), open space, or fuel or field garden allotments**

*Sections 131 and 132 of the Planning Act make provision for special parliamentary procedure to apply where a development consent order authorises the compulsory acquisition of land, or rights over land, forming part of a common, open space, or fuel or field garden allotment.*

*Special p Special parliamentary procedure will apply in such cases unless the Secretary of State is satisfied that one of the following circumstances applies:*

- *Replacement Land has been, or will be, given in exchange for land being compulsorily acquired (sections 131(4) or 132(4));*
- *the land being compulsorily acquired does not exceed 200 square metres in extent or is required for specified highway works, and the provision of land in exchange is unnecessary in the interests of people entitled to certain rights or the public (sections 131(5) or 132(5));*
- *for open space only, that Replacement Land in exchange for open space land being compulsorily acquired is not available, or is available only at a prohibitive cost, and it is strongly in the public interest for the development to proceed sooner than would be likely if special parliamentary procedure were to apply (sections 131(4A) or 132(4A));*
- *for open space only, if the land, or right over land, is being compulsorily acquired for a temporary purpose (sections 131(4B) or 132(4B)).*

*The last two of these circumstances were added by the Growth and Infrastructure Act. This Act also removed the separate procedural requirements for issuing a certificate where the Secretary of State is of the view that one of the circumstances described above applies. Instead, these matters will be considered and determined as part of the development consent order application process and recommendations provided to enable the Secretary of State to reach a view.*

## **Replacement land**

*Where either section 131(4) or 132(4) of the Planning Act applies, the Secretary of State will have regard to such matters as relative size and proximity of the Replacement Land when compared with the land it is proposed to compulsorily acquire through the development consent order.*

*Land which is already subject to rights of common or to other rights, or used by the public, even informally, for recreation, cannot usually be given as Replacement Land, since this would reduce the amount of such land, which would be disadvantageous to the persons concerned. There may be some cases where a current use of proposed Replacement Land is temporary (e.g. pending development). In such circumstances it may be reasonable to give the land in exchange, since its current use can thereby be safeguarded for the future.*

## **Other provisions**

*Where either section 131(5) or 132(5) of the Planning Act applies, the Secretary of State will need to be satisfied that both criteria are met:*

- *the order land (in total) does not exceed 200 square metres in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and*

- *the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.*

*In coming to a view as to whether the criteria are met, the Secretary of State will have regard to the overall extent of common land, open space land or fuel or field garden allotment land being acquired compulsorily. Where all or a large part of such land would be lost, the Secretary of State may be reluctant to be satisfied in terms of section 131(5) or 132(5)."*

### **3.5 Clarifications from the Planning Inspectorate**

- 3.5.1 The Planning Inspectorate has provided clarification letters on some of these points.
- 3.5.2 The letter of 24 October 2014 from the Planning Inspectorate to the Department for Communities and Local Government clarifies the arrangements for applications proposing compulsory acquisition of open space and/or rights in open space, taking account of the amendments made by the Growth and Infrastructure Act 2013. This includes the following:-

#### **“Approach to applications which engages s.131 and s.132 in relation to open space**

##### **Pre-application**

*Applications which include a request for compulsory acquisition and where the land includes Special Category Land (such as open space) must be accompanied by (amongst other things) the following prescribed documents:*

- *Statement of reasons – justifying compulsory acquisition;*
- *Book of Reference – part 5 of which must specify the Special Category Land, land which could be subject to SPP and Replacement Land and the area in square metres of those plots;*
- *Funding statement indicating how compulsory acquisition will be funded; and*
- *Land plan – which must identify the Special Category Land and Replacement Land.*

We are advising applicants to provide information in the statement of reasons which will enable the Examining Authority to address the matters under sections 131 and 132 and provide a recommendation to the Secretary of State about whether the matters are satisfied.

##### **Examination**

Matters relating to sections 131 and 132 will be considered as part of the DCO examination through questions, compulsory acquisition (or other) hearings (whether or not held solely for sections 131 or 132 matters) and site inspections under the procedures established by the PA 2008 and Infrastructure Planning (Examination Procedure) Rules 2010 (as amended).

## Reporting

The Examining Authority's findings and conclusions in relation to the matters in subsections (4) to (5) of sections 131 (and subsections (3) to (5) of section 132) will be set out in the report made to the (relevant) Secretary of State. As noted above, this will be the Secretary of State with responsibility for making the decision on the infrastructure.

## Decision

In the event that the Secretary of State decides that the DCO should be made and is satisfied (having considered the Examining Authority's report) that one of the conditions applies, the DCO should record that fact."

## 3.6 Timing of provision of Replacement Land

3.6.1 In practice, the Replacement Land is made available for use by the public when the special category land is taken for the project or as soon as is practicable after that, allowing for whatever clearance, path construction, fencing, planting, etc may be required to make the land suitable for such access. A summary of the requirements for when the Replacement Land should be available for use by the public and others with rights in it can be found in Article 45 in the draft DCO:

### **"Special category land**

*(1) On the exercise by the undertaker of the relevant Order powers, the special category land identified in Part 1 of Schedule 8 is not to vest in the undertaker, and the undertaker may not acquire any rights over the special category (rights) land identified in Part 2 of Schedule 8 until the undertaker has acquired the Replacement Land identified in Part 4 of Schedule 8 and the Secretary of State (in consultation with the relevant planning authority) has certified that a scheme for the provision of the Replacement Land as open space and a timetable for the implementation of the scheme has been received from the undertaker.."*

3.6.2 This means that the Replacement Land needs to have been acquired but is not necessarily available (or all available) for public access straight away, as long as a scheme for achieving this access has been prepared and provided to the appropriate Secretary of State, to ensure the necessary certification of or consent for the land acquisition process.

## 4 Special Category Land - Locations Appraisal and search for Replacement Land

### 4.1 Approach

4.1.1 This part of the report sets out the available baseline information on the existing status of the land areas that the proposed scheme is expected to affect, to identify which land parcels would be classed as 'special category land' under the PA 2008.

4.1.2 This information is of relevance to the following documents:

Environmental Statement (ES) (Examination reference App-068 to APP-248 )

## Statement of Reasons (SoR) (Examination reference APP-042)

### Case for the Scheme (Examination reference APP-249)

The status of the land acquired is relevant to some of the environmental assessment topics and as the extent of proposed Replacement Land is relevant to the overall land acquisitions for the Proposed Scheme and associated changes to side roads and NMU facilities, the proposed scheme also needs to comply with the NNNPS.

- 4.1.3 National Highways' licence from the Department for Transport (April 2015) includes requirements to minimise environmental impacts and to protect and enhance the quality of the surrounding environment. The need for and location of Replacement Land are, therefore, of relevance both to the environmental impacts identified and to the environmental enhancements that can be delivered.
- 4.1.4 Although the need for and inclusion of suitable Replacement Land stems directly from the process of compulsory acquisition under the powers of the PA 2008, it can also contribute towards the wider aims of the Government's Road Investment Strategy 2 (RIS2) for the 2020 - 2025 Road Period, which include:
- *To make an extensive and effective use of environmentally and visually sensitive 'green infrastructure', modern materials and careful planting, including trees. Together, these minimise and mitigate the air, light, noise, visual, and water quality impacts of the SRN on those living or working near to it, and sustain habitats and enhanced biodiversity.*
  - *Enhancements to the network create roads that fit with their surroundings, and which keep negative consequences to a minimum. In particular they have employed high standards of design, responding to place-specific issues and in keeping with the natural, built and historic environment.*
  - *Accommodate the needs of motorised users, recognising that these are the vast majority of users overall.*
  - *Make targeted improvements at problem locations, for example at junctions or other locations where there is a need to address safety issues, or where nonmotorized users are required to use the SRN for short distances to access rights of way on either side of the road.*
  - *Secure positive environmental impacts from RIS2, and where negative impacts cannot be avoided that they should be mitigated as far as possible.*
  - *Achieve No Net Loss of biodiversity over the whole Highways England soft estate by the end of RP2. No net loss of biodiversity from National Highways 's activities, both from new schemes and its operational estate*
- 4.1.5 The National Highways Delivery Plan 2020-2025 includes a wide range of performance intentions and indicators to reduce adverse environmental effects of the strategic highway network and improve the ability of all users to make

safe use of the network and cross the network safely, including vulnerable users and cyclists.

- 4.1.6 The provision of Replacement Land and any enhancement work that may be required to make it suitable also align with the Design Manual for Roads and Bridges (DMRB), which provides guidance on the assessment and design for new and existing roads. Volume 10 Section 1 states the objective to “...*respect the landscape character and quality of an area when designing new roads or improving existing roads. We will seek to enhance the integration of our network into rural areas using a combination of sensitive road alignment, earthworks, the use of appropriate materials and planting to minimise the adverse effects of trunk road traffic on the countryside.*”
- 4.1.6 DMRB Volume 10 Section 2 Improving Existing Roads gives guidance on the environmental design of road improvement schemes, including junction improvements. General design principles include:
- Creating new views for road users.
  - New planting to mitigate visual impact or enhance landscape structure.
  - Managing existing vegetation to ensure health, growth and development.

## 4.2 Methodology to identify and assess Open Space and Replacement Land

- 4.2.1 The proposed scheme used variety of methods to identify open spaces affected by the proposed scheme. These included:
- review of adopted and emerging local plans allocations
  - review of approved planning applications which include amenity land
  - Consult LPA’s GIS systems
  - consult MAGIC map (<https://magic.defra.gov.uk/magicmap.aspx>)
  - Review of Google Maps imagery in accordance with open space definition on Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
  - Site visits by members of the team
  - Liaise with Local Authorities and Parishes to provide location of Open Spaces, Allotments and Common Land.
- 4.2.2 The early stages of this assessment was carried out by reviewing the local plans and committed applications, this method identified the area around Queensbury Playground in Copford (Area 13). Consulting MAGIC and GIS systems identified the Local Nature Reserve at Whetmead (Areas 9 and 10). The areas of Gershwin Boulevard/Olivers Drive, Market Lane Areas 2-4\_, River Brain (Areas 5-8) and River Chelmer (Area 1) were identified later on the preliminary design with utilities diversions being drawn and maturity of the design in drainage and ancillary structures.

4.2.3 Finally, the areas around Marks Tey Station Road (Area 12), Freebournes Road (Area 11) and Gershwin Boulevard/Olivers Drive (Areas 2-4) were identified on a precautionary basis as these are mainly highway verges, amenity land (buffer areas) or landscaped areas which are accessible to the public. Areas 2 and 3 are defined as open space in S106 Town and Country Planning Act 1990 planning agreements. Area 4 appears to be used as open space by the public and area 11 is accessible from Freebournes Road along its length and could be used for recreational purposes. The local authorities have not confirmed that these areas are open space so these are included in the Replacement Land assessment.

4.2.4 For each of the open space areas being lost to the proposed scheme, Replacement Land is being offered which meets the requirements of section 131 of the Planning Act 2008 and for which the Secretary of State can determine that the benefits of the proposed scheme (including need) outweighs the potential loss of open space, given the proposed provision of Replacement Land by the Applicant.

### 4.3 Identifying Replacement Land

4.3.1 The identification of possible Replacement Land for the areas of Open Space loss due to the proposed scheme were identified using the accumulated knowledge of the area by the applicant, applying the requirements of section 131 of the PA 2008 (no less advantageous). The Applicant considered the following the principles:

- proximity of the proposed Replacement Land to the area of Open Space loss or the communities it serves;
- characteristics of the land in relation to the Open Space it intends to replace (grassland, woodland, scrubland);
- accessibility of the identified parcel and ability to facilitate the access for the public including connections to the location by way of the network of PRoW and accessibility by the communities it intended to serve;
- the Replacement Land plot could not be proposed to be used for essential mitigation or have parts of the proposed scheme within it.

4.3.2 The Applicant considered the use of current National Highways land which is not required for the existing A12 or the proposed scheme, or where it was acquiring via agreement partial parcels of land where the existing use of the land was unlikely to remain viable. These principles enabled the Applicant to find proposed Replacement Land that delivered like for like open space in nearby areas which simultaneously improves access to countryside and connectivity between communities.

4.3.3 Those undertaking the exercise carefully considered the requirements for Replacement Land as defined through section 131 of the Act.

4.3.4 The review was largely guided by:



- consideration of land that was likely to be acquired as part of the proposed scheme, which offered the potential to provide suitable Replacement Land;
- minimising impacts on existing landowners and land use, whilst still achieving the requirements of section 131 and (where relevant) section 132 PA 2008;
- locating Replacement Land as close as possible to the Open Space land to be acquired; and
- appropriate access for the owner of the Open Space and for the public.

4.3.5 The locations were initially identified from local knowledge and desktop study as being potentially suitable, due to their location, proximity to the existing Open Space land and their condition. Site visits to locations and discussions with landowners provided additional information.

## **4.4 The Open Space Land – General Considerations**

4.4.1 The following sections discuss the general considerations applied to the proposals for the acquisition of (new rights over) the Open Space Land. Section 5 below deals with each of the identified areas of open space.

4.4.2 Consideration is also given to temporary powers being used over the identified Open Space land where relevant.

### **Open Space - Permanent Acquisition**

4.4.3 For the majority of the open space subject to powers of freehold acquisition, National Highways relies on section 131(4)(i) and (ii). National Highways believes that special parliamentary procedure will not be required because the Secretary of State will be able to satisfy that Replacement Land has been or will be given in exchange for the order land and that the Replacement Land will be vested in the prospective seller subject to the same rights trusts and incidents as attached to the area of open space being acquired.

4.4.4 National Highways will also rely on section 131(11) to discharge from the order land all trusts rights and incidents applying to the area of open space.

4.4.5 The Replacement Land in each case being offered will be no less in area than the order land which is being acquired by National Highways, it will be no less advantageous to the persons entitled to any rights over the land and to the public, on the basis that either the land will be contiguous to the area of open space of which part is being acquired, or that access (both on foot and vehicular) will be provided to the Replacement Land.

4.4.6 The Replacement Land has in each case been proposed as close as possible to the open space being lost.

### **Open Space – Temporary Acquisition with rights to be acquired Permanently**

- 4.4.7 The Open Space land to be used with rights to be acquired permanently includes land required for drainage and/or utility diversions. Each of the areas of land where new rights are to be acquired is outlined in more detail in Section 5 of this report below.
- 4.4.8 For the instances where new rights are required, and section 132(4) being relied on, namely:
- Market Lane, Witham;
  - the area of Blackwater Rail Trail south of Blue Mills Hill; and
  - the crossing of the River Brain at Maldon Road, Braintree
- 4.4.9 Replacement Land is being provided that will be adequate to compensate them for the disadvantages which result from the compulsory acquisition of the order right.
- 4.4.10 The land comprising part of the Blackwater Rail Trail south of Blue Mills Hill, Witham, Replacement Land will be provided to Essex County Council as a result of the need for restrictive covenants to also be imposed. Parallel to the Maldon Road, Witham where the Maldon Road crosses the River Brain, Replacement Land is proposed for the new rights sought in plots 8/47d and 8/47c. In those instances, section 132(4) will be relied upon.
- 4.4.11 For each of the other areas of open space where permanent new rights are sought, National Highways relies on section 132(3), on the basis that the order land, when burdened with the order right will be no less advantageous than it was before to the owners, those entitled to rights over it and to the public. The specific explanation for reliance on section 132(3) or 132(4), in respect of each relevant area of Open Space Land, is provided in Section 5 below.

### **Open Space – Temporary Possession**

- 4.4.12 The land required temporarily includes land that will be used during construction only to carry out construction works in relation to plots 7/16a, 7/16g, 7/17a, 7/19c, 7/19d, 8/11a, 8/11c, 8/11v, 8/47i, 8/11aj, 8/11am, 8/12a, 8/12b, 8/30a, 9/8b, 9/8d, 10/8c, 10/8e and 19/17a.
- 4.4.13 Following construction activities, possession will revert to the current landowner(s).
- 4.4.14 In each case the land required temporarily only is not being acquired. (Each plot would meet the test in section 131(4B) of the PA 2008 because the land is, or forms part of, an open space, meets none of the other descriptions in subsection (1), and is being secured for a temporary purpose).
- 4.4.15 All Open Space plots sought may be subject to temporary possession, whether also subject to proposed freehold acquisition, proposed acquisition of new rights or where powers are sought temporarily only.

## 5 Detailed analysis of Open Space Land Required for the Proposed Scheme

- 5.1.1 The plots of Open Space Land as listed in the Book of Reference [APP-044] are summarised in this section of this report.
- 5.1.2 In addition each area is described in detail below, together with the reasons for its being included in Order land, and, where appropriate, its proposed Replacement Land.
- 5.1.3 The proposed scheme design has sought to minimise the extent of special category land required or affected, whilst ensuring that delivery of the proposed scheme is still practicable. Save for:
- the River Chelmer (Open Space Area 1) which is required for new rights of drainage in to the River Chelmer);
  - that part of the Blackwater Rail Trail south of Blue Mills Hill (Open Space Area 5); which is required for new rights for utilities diversion;
  - land at Maldon Road, Witham which is required for new rights for utilities diversion (Open Space Area 7); and
  - land at Station Road, Marks Tey (Open Space Area 12) which is required for minor highway widening
- 5.1.4 the Open Space Land is required for widening the existing carriageway of the A12. As the majority of the areas of Open Space affected by the proposed scheme lie adjacent to the existing A12 it has proved impossible to avoid affecting the Open Space Land whilst still achieving the objectives of the proposed scheme. For most areas it would appear that the Open Space has become established since the A12 was improved in the 1960s to form the existing A12 trunk road.

### Open Space land required for the proposed scheme

- 5.1.5 The following sections provide the analysis of each proposed acquisition of Open Space Land and the reason why in each case SPP is not required. This in each case by reference to a table setting out the area of the open space, the powers sought and the works to which they relate. Each relevant plot is identified by reference to the plot number given in National Highways' Book of Reference (Examination reference APP-044) and Land Plan (Examination reference AS-009). The relevant statutory tests are then applied to each of the areas.

The given the shape and extent of some of the plots proposed as Replacement Land these, in some cases, include replacement of land across different areas and are repeated in more than one section. The tables included in Appendix A consolidate this information.

## 5.2 Open Space Area 1 - River Chelmer

Table 5.1 Open Space Area 1 - River Chelmer, Boreham

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
River Chelmer, Boreham and tow path	David Lawrence Bolton and Stephen John Bolton	New Rights (temporary powers for construction)	1/11g	326	0.03
	Company of Proprietors of The Chelmer and Blackwater Navigation Limited		1/14a	839	0.08
Replacement land proposed	Not applicable	none	-	-	-

### Why are the new rights required?

- 5.2.2 The plots are required for a new surface water drain in to the River Chelmer from an attenuation pond to be provided as part of the proposed scheme.

### What Replacement Land is proposed?

- 5.2.3 As only new rights are being sought and the land will not be materially altered or affected following their installation, no Replacement Land is proposed. Temporary powers to use and take possession of the land will be relied on during construction.

### Applying the Statutory Tests

- 5.2.4 The Applicant is relying on section 132(3) of the PA 2008. The Applicant believes that *the land, when burdened with the right, will be no less advantageous than it was* before to the current owner or the public because the use of the tow path and the River Chelmer will not be materially affected by the installation of the proposed works or the imposition of the new rights to use and maintain the new drain which will be installed under the existing tow path.

## No less advantageous to the public

- 5.2.5 In considering whether the proposed installation of new drain will not make the use or enjoyment of the land any less advantageous. The tow path and river will be capable of being used as they were before the proposed drain was installed.

## Condition and use

- 5.2.6 The land is currently part of the River Chelmer and its adjacent tow path.

## Designations

- 5.2.7 The land is and will remain in the Chelmer and Blackwater Navigation Conservation Area.

## 5.3 Open Space Areas 2 - 4 - Gershwin Boulevard and Olivers Drive, Witham

Table 5.2 Open Space Areas 2 - 4 - Gershwin Boulevard and Olivers Drive, Witham

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
<b>(Area 2)</b> Gershwin Boulevard, Witham (1) and <b>(Area 4)</b> Olivers Drive, Witham	Patricia Jane Gooding and Josephine Alberta Ann Witten	Freehold	7/16d, 7/16f 8/14a	6421	0.64
Replacement land proposed	Andrew Ferguson Wood	Freehold	8/33f	6678	0.67
<b>(Area 2)</b> Gershwin Boulevard, Witham (1)	Essex County Council	Freehold	7/17d	158	0.02
Replacement land proposed	Robert Alexander Buchanan, Harry Christopher Buchanan and Elizabeth Anne Buchanan	Freehold	8/43d, 8/43e, 8/44c, 8/45e  (as part of land provided for Open Space Area 5)	4915	0.49

## Replacement Land Statement

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
<b>(Area 3)</b> Gershwin Boulevard, Witham (2)	Braintree District Council	Freehold	7/19g, 7/19h,	8295	0.83
<b>(Area 4)</b> Olivers Drive, Witham	Braintree District Council	Freehold	8/11b, 8/11d	7250	0.73
Replacement land proposed	National Highways, Robert George Ward, Janet Beryl Whittle, Victoria Lyas and Stephen Lyas, Julian Graham Whittle and Danielle Whittle, Andrew Ferguson Wood, Stephen Peter Butcher and Karen Anne Butcher	Freehold	8/1d, 8/17b, 8/18b, 8/19b, 8/33g, 8/33i, 8/41b	16365	1.6
<b>(Area 4)</b> Olivers Drive, Witham	Taylor Wimpey UK Limited	Freehold	8/12d, 8/13b	91	0.01
Replacement land proposed	Andrew Ferguson Wood	Freehold	8/33m	101	0.01

### Plots for which Replacement Land is not to be provided:

- 5.3.2 In addition new rights are sought over plots 7/16e, 8/11al, 8/11f and 8/11g. No Replacement Land is proposed in relation to the acquisition of those new rights.
- 5.3.3 Temporary possession powers are sought over each the plots listed above. In addition, only temporary powers are sought over the following plots: 7/16a, 7/16g, 7/17a, 7/19c, 7/19d, , 8/11a, 8/11/aj, 8/11am, , 8/11c, 8/12a and 8/12b. Each of Areas 2-4 form landscaping, amenity and grassed areas between

Gershwin Boulevard/Olivers Drive and the A12 Witham Bypass. A small wooded area of more established trees is south of Olivers Drive. The areas do not have any facilities for public recreation but can be used for dog walking.

- 5.3.4 Public footpath 121\_95 crosses Area 4 south for Olivers Drive but is not readily discernible on the ground. This route will be stopped up and diverted on to a new surfaced route to connect Olivers Drive and the proposed Gershwin Bridge over the A12 which will significantly improve the conditions for using footpath 121\_95 to access the countryside south of the A12. The improved route will also provide public access to the replacement open space south of the A12.

### **Why is it required?**

- 5.3.5 The Open Space to be acquired permanently is needed for the widening of the existing A12 at Witham, adjoining Open Space Areas 2, 3 and 4. Without the open space in these areas being secured, the A12 cannot be widened to three lanes northbound.
- 5.3.6 For the land at Olivers Drive (Area 4) freehold acquisition is required for the diversion of public right of way 121\_95, a public footpath that extends from Olivers Drive north of the A12 south to the B1018 Maldon Road south of the A12. The diverted footpath will cross the A12 by a new bridge to be constructed as part of the proposed scheme. The footpath will also be extended to provide a link to the existing footway on the east side of Gershwin Boulevard.
- 5.3.7 Within Area 4 diversion of existing underground utility apparatus is also proposed. As the apparatus are already in the Order Land it is considered the land will be no less advantageous than before, following the creation of the new rights sought.
- 5.3.8 In addition to the proposed freehold acquisition in Areas 2-4, temporary access and working space is sought over the areas of open space between the highways of Gershwin Boulevard and Olivers Drive and the A12.

### **What Replacement Land is proposed?**

- 5.3.9 Replacement land 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.
- 5.3.10 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.
- 5.3.11 Maintenance access will be provided by a new maintenance track being provided as part of the A12 drainage and attenuation works, connecting to Maldon Road south of the A12.
- 5.3.12 The Replacement Land is currently shown as being split into two parcels to reflect the split in ownership between Braintree District Council and the current owners of Area 2 of the Open Space (as well as a small area of land to replace the land held by Taylor Wimpey UK Limited at Olivers Drive).

- 5.3.13 Negotiations will continue with the Owners and local planning authority regarding fulfilling the purposes of the section S106 agreement relating the proposed transfer to Braintree District Council of open space that forms Area 2.

### **Applying the Statutory Tests**

- 5.3.14 The Applicant is relying on section 131(4) of the PA 2008. This provides that, if Replacement Land has been given or will be given in exchange for the Order Land and will be vested in the prospective seller and subject to same rights trust and incidents attached to order land, then special parliamentary procedure is not required. The Replacement Land will be consolidated with other areas of land sought as Replacement Land to form a single large open space area for the benefit of the public.
- 5.3.15 There is a clear need for the acquisition of the open space to effect the widening of the A12 at this location. The combination of the benefits of the proposed scheme, in the widening of the A12 to provide a more efficient and safer strategic road, as well as the provision of Replacement Land no less in area, justifies the acquisition of the freehold parcels in Areas 2-4.
- 5.3.16 In respect of the new rights plots in Area 4 – plots 8/11a/ 8/11f and 8/11g, the services being relocated are already in the Order Land it is considered the land will be no less advantageous than before, following the creation of the new rights sought by the Applicant. Accordingly section 132(3) of the PA 2008 will apply.

### **Not less in area than the order land**

- 5.3.17 The existing freehold open space being acquired compulsorily is:
- Area 2 (plots 7/16d, 7/16f, 7/17d) – 6,567m<sup>2</sup>
  - Area 3 (plots 7/19g and 17/19h) – 8,295m<sup>2</sup>
  - Area 4 (plots 8/11b, 8/11d, 8/12d and 8/13b ) – 7,250m<sup>2</sup>
- 5.3.18 The Replacement Land south of the A12 measures:
- Area 2 (which also includes Replacement Land for 12m<sup>2</sup> for plot 8/14a in Area 4 and Replacement Land for 4,730m<sup>2</sup> for plots 8/6h,86i, 8/6j and 8/6m in Area 5) - 11,593m<sup>2</sup>
  - Areas 3 and 4 (save for plot 8/14a factored in above) – (which also includes Replacement Land in Areas 6, 7 and 8 for 1,099m<sup>2</sup> in relation to plots 8/47f, 8/11r, 8/11s [291m<sup>2</sup>](Area 6), 8/47c, 8/47d, 8/27a (Area 7), 8/47k, 8/47m, 8/47o and 8/47p (Area 8)) 23,150 m<sup>2</sup>
- 5.3.19 On this basis it is clear the Applicant is providing an area equivalent to the area being taken permanently for the proposed scheme.

### **No less advantageous to the public**

- 5.3.20 In considering whether this option is no less advantageous to the public, the key criteria of access, condition and use, and designations have been reviewed.



5.3.21 The Replacement Land provides a rectangular space which will permit a more flexible use of the land for public recreation and sporting activities.

5.3.22 Access for the public on foot will be available by way of the diverted public footpath 121\_95 and via a new link parallel to the A12 on its south side, connecting to Maldon Road.

### Access arrangements

5.3.23 Access for the public on foot will be available by way of the diverted public footpath 121\_95 and via a new link parallel to the A12 on its south side, connecting to Maldon Road.

5.3.24 Maintenance access will also be available via Maldon Road.

### Condition and use

5.3.25 The Replacement Land is currently in agricultural use.

### Designations

5.3.26 Areas 2 and 3 are subject to the S106 (see comments in Section 2 above) containing obligations on the landowners in to create and then transfer to Braintree District Council the land as open space. The land is further defined as being either informal open space or structural landscaping.

5.3.27 Areas 2 and 3 are defined as structural landscaping in the Braintree District Council emerging Local Plan, and the part of the open space between Gershwin Boulevard and Olivers Drive is allocated for informal recreation. Area 4 is allocated as visually important space.

5.3.28 The Replacement Land is not currently affected by any formal designation.

## 5.4 Open Space Area 5 - the Blackwater Rail Trail

Table 5.3 Open Space Area 5 - the Blackwater Rail Trail

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
Blackwater Rail Trail, Witham (for which Replacement Land is proposed)	Essex County Council	Freehold	8/6h, 8/6i,	172	0.02
New rights over Blackwater Rail Trail, Witham (for which Replacement Land is proposed)		New rights (temporary powers during construction)	8/6j and 8/6m	4558	0.46
Replacement land proposed	Robert Alexander	Freehold	8/43d, 8/43e	4810	0.49

## Replacement Land Statement

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
	Buchanan, Harry Christopher Buchanan and Elizabeth Anne Buchanan				
	Eileen Elizabeth Buchanan	Freehold	8/44c	12	0.001
	Beth Johanna Paterson, Ruth Harriet Wheaton, Jack Henry Wheaton and George Edward Wheaton	Freehold	8/45e	93	0.01
Blackwater Rail Trail, Witham (no Replacement Land proposed)	Essex County Council	New rights (temporary power during construction)	8/3a, 8/6b, 8/6d, 8/6k,	2525	0.25
Replacement Land	Not applicable	none	-	-	-

### Why is it required?

- 5.4.2 Intervention in the Blackwater Rail Trail is required for works to the existing Benton Bridge which crosses (but does not form part of) the Blackwater Rail Trail. Minor works may be required to the existing walls forming the approaches and supports to Benton Bridge, whilst airspace over the Blackwater Rail Trail is required for the widening of Benton Bridge. These areas form plots 8/6h and 8/6i. Without the open space being acquired the A12 cannot be widened to three lanes in each direction across Benton Bridge.
- 5.4.3 In addition, new rights are required over plots 8/3a, 8/6b, 8/6d and 8/6k for the installation of diverted services. As these are for diverting services already

within the existing Blackwater Rail Trail, Replacement Land is not proposed for these plots.

5.4.4 Temporary powers to use and take possession of the land during construction are sought over the new rights plots to enable construction of the proposed scheme.

5.4.5 For the area south of Blue Mills Hill (plots 8/6j and 8/6m), the impact on the existing Open Space by the installation of the diverted high pressure gas main means that, despite this being a rights acquisition, Replacement Land is proposed due to the undertaker's requirements for future management of the Open Space land so affected by the installation of the diverted gas main (work number U69) within this part of the Blackwater Rail Trail. Replacement land is proposed for an area equal to the area of plots 8/6j and 8/6m. There is a clear need for the acquisition of the open space and the proposed Replacement Land will be adequate to compensate for the disadvantages which result from the compulsory acquisition of the order right.

### **What Replacement Land is proposed?**

5.4.6 The Applicant proposes Replacement Land to the south of the A12 and east of the Blackwater Rail Trail. This will extend towards the right of way network parallel to the A12 and providing a connection (on foot) to the LNR. Like Blackwater Rail Trail, the Replacement Land forms a linear strip. It will be accessed by Essex County Council from the Blackwater Rail Trail and via a new access track being provided for maintenance purposes from Blue Mills Hill, Witham.

### **Applying the Statutory Tests**

5.4.7 The Applicant is relying on section 131(4) of the PA 2008 for the freehold acquisition plots at Benton Bridge Plots 8/6h and 8/6i. This provides that, if Replacement Land has been given or will be given in exchange for the order land and will be vested in the prospective seller and subject to same rights trust and incidents attached to Order Land, then special parliamentary procedure is not required.

5.4.8 The Applicant is relying on section 132(3) of the PA 2008 for plots 8/3a, 8/6b, 8/6d and 8/6k where new rights are required for the installation of diverted services. As these are diverted services within the existing Blackwater Rail Trail, Replacement Land is not proposed for these plots. The Applicant believes that the land, when burdened with the right, will be no less advantageous than it was before to the current owner or the public because the use of the land for utility apparatus is already established.

5.4.9 In respect of the land south of Blue Mills Hill (Plots 8/6j and 8/6m) section 132(4) is relied upon. This means that special parliamentary procedure is not required if Replacement Land is given in exchange for the order right, which is adequate to compensate for the disadvantages which result from the compulsory acquisition of the order right. Whilst the impact of the proposed scheme on plots 8/6h and 8/6i means that Replacement Land is justified. Essex County Council will retain the freehold and beneficial ownership of those plots but will in addition have Replacement Land to also use as open space, and thus

Essex County Council and the public will be adequately compensated for the imposition of the new rights on the plots. Not less in area than the order land

5.4.10 The existing open space being acquired compulsorily and is to be replaced is:

- Plot 8/6h and 8/6i - 172m<sup>2</sup>

5.4.11 The existing Open Space for which new rights will be required but where there is a need to provide Replacement Land is:

- Plot 8/6j and 8/6m - 4558m<sup>2</sup>

5.4.12 The Replacement Land is:

- Plot 8/43d and 8/43e 4810m<sup>2</sup>
- Plot 8/44c 12m<sup>2</sup>
- Plot 8/45e 93m<sup>2</sup>

5.4.13 On this basis the Applicant is providing an area equivalent to the area being taken permanently for the proposed scheme.

### **No less advantageous to the public**

5.4.14 In considering whether the Replacement Land is no less advantageous to the public, the key criteria of access, condition and use, and designations have been reviewed.

5.4.15 The current Blackwater Rail Trail is a linear path with mature tree lining each side of the former railway track bed. The Rail Trail will remain as a through route in the vicinity of Benton Bridge and the proposed scheme will have limited impact on the existing open space.

5.4.16 For the Replacement Land identified to replace the freehold land lost, (plots 8/6h and 8/6i), The Replacement Land is a linear strip running south-east of and parallel to the A12. It connects at its south-eastern end with the Existing Blackwater Rail Trail. It is similar in character to the order land giving rise to the need for the provision of Replacement Land. It adjoins the Replacement Land identified to replace plots 8/6i and 8/6m.

5.4.17 Plots 8/6j and 8/6m - Replacement land adequate to compensate the owner and the public for the disadvantages which result from the compulsory acquisition of the order right.

5.4.18 For the land south of New Mills Lane, the imposition of restrictive covenants to restrict building or planting over the land means that it cannot be argued that the relevant land will be no less advantageous to Essex County Council if the rights sought are imposed. The Replacement Land is a linear strip running south-east of and parallel to the A12. It connects at its south-eastern end with the Existing Blackwater Rail Trail. It is similar in character to the order land giving rise to the need for the provision of Replacement Land.

5.4.19 Access for the public on foot will be available by way of the diverted public footpath 121\_95

- 5.4.20 Plots 8/3a, 8/6b, 8/6d, 8/6k – the land, when burdened with the right, will be no less advantageous than it was before
- 5.4.21 In considering whether the rights land where Replacement Land is not proposed it is submitted that the relocation of existing apparatus within the relevant plots will not make the use and enjoyment of the Backwater Rail Trail any less disadvantageous for persons interested in the land or the public.

### Access arrangements

- 5.4.22 As well as access for the public on foot by way of the diverted public footpath 121\_95, the Replacement Land will be capable of being accessed via the Blackwater Rail Trail immediately south of Benton Bridge. The Applicant will discuss with Essex County Council whether provision of a permissive path for public access can be provided as part of the Applicant's overall works for the A12 scheme.
- 5.4.23 Maintenance access will be available to Essex County Council to the Replacement Land via the Applicant's proposed access track connecting to Blue Mills Hill.

### Condition and use

- 5.4.24 The Replacement Land is currently in agricultural use.

### Designations

- 5.4.25 The Blackwater Rail Trail is a Country Park managed by Essex County Council. In the Braintree District Council emerging local plan it is allocated for foot and cycle access and as a disused railway [save for the land south of Blue Mills Hill] The whole of Area 5 is allocated for informal recreation.
- 5.4.26 The Replacement Land is not currently affected by any formal designation.

## 5.5 Open Space Area 6 - Land North of Market Lane, Witham

Table 5.4 Open Space Area 6 - Land North of Market Lane, Witham

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
Land North of Market Lane, Witham	Braintree District Council	Freehold	8/11r, 8/11s,	203	0.02
	Witham Town Council	Freehold	8/47f	88	0.01
Replacement land proposed	National Highways,	Freehold	8/1d, 8/1n,	16365	1.64

## Replacement Land Statement

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
	Robert George Ward, Julian Graham Whittle and Danielle Whittle, Andrew Ferguson Wood, Stephen Peter Butcher and Karen Anne Butcher		8/17b, 8/19b, 8/33g, 8/33i, 8/41b		
Land North of Market Lane, Witham	Braintree District Council	New rights (temporary power during construction)	8/11u	637	0.06
	Witham Town Council	New rights (temporary power during construction)	8/47e	1391	0.14
Replacement Land	Not applicable	none	-	-	-

### Why is it required?

- 5.5.2 The open space land forming plots 8/11r, 8/11s, 8/47k, 8/47n and 8/47o to be acquired permanently is needed for the widening of the existing A12 at Witham, and the provision of new drainage from the A12 in to the River Brain. Without the open space being acquired the A12 cannot be widened to three lanes northbound at this location..
- 5.5.3 For plots 8/47e and 8/11u permanent new rights are required for diverting existing services already within the Order land.
- 5.5.4 In addition, temporary access and working space is sought over the areas of Open Space forming plots 8/11v together with neighbouring plot 8/30a for temporary working space and access during construction of the proposed scheme.

### **What Replacement Land is proposed?**

- 5.5.5 Replacement land has been identified on the south side of the A12, which will be connected to the existing open space via the footpath that passes under the A12 parallel to the River Brain.
- 5.5.6 The land identified will lie immediately to the south of the A12 and be accessed via public footpath 121\_101.
- 5.5.7 Maintenance access will be provided by maintenance track (8/d, 8/e and 8/f on the Streets Rights of Way and Access plans (Examination reference AS-007 and AS-008) that will serve National Highways' attenuation pond for maintenance. Footpath 121\_95 which forms the boundary with the Replacement Land.

### **Applying the Statutory Tests**

- 5.5.8 The Applicant is relying on section 131(4) of the PA 2008 for plots 8/47f, 8/11r and 8/11s. This provides that, if Replacement Land has been given or will be given in exchange for the order land and will be vested in the prospective seller and subject to same rights trust and instances attached to order land, then special parliamentary procedure is not required. There is a clear need for the acquisition of the open space to effect the widening of the A12 at this location. The Secretary of State can be satisfied that that the benefits of the proposed scheme outweigh the loss of open space, when considering that Replacement Land of an equivalent area is being provided for the open space being lost.
- 5.5.9 The Applicant is relying on section 132(3) of the PA 2008 for plots 8/47e and 8/11u, where new rights are required for the installation of diverted services. As these are diverted services within the existing Open Space land, Replacement Land is not proposed for these plots. The Applicant believes that the land, when burdened with the right, will be no less advantageous than it was before to the current owner or the public because the use of the land for utility apparatus is already established.

### **Not less in area than the order land**

- 5.5.10 The existing open space being acquired compulsorily is 291m<sup>2</sup>.
- 5.5.11 The Replacement Land is to be amalgamated with the other areas of Open Space (Area 3, 4, 7 and 8) Replacement Land to be provided to Braintree District Council, forming a total of 16365m<sup>2</sup>.
- 5.5.12 The Applicant is providing an area equivalent to the area being taken permanently for the proposed scheme.

### **No less advantageous to the public**

- 5.5.13 In considering whether this option is no less advantageous to the public, the key criteria of access, condition and use, and designations have been reviewed. The open space land that is being lost is adjoining the A12 and is very small in area. It has no recreational facilities and appears little used. It will be replaced by land forming part of a larger and more consequently more advantageous open space.

- 5.5.14 Access for the public on foot will be available by way of public footpath 121\_101.

### Access arrangements

- 5.5.15 Access for the public on foot will be available by way of public footpath 121\_101 which passes under the bridge carrying the A12 over the River Brain.

### Condition and use

- 5.5.16 The Replacement Land is currently in agricultural use.

### Designations

- 5.5.17 The land to be acquired is allocated for informal recreation in Braintree District Council's emerging local plan.

- 5.5.18 The Replacement Land is not currently affected by any formal designation.

## 5.6

## 5.7 Open Space Area 7 - Land at Maldon Road Crossing of River Brain, Witham

**Table 5.5 Open Space Area 7 - Land at Maldon Road Crossing of River Brain, Witham**

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
Land at Maldon Road crossing of River Brain, Witham	Witham Town Council	New rights (temporary powers during construction)	8/27a, 8/47c, 8/47d	524	0.05
Replacement land proposed	National Highways	Freehold	9/1a8/47f	8458	0.85

### Why is it required?

- 5.7.2 The Open Space land forming plots 8/27a, 8/47c and 8/47d to be subject to permanent new rights for the diversion of services (communications apparatus) that are needed to be diverted for the widening of the existing A12 at Witham. Without the diversions being carried out the works to widen the A12 at Witham cannot be progressed.
- 5.7.3 Temporary access and working space is sought over the area of open space forming each of the plots for temporary working space and access during



installation of the diverted utilities which will be laid underground parallel to the bridge over the River Brain.

### **What Replacement Land is proposed?**

- 5.7.4 Replacement land has been identified on the south side of the A12, which will be connected to the existing open space via the footpath that passes under the A12 parallel to the River Brain.
- 5.7.5 The land identified will lie immediately to the south of the A12 and be connected via public footpath 121\_101.
- 5.7.6 Maintenance access will be provided via rights provided for the benefit of Braintree District Council over the pond access track.

### **Applying the Statutory Tests**

- 5.7.7 The Applicant is relying on section 132(4) of the PA 2008 for each of the plots where freehold is permanently acquired and on section 132(11) for the plots where new rights are permanently acquired. This provides that, if Replacement Land has been given or will be given in exchange for the order land and will be vested in the prospective seller and subject to same rights trust and incidents attached to order land, then special parliamentary procedure is not required. The Replacement Land will be of an equivalent area to the land being burdened so fulfils the definition of Replacement Land in section 132(12) in being adequate to compensate the owner and the public for the disadvantages which result from the compulsory acquisition of the order right.
- 5.7.8 The Secretary of State can be satisfied that that the benefits of the proposed scheme outweighs the imposition of the new rights on the required area of open space, when considering that Replacement Land of an equivalent area is being provided for the open space being burdened with the new rights.

### **Not less in area than the order land**

- 5.7.9 The existing open space being acquired compulsorily is 524m<sup>2</sup>.
- 5.7.10 The Replacement Land is to be amalgamated with the other areas of open space Replacement Land to be provided to Witham Town Council, forming a total of 8,458m<sup>2</sup>.
- 5.7.11 The Applicant is providing an area equivalent to the area being taken permanently for the proposed scheme.
- 5.7.12 Adequate to compensate the owner and the public for the disadvantages which result from the compulsory acquisition of the order right
- 5.7.13 In considering whether this option is adequate to compensate the owner and the public, the key criteria of access, condition and use, and designations have been reviewed.
- 5.7.14 The Replacement Land will be of an equivalent area to that to be burdened by the new rights.
- 5.7.15 Access for the public on foot will be available by way of public footpath 121\_101.

### Access arrangements

- 5.7.16 Maintenance access will be provided by via rights provided for the benefit of Braintree District Council over the pond access track.
- 5.7.17 Access for the public on foot will be available by way of public footpath 121\_101.

### Condition and use

- 5.7.18 The Replacement Land is currently in agricultural use.

### Designations

- 5.7.19 The land over which the new rights are to be acquired is allocated for informal recreation in Braintree District Council's emerging local plan.
- 5.7.20 The replacement and is not currently affected by any formal designation.

## 5.8 Open Space Area 8 - River Brain, Witham

Table 5.6 Open Space Area 8 - River Brain, Witham

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
River Brain, Witham	Witham Town Council	Freehold	8/47k, 8/47m, 8/47o, 8/47p	371	0.04
Replacement land proposed	National Highways, Robert George Ward, Julian Graham Whittle and Danielle Whittle, Andrew Ferguson Wood, Stephen Peter Butcher and Karen Anne Butcher	Freehold	8/1d, 8/1n, 8/17b, 8/19b, 8/33g, 8/33i, 8/41b	16365	1.64
	Witham Town Council	permanent new rights Temporary possession	8/47j, 8/47l, 8/47n	1926	0.2

## Replacement Land Statement

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
		during construction			
Replacement Land	Not applicable	none	-	-	

### Why is it required?

- 5.8.2 The Open Space land forming plots 8/47k, 8/47m, 8/47o and 8/47p to be acquired permanently is needed for the widening of the existing A12 at Witham. Without the Open Space being acquired, the A12 cannot be widened to three lanes northbound at this location.
- 5.8.3 For plots 8/47j, 8/47l and 8/47n permanent new rights are required for diverting existing services. Replacement land is not proposed for these plots.
- 5.8.4 In addition, temporary access and working space only are sought over the areas of open space forming plot 8/47i for temporary working space and access during construction of the proposed scheme.

### What Replacement Land is proposed?

- 5.8.5 Replacement land has been identified on the south side of the A12 within plots 8/1d, 8/1n, 8/17b, 8/19b, 8/33g, 8/33i, 8/41b.
- 5.8.6 The land identified will be connected via public footpath 121\_101.
- 5.8.7 Maintenance access will be provided via rights provided for the benefit of Witham Town Council over the pond access track.

### Applying the Statutory Tests

- 5.8.8 The Applicant is relying on section 131(4) of the PA 2008 for each of the plots where freehold is permanently acquired. This provides that, if Replacement Land has been given or will be given in exchange for the order land and will be vested in the prospective seller and subject to same rights trust and instances attached to order land, then special parliamentary procedure is not required.
- 5.8.9 There is a clear need for the acquisition of the open space to effect the widening of the A12 at this location. The proposed Replacement Land will be adequate to compensate for the disadvantages which result from the compulsory acquisition of the open space land.
- 5.8.10 The Applicant is relying on section 132(3) of the PA 2008 for plots 8/47j, 8/47l and 8/47n, where new rights are required for the installation of diverted services. As these are diverted services within the existing Open Space land, Replacement Land is not proposed for these plots. The Applicant believes that the land, when burdened with the right, will be no less advantageous than it was before to the current owner or the public because the use of the land for utility apparatus is already established.

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**Not less in area than the order land**

- 5.8.11 The existing open space being acquired compulsorily is 371m<sup>2</sup>.
- 5.8.12 The Replacement Land to be provided to replace the 371m<sup>2</sup> to Witham Town Council is to be amalgamated with plot 8/47f and the other areas of Open Space Replacement Land to be provided to Braintree District Council, forming a total of 16,365m<sup>2</sup>.
- 5.8.13 On this basis the Applicant is providing an area equivalent to the area being taken permanently for the proposed scheme.

**No less advantageous to the public**

- 5.8.14 In considering whether this option is no less advantageous to the public, the key criteria of access, condition and use, and designations have been reviewed. The current open space land forms informal open space and a landscaped areas separating the neighbouring development from the A12, as well as a wooded area forming part of the River Brain open space. It has no formal recreational facilities and is used mainly for dog walking.
- 5.8.15 The Replacement Land provides the potential for connections to the surrounding countryside via the footpath network and will also be located close to the River Brain and on the opposite side of the river Brain to the Whetmead Nature Reserve. Access for the public on foot will be available by way of public footpath 121\_101.

**Access arrangements**

- 5.8.16 Maintenance access will be provided by via rights provided for the benefit of Braintree District Council over the pond access track.
- 5.8.17 Access for the public on foot will be available by way of public footpath 121\_101.

**Condition and use**

- 5.8.18 The Replacement Land is currently in agricultural use.

**Designations**

- 5.8.19 The land south is allocated for informal recreation in Braintree District Council's emerging local plan.
- 5.8.20 The Replacement Land is not currently affected by any formal designation.

## 5.9 Open Space Area 9 - Whetmead Nature Reserve

Table 5.7 Open Space Area 9 - Whetmead Nature Reserve

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
Whetmead Nature Reserve, Witham	Braintree District Council / Witham Town Council	Freehold	8/47a, 9/11a	6639	0.66
Replacement land proposed	National Highways	Freehold	9/1a 9/1o	5763	0.57
Replacement land proposed	Beth Johanna Paterson, Ruth Harriet Wheaton, Jack Henry Wheaton, George Edward Wheaton	Freehold	8/45f	2695	0.27
Whetmead Nature Reserve, Witham	Witham Town Council	permanent new rights Temporary possession during construction	8/47b, 9/11b	17722	1.77
Replacement land proposed	Not Applicable	none	-	-	-

### Why is it required?

- 5.9.2 The open space land forming plots 8/47a and 9/11a to be acquired permanently is needed for the widening of the existing A12 at Witham. Without the Open Space being secured the A12 cannot be widened to three lanes southbound at this location.
- 5.9.3 For plots 8/47b and 9/11b permanent new rights are required for diverting existing services that are already installed within the nature reserve.

### **What Replacement Land is proposed?**

- 5.9.4 Replacement land has been identified immediately north of the area that functions as part of the LNR (see Area 10 below).
- 5.9.5 The land identified will be connected to the existing Nature Reserve through Area 10.

### **Applying the Statutory Tests**

- 5.9.6 The Applicant is relying on section 131(4) of the PA 2008 for plots 8/47a and 9/11a. This provides that, if Replacement Land has been given or will be given in exchange for the order land and will be vested in the prospective seller and subject to same rights trust and instances attached to order land, then special parliamentary procedure is not required.
- 5.9.7 There is a clear need for the acquisition of the open space to effect the widening of the A12 at this location. The proposed Replacement Land will be adequate to compensate for the disadvantages which result from the compulsory acquisition of the Open Space land.
- 5.9.8 The Applicant is relying on section 132(3) of the PA 2008 for plots 8/47b and 9/11b where new rights are required for the installation of diverted services. As these are diverted services within the existing open space land, Replacement Land is not proposed for these plots. The Applicant believes that the land, when burdened with the right, will be no less advantageous than it was before to the current owner or the public because the use of the land for utility apparatus is already established.

### **Not less in area than the order land**

- 5.9.9 The existing open space being acquired compulsorily is 6639m<sup>2</sup>.
- 5.9.10 The Replacement Land is: 8458m<sup>2</sup>.
- 5.9.11 On this basis the Applicant is providing an area equivalent to the area being taken permanently for the proposed scheme.

### **No less advantageous to the public**

- 5.9.12 In considering whether this option is no less advantageous to the public, the key criteria of access, condition and use, and designations have been reviewed. The existing Open Space land is a wooded area adjacent to the A12 and not easily accessed in parts due to vegetation growth. The Replacement Land will be similar in condition and location, being located immediately north of Area 10, and will in effect form an extension of the existing Whetmead Nature reserve between the A12 and tributary of the River Blackwater.
- 5.9.13 Access for the public on foot will be available through the LNR and Area 10.

### **Access arrangements**

- 5.9.14 Access for the public on foot will be available through the LNR and Area 10.

## Condition and use of the Replacement Land

- 5.9.15 The Replacement Land is currently part of National Highways' estate, having been acquired for the Witham Bypass. It is unused.

## Designations

- 5.9.16 The land to be acquired is designated as a nature reserve in Braintree District Council's emerging local plan.
- 5.9.17 The Replacement Land is not currently affected by any formal designation.

## 5.10 Open Space Area 10 - Whetmead Nature Reserve

Table 5.8 Open Space Area 10 - Whetmead Nature Reserve

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
Whetmead Nature Reserve, Witham	Anglian Water Services Limited	Freehold	9/10d	1048	0.10
Replacement land proposed	National Highways	Freehold	9/1q	1063	0.11
Whetmead Nature Reserve, Witham	Anglian Water Services Limited	permanent new rights Temporary possession during construction	9/10e	1401	0.14
Replacement land proposed	Not Applicable	none	-	-	-

### Why is it required?

- 5.10.2 The open space land forming plot 9/10d to be acquired permanently is needed for the widening of the existing A12 at Witham. Without the Open Space being secured, the A12 cannot be widened to three lanes southbound at this location.
- 5.10.3 For plot 9/10e permanent new rights are required for diverting existing services that are already installed within the nature reserve.

### What Replacement Land is proposed?

- 5.10.4 Replacement land has been identified on National Highways Land to the North East of the exiting Whetmead Nature Reserve.

### **Applying the Statutory Tests**

- 5.10.5 The Applicant is relying on section 131(4) of the PA 2008 for plot 9/10d. This provides that, if Replacement Land has been given or will be given in exchange for the order land and will be vested in the prospective seller and subject to same rights trust and instances attached to order land, then special parliamentary procedure is not required.
- 5.10.6 There is a clear need for the acquisition of the open space to effect the widening of the A12 at this location. The proposed Replacement Land will be adequate to compensate for the disadvantages which result from the compulsory acquisition of the open space land.
- 5.10.7 The Applicant is relying on section 132(3) of the PA 2008 for plot 9/10e where new rights are required for the installation of diverted services. As these are diverted services within the existing open space land, Replacement Land is not proposed for these plots. The Applicant believes that the land, when burdened with the right, will be no less advantageous than it was before to the current owner or the public because the use of the land for utility apparatus is already established.

### **Not less in area than the order land**

- 5.10.8 The existing open space being acquired compulsorily is 1048m<sup>2</sup>.
- 5.10.9 The Replacement Land (plot 9/1q) is 1063m<sup>2</sup>.
- 5.10.10 On this basis the Applicant is providing an area equivalent to the area being taken permanently for the proposed scheme.

### **No less advantageous to the public**

- 5.10.11 In considering whether this option is no less advantageous to the public, the key criteria of access, condition and use, and designations have been reviewed. The existing Open Space land is a wooded area adjacent to the A12 and not easily accessed in parts due to vegetation growth. The Replacement Land will be similar in condition and location, being located immediately north of Area 10, and will in effect form an extension of the existing LNR between the A12 and tributary of the River Blackwater.
- 5.10.12 Access for the public on foot will be available from the existing Whetmead Nature Reserve.

### **Access arrangements**

- 5.10.13 Access for the public will be available from the existing Whetmead Nature Reserve. Access for the owner will be provided on a new track to be built by National Highways on adjacent land that will be under the ownership and control of National Highways.

### **Condition and use**

- 5.10.14 The Replacement Land is currently part of National Highways' estate, having been acquired for the Witham Bypass. It is unused.



## Designations

- 5.10.15 The land south is allocated as a local nature reserve in Braintree District Council's emerging local plan.
- 5.10.16 The Replacement Land is not currently affected by any formal designation, save being in flood risk area 2.

## 5.11 Open Space Area 11 - Freebournes Road , Witham

**Table 5.9 Open Space Area 11 - Freebournes Road, Witham**

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
Land at Freebournes Road, Witham	Braintree District Council	Freehold	9/8c, 9/8e, 10/8d	12792	1.28
Replacement land proposed	National Highways, Simon Robert Brice	Freehold	10/1b, 10/1k, 10/1l, 10/1n, 10/1o, 10/1s, 10/2c, 10/2f, 10/3b, 10/3d, 10/4b, 10/20g	13320	1.33
Land at Freebournes Road, Witham		permanent new rights Temporary possession during construction	10/8a	76	0.01
Replacement land proposed	Not Applicable	none	-	-	-

### Why is it required?

- 5.11.2 The open space land forming plots 9/8c, 9/8e and 10/8d to be acquired permanently is needed for the widening of the existing A12 at Witham. Without the Open Space being secured, the A12 cannot be widened to three lanes northbound at this location.
- 5.11.3 In addition, temporary access and working space is sought over the areas of open space forming plot part of plot 9/6b and 9/8b for temporary working space and access during construction of the proposed scheme.

### **What Replacement Land is proposed?**

- 5.11.4 Replacement land has been identified on land that currently forms part of the existing A12 carriageway but which will be stopped up when the altered A12 is provided on a new alignment south of the existing A12.
- 5.11.5 The land identified will be connected via a new public right of way which will connect from Colchester Road, across the altered A12 on a new bridge, south to Little Braxted Lane.
- 5.11.6 Maintenance access will be provided via rights to be provided for the benefit of Braintree District Council from the adjacent highway network.

### **Applying the Statutory Tests**

- 5.11.7 The Applicant is relying on section 131(4) of the PA 2008 for plots 9/8c, 9/8e and 10/8d. This provides that, if Replacement Land has been given or will be given in exchange for the order land and will be vested in the prospective seller and subject to same rights trust and instances attached to order land, then special parliamentary procedure is not required.
- 5.11.8 The Applicant is relying on section 132(3) of the PA 2008 for plot 10/8a where new rights are required for the laying out of cables needed to connect to the UKPN power supply on the other side of Freebournes Rd in order to power the Applicant's network.
- 5.11.9 There is a clear need for the acquisition of the Open Space to effect the widening of the A12 at this location. The proposed Replacement Land will be adequate to compensate for the disadvantages which result from the compulsory acquisition of the Open Space land.

### **Not less in area than the order land**

- 5.11.10 The existing open space being acquired compulsorily is 12792m<sup>2</sup>.
- 5.11.11 The Replacement Land is 13320m<sup>2</sup>.
- 5.11.12 On this basis the Applicant is providing an area equivalent to the area being taken permanently for the proposed scheme.

### **No less advantageous to the public**

- 5.11.13 In considering whether this option is no less advantageous to the public, the key criteria of access, condition and use, and designations have been reviewed.
- 5.11.14 Access for the public on foot will be available by way of the new public right of way between Colchester Road and Little Braxted Lane.

### **Access arrangements**

- 5.11.15 The land identified will be connected via a new public right of way which will connect from Colchester Road, across the altered A12 on a new bridge, south to Little Braxted Lane.
- 5.11.16 Maintenance access will be provided by via rights to be provided for the benefit of Braintree District Council from the adjacent highway network.

### Condition and use

- 5.11.17 The Replacement Land is currently part of National Highways' estate, and forms part of the carriageway of the A12.

### Designations

- 5.11.18 The land south is allocated for employment use in Braintree District Council's emerging local plan.
- 5.11.19 The replacement land is not currently affected by any formal designation.

## 5.12 Open Space Area 12 - Station Road, Marks Tey

Table 5.10 Open Space Area 12 - Station Road, Marks Tey

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
Land at Station Road Marks Tey	National Highways/ Essex County Council (as highway authority)	Freehold	19/2g, 19/2h, 19/4d, 19/4e, 19/7a, 19/7c	1026	0.10
Replacement land proposed	National Highways	Freehold	18/1u, ,	1049	0.10

### Why is it required?

- 5.12.2 The open space land forming plots 19/2g, 19/2h, 19/4d, 19/4e, 19/7a, 19/7c, to be acquired permanently, is needed for works to the existing junction of the A120 and Station Road, Marks Tey. Without it being secured, the required junction improvement works to facilitate the changed approach from the A12 to the A120 cannot be provided.
- 5.12.3 Plots 19/2f and 19/6c are required temporarily during construction only.

### What Replacement Land is proposed?

- 5.12.4 Replacement land has been identified on
- 5.12.5 The land identified will be accessed from the adjoining public highway, as will access for maintenance.

### Applying the Statutory Tests

- 5.12.6 The Applicant is relying on section 131(4) of the PA 2008 for plots 19/2g, 19/2h, 19/4d, 19/4e, 19/7a, 19/7c. This provides that, if Replacement Land has been

given or will be given in exchange for the order land and will be vested in the prospective seller and subject to same rights trust and incidents attached to order land, then special parliamentary procedure is not required.

- 5.12.7 There is a clear need for the acquisition of the open space to improve the junction of A120 with Station Road as a result of changes to the highway network in this location required for the proposed scheme. The proposed Replacement Land will be adequate to compensate for the disadvantages which result from the compulsory acquisition of the open space land.

### **Not less in area than the order land**

- 5.12.8 The existing open space being acquired compulsorily is 1026m<sup>2</sup> in area.
- 5.12.9 The Replacement Land is 1049m<sup>2</sup> in area.
- 5.12.10 On this basis the Applicant is providing an area equivalent to the area being taken permanently for the proposed scheme.

### **No less advantageous to the public**

- 5.12.11 In considering whether this option is no less advantageous to the public, the key criteria of access, condition and use, and designations have been reviewed. The existing land forms part of a large area of highway verge and adjoins the existing carriageways of the A120 or Station Road. The Replacement Land will be similarly located, adjoining Old London Road, or the junction between the A120 and the slip road from the A12 giving access to Marks Tey from the south.

### **Access arrangements**

- 5.12.12 Access for the public on foot will be available from the adjoining public highway.

### **Condition and use**

- 5.12.13 The Replacement Land is currently highway verge.

### **Designations**

- 5.12.14 Neither the open space land or the Replacement Land are currently affected by any formal planning or other relevant designation.

## **5.13 Open Space Area 13 - Copford Recreation Ground (Queensbury Avenue Playground)**

Open Space Land	Existing Owner	Nature of powers sought	Land Plan Plot Nos.	Area Required by the scheme	
				m <sup>2</sup>	ha
Copford Recreation Ground	Copford with Easthorpe Parish Council	Freehold	19/17b	2340	0.23

## Replacement Land Statement

Replacement land proposed	Michael Andrew Shelley	Freehold	19/18d	3571	0.36
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### Why is it required?

- 5.13.1 The open space land forming plot 19/17a to be acquired permanently is needed divert the Roman river where it passes under the A12 at Copford. Without the open space being acquired the A12 cannot be widened to three lanes southbound at this location.
- 5.13.2 Plot 19/17a is required temporarily during construction only.

### What Replacement Land is proposed?

- 5.13.3 Replacement land has been identified immediately to the east of the open space land.

### Applying the Statutory Tests

- 5.13.4 The Applicant is relying on section 131(4) of the PA 2008 for plot 19/17b. This provides that, if Replacement Land has been given or will be given in exchange for the order land and will be vested in the prospective seller and subject to same rights trust and instances attached to order land, then special parliamentary procedure is not required.
- 5.13.5 There is a clear need for the acquisition of the open space to effect the widening of the A12 and reposition of the Roman River at this location. The proposed Replacement Land will be adequate to compensate for the disadvantages which result from the compulsory acquisition of the open space land.

### Not less in area than the order land

- 5.13.6 The existing open space being acquired compulsorily is: 2340m<sup>2</sup>
- 5.13.7 The Replacement Land is: 3571m<sup>2</sup>
- 5.13.8 On this basis the Applicant is providing an area equivalent to the area being taken permanently for the proposed scheme.

### No less advantageous to the public

- 5.13.9 In considering whether this option is no less advantageous to the public, the key criteria of access, condition and use, and designations have been reviewed. The Replacement Land adjoins the existing Copford Open Space and wooded dog walking area. It is similar in condition and appearance but is fenced off from that part of the wood that is publicly accessible.
- 5.13.10 It is no less in area than the open space land being acquired.

### Access arrangements

- 5.13.11 The Replacement Land adjoins the existing Copford Open Space and will be accessed from it

## Condition and use

- 5.13.12 The Replacement Land is currently private woodland.

## Designations

- 5.13.13 Neither the open space land or the Replacement Land are currently affected by any formal planning or other relevant designation.

# 6 Summary and Conclusions

- 6.1.1 The following section of this report summarises the individual conclusions in relation to grounds on which the Secretary of State may be satisfied that SPP is not required. It analyses the grounds under each of sections 131(4) and 131(4B) as well as sections 132(3) and 132(4). The conclusions are prepared by reference to the table specifying the individual plots to which each ground applies, which is set out in Appendix A.

## 6.2 Compliance with sections 131 and 132 of the Planning Act 2008

- 6.2.1 Section 5 provides a summary of all the plots of Open Space land included in the draft Order for permanent acquisition, permanent acquisition of rights and temporary possession, along with the Replacement Land plots.

### *Planning Act 2008 section 131*

- 6.2.2 In relation to the areas of special category land subject to permanent acquisition the requirements of section 131(4) of PA 2008 are satisfied such that the Secretary of State may certify accordingly under section 131(3)(b).

- 6.2.3 Section 131(4) provides as follows:

(4) *This subsection applies if—*

- (a) *Replacement Land has been or will be given in exchange for the order land, and*
- (b) *the Replacement Land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land.”*

National Highways has considered the application of section 131 on a parcel-by-parcel basis.

- 6.2.4 As to section 131(4)(a), the draft Order authorises National Highways to acquire the Replacement Land for the purposes of providing it as Replacement Land in relation to the Open Space land identified above that is to be acquired permanently for the proposed scheme.

- 6.2.5 Article 45 of the draft Order provides that National Highways cannot acquire the Open Space land until it has acquired the Replacement Land and a scheme for the provision of the Replacement Land, including a timetable for its provision, has been certified by the Secretary of State, as having been received from National Highways.

- 6.2.6 As to section 131(4)(b), article 45(4) of the draft Order provides that as soon as the Replacement Land has been acquired by National Highways and a scheme certified by the Secretary of State as having been received from National Highways, the Replacement Land will vest in the owners of the special category subject to the same rights, trusts and incidents as attach to the special category land.
- 6.2.7 Replacement land has been secured by the draft Order sufficient to allow the Secretary of State certifying under section 131(4)(b) that the requirements of section 131 have been complied with, so that special parliamentary procedure is not required under section 131 of the 2008 Act.
- 6.2.8 In terms of the NNNPS, paragraph 5.174, in each case the Secretary of State can be satisfied having regard to the Statement or Reasons, Case for the Scheme and this statement, that the benefits of the proposed scheme (including need) outweigh the potential loss of open space required for the proposed scheme, taking into account the proposals made by the applicant to provide Replacement Land.
- 6.2.9 The relevant plots are listed in Table A.1 in the Appendix A to this report.  
*Planning Act 2008 section 132*
- 6.2.10 In relation to the areas of Open Space land subject to permanent acquisition of rights over land, the requirements of sections 132(3) of the PA 2008 are satisfied such that the Secretary of State may certify accordingly under section 132(2)(b).
- 6.2.11 Section 132(3) PA 2008 provides as follows:  
(3) This subsection applies if the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons—  
*the persons in whom it is vested,  
other persons, if any, entitled to rights of common or other rights, and  
the public.”*
- 6.2.12 The proposed scheme requires the acquisition of permanent rights in land that is special category land for the following purposes, which are more fully described in Schedule 8 to the draft Order.
- Works to implement the highway elements of the proposed scheme (including culverts, drainage works and earthworks and other highway structures).
  - Access to land for the purposes of maintenance of utilities or National Highways' own apparatus
  - Access to land for the purpose of land maintenance.
  - General environmental mitigation works.
- 6.2.13 National Highways considers that permanent rights in land are the most appropriate power for such activities where a greater level of control over land

is not required. This is because there is not a justification in the public interest to acquire the freehold of such land permanently, but equally considers that temporary possession powers would not be sufficient to ensure that the objectives of the proposed scheme could be achieved for the long-term, particularly in relation to environmental improvements.

6.2.14 National Highways considers that the affected Open Space land, when subject to the acquisition of rights as provided for in the draft Order, will be no less advantageous to each of the persons described in section 132(3) of the PA 2008. This is because the rights described are being taken for the benefit of the land to enhance it and improve its ecological and/or amenity status. The nature of the rights taken mean that access to the land for members of the public will not be restricted or impeded to any greater extent than occurs at present. The relevant plots are listed in Table A.2 in Appendix A to this report.

6.2.15 The proposed scheme includes the widening of the A12. The permanent rights to be acquired under the draft DCO are required in connection with the widening of the A12 on the basis that they are required:

- To ensure that highway elements of the proposed scheme can continue to be maintained by National Highways
- To provide necessary rights of access and maintenance to National Highways, utility apparatus owners and owners of private residences.

6.2.16 In relation to the areas of Open Space land subject to permanent acquisition of new rights over land the requirements of sections 132(4) of the PA 2008, on the basis that Replacement Land is being provided. If satisfied of this the Secretary of State may certify accordingly under section 132(2)(b). The relevant plots are listed in Table A.3 in Appendix A to this report. Section 132 (4) reads:

*This subsection applies if—*

*Replacement Land has been or will be given in exchange for the order right, and*

*the Replacement Land has been or will be vested in the persons in whom the order land is vested and subject to the same rights, trusts and incidents as attach to the order land (ignoring the order granting development consent).*

6.2.17 In summary regarding the compulsory acquisition of new rights over Open Space Land, the conditions specified in sections 132 of PA 2008 are satisfied with the effect that there is no impediment to the Secretary of State certifying under section 132(2)(b) that the requirements of section 132 have been complied with, such that the draft Order should not be subject to special parliamentary procedure on this account.

6.2.18 In terms of the NNNPS, paragraph 5.174, in each case the Secretary of State can be satisfied having regard to the Statement or Reasons, Case for the Scheme and this statement, that the benefits of the proposed scheme (including need) outweigh the potential burdening of the affected land with the new rights required for the proposed scheme. This includes, for the plots to which S132(3) taking into account the proposals made by the applicant to provide



Replacement Land that is adequate to compensate the relevant persons and the public for the disadvantages which result from the compulsory acquisition of the order right over the open space land.

### **Land required temporarily**

- 6.2.19 Land required temporarily only is not being acquired so is not subject to either section 131 or section 132. To the extent that it is relevant, section 131(4B) or section 132(4B) could apply in relation to the temporary plots listed in Part 5 of the appendix to this document. Whilst none of the relevant plots are to be acquired but instead are to be used under the statutory licence provided by article 40 of the order, special parliamentary procedure may be avoided as SPP is not required for land forming part of an open space, where none of the order land is of any of the other descriptions in sub-section 1 of section 131 or section 132 and the order land is being acquired for a temporary (although possibly long-lived) purpose.
- 6.2.20 For each of the plots listed in Part 4 of Appendix A, none of the order land is of a special category other than Open Space.
- 6.2.21 Once construction of the proposed scheme has been completed, all temporary works associated with the engineering construction will be cleared from Open Space land and these areas of temporary possession restored sufficiently to be handed back to their owners. This could be between 2.5 and 4 years after the start of construction, depending on the degree of reinstatement and revegetation required. This will also apply to the areas of engineering works over which permanent rights that are considered to be a burden have been acquired.
- 6.2.22 On this basis it is submitted that the Secretary of State may certify that, if he considers the exercise of temporary powers to trigger section 131 or section 132 of PA 2008, that section 131(4B) or section 132(4B) means that SPP is not required.

## **6.3 Overall Conclusions**

- 6.3.1 National Highways is satisfied that relevant statutory tests and policy tests are met in sections 131 and 132 of the PA 2008 (as amended), as well as Annex A of the 2013 DCLG Guidance on Compulsory Acquisition and the NNNPS for the Secretary of State to be satisfied Special Parliamentary Procedure is not required for the proposed scheme if the Order is to be made..
- 6.3.2 The requirements and solution for the Replacement Land proposals included in the Scheme are summarised in Part 1-4 of Appendix A below.
- 6.3.3 The basis on which each ground in section 131 or section 132 is relied on is set out in the appendix to this document, based on the compelling case for acquisition explained in the applicant's Statement of Reasons (Examination reference APP-042) and in the preceding sections of this statement. In each case National Highways has fully considered the compelling case both for the acquisition of the relevant Open Space Land and for its replacement and is satisfied that in each case:

- the Section 122 conditions are satisfied in that all of the plots referred to in this statement are required for the proposed scheme or required as Replacement Land;
- there is in any event a compelling case in the public interest for the acquisition of all of the Open Space land and its Replacement Land;
- National Highways has a clear idea of why it requires the Open Space land and its replacement, and how those lands will be use;
- where Replacement Land is to be provided it will be no less advantageous to the owner of the Open Space land and the public; and
- in all other circumstances the compulsory acquisition powers sought over the Open Space land and Replacement Land are justified in the public interest.

6.3.4 On this basis National Highways outlines in the Appendix below that the Secretary of State can be satisfied SPP is not required.

## **7 Grounds relied on for the Secretary of State to confirm SPP is not required**

7.1.1 National Highways hereby requests confirmation from the Secretary of State on the basis set out in the appendix to this statement, relying on the provisions of sections 131 and 132 of the PA 2008 as described in the appendix to this statement.

7.1.2 It is considered that the Secretary of State can be satisfied that the provisions of sections 131 and 132 of the PA 2008 have been met and that the Order, should they adopt this approach, and the Order should not be subject to Special Parliamentary Procedure.

## Appendix A

### Table of plots to which ss 131 and 132 PA 2008 Apply

#### A.1 Plots to which S131(4) applies:

##### A.1.1 S131(4) PA 2008 states:

*This subsection applies if—*

*Replacement Land has been or will be given in exchange for the order land, and*

*the Replacement Land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land.*

A.1.2 The Applicant requests the Secretary of State certify that Special Parliamentary Procedure is not required for the plots listed in column 4 of Table A.1 below, on the basis that S131 (4) of the PA 2008 applies:

**Table A.1 Open Space freehold land, for which Replacement Land will be provided**

Open Space Land	Existing Owner	Land Plan Plot Nos.	Area Required by the scheme		Replacement Land Plot Nos.	Replacement Land Area	
			m <sup>2</sup>	ha		m2	ha
Gershwin Boulevard, Witham (1) (Area 2) and Olivers Drive, Witham (Area 4)	Patricia Jane Gooding and Josephine Alberta Ann Witten	7/16d, 7/16f 8/14a	6421	0.64	8/33f	6678	0.67
Gershwin Boulevard, Witham (1) (Area 2)	Essex County Council	7/17d	158	0.02	8/43d, 8/43e, 8/44c, 8/45e	330 <sup>1</sup>	0.03
Blackwater Rail Trail, Witham (Area 5)		8/6h, 8/6i	172	0.02			

<sup>1</sup> The remaining of the plot area will replace acquisition of new rights in Area 5, see Table A.3.

## Replacement Land Statement

Open Space Land	Existing Owner	Land Plan Plot Nos.	Area Required by the scheme		Replacement Land Plot Nos.	Replacement Land Area	
			m <sup>2</sup>	ha		m2	ha
Gershwin Boulevard, Witham (2) (Area 3)	Braintree District Council	7/19g, 7/19h,	8295	0.83	8/1d, 8/17b, 8/18b, 8/19b, 8/33g, 8/33i, 8/41b	16365	1.6
Olivers Drive, Witham (Area 4)		8/11b, 8/11d	7250	0.73			
Land North of Market Lane, Witham (Area 6)		8/11r, 8/11s	203	0.02			
Land North of Market Lane, Witham (Area 6)	Witham Town Council	8/47f	88	0.01	8/45f	2695 <sup>2</sup>	0.27
River Brain, Witham (Area 8)		8/47k, 8/47m, 8/47o, 8/47p	371	0.04			
Olivers Drive, Witham (Area 4)	Taylor Wimpey UK Limited	8/12d, 8/13b	83	0.01	8/33m	106	0.01
Whetmead Nature Reserve, Witham (Area 9)	Braintree District Council /Witham Town Council	8/47a, 9/11a	6,639	0.66	9/1a, 9/1o, 8/45f	5776	0.58
Whetmead Nature Reserve, Witham	Anglian Water Services Limited	9/10d	1048	0.1	9/1q	1063	0.1

<sup>2</sup> The remaining of the plot 8/45f will replace acquisition of new rights in Area 7 [see Table A.3] and part of Area 9

## Replacement Land Statement

Open Space Land	Existing Owner	Land Plan Plot Nos.	Area Required by the scheme		Replacement Land Plot Nos.	Replacement Land Area	
			m <sup>2</sup>	ha		m <sup>2</sup>	ha
(Area 10)							
Land at Freebournes Road, Witham (Area 11)	Braintree District Council	9/8c, 9/8e, 10/8d	12,792	1.28	10/1b, 10/1k, 10/1l, 10/1n, 10/1o, 10/1s, 10/2c, 10/2f, 10/3b, 10/3d, 10/4b, 10/20g	13,320	1.33
Land at Station Road Marks Tey (Area 12)	National Highways/ Essex County Council (as highway authority)	19/2g, 19/2h, 19/4d, 19/4e, 19/7a, 19/7c	1026	0.1	18/1u,	1049	0.10
Copford Recreation Ground (Area 13)	Copford with Easthorpe Parish Council	19/17b	2340	0.23	19/18d	3571	0.36

A.1.3 For each of the plots listed above, Replacement Land has been or will be given in exchange for the order land, and the Replacement Land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land.

## A.2 Plots to which S132(3) applies:

A.2.1 Section 132(3) PA 2008 states:

(3) *This subsection applies if the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons—*

*the persons in whom it is vested,*

*other persons, if any, entitled to rights of common or other rights, and*

*the public.*

**Table A.2 Open Space land subject to acquisition of New Rights, for which no Replacement Land is to be provided**

(1) Open Space Land	(2) Nature of powers sought	(4) Land Plan Plot Nos.	(5) Area Required by the scheme	
			m <sup>2</sup>	ha
River Chelmer, Boreham (Area 1)	permanent new rights Temporary possession during construction	1/11g, 1/14a	1164	0.12
Gershwin Boulevard, Witham (1) (Area 2)	permanent new rights Temporary possession during construction	7/16e	176	0.02
Olivers Drive, Witham (Area 4)	permanent new rights Temporary possession during construction	8/11f, 8/11g, 8/11al,	5684	0.57
Blackwater Rail Trail, Witham (Area 5)	permanent new rights Temporary possession during construction	8/3a 8/6b, 8/6d, 8/6k	2,525	0.25
Land North of Market Lane, Witham (Area 6)	permanent new rights Temporary possession during construction	8/47e, 8/11u	2,028	0.2
River Brain (Area 8)	permanent new rights Temporary possession during construction	8/47j 8/47l 8/47n	1,926	0.2
Whetmead Nature Reserve (Area 9)	permanent new rights Temporary possession during construction	8/47b, 9/11b	17,722	1.77

Replacement Land Statement

(1) Open Space Land	(2) Nature of powers sought	(4) Land Plan Plot Nos.	(5) Area Required by the scheme	
			m <sup>2</sup>	ha
Whetmead Nature Reserve (Area 10)	permanent new rights Temporary possession during construction	9/10e	1,401	0.14
Freebournes Road, Witham (Area 11)	permanent new rights Temporary possession during construction	10/8a	76	0.01

A.2.2 for each of the above listed plots, the order land, when burdened with the order right, will be no less advantageous than it was before to the

- the persons in whom it is vested,
- other persons, if any, entitled to rights of common or other rights, and
- the public.

**A.3 Plots to which S132(4) applies:**

A.3.1 Section 132 PA 2008 states:

*This subsection applies if—*

*Replacement Land has been or will be given in exchange for the order right, and*

*the Replacement Land has been or will be vested in the persons in whom the order land is vested and subject to the same rights, trusts and incidents as attach to the order land (ignoring the order granting development consent).*

**Table A.3 Open Space land subject to acquisition of New Rights, for which Replacement Land is to be provided**

(1) Open Space Land	Existing Owner	(4) Land Plan Plot Nos.	(5) Area Required by the scheme		(6) Replacement land plots nos.	(7) Replacement land	
			m <sup>2</sup>	ha		m <sup>2</sup>	ha

Replacement Land Statement

Blackwater Rail Trail, Witham (Area 5)	Essex County Council	8/6j, 8/6m,	4,558	0.46	8/43d, 8/43e, 8/44c, 8/45e	4,915	0.49
Land at Maldon Road crossing of River Brain, Witham (Area 7)	Witham Town Council	8/27a, 8/47c, 8/47d	524	0.05	8/47f	8458 <sup>3</sup>	0.85

A.3.2 For each of the plots listed above, Replacement Land will be given in exchange for the order right, and the Replacement Land has been or will be vested in the persons in whom the order land is vested and subject to the same rights, trusts and incidents as attach to the order land (ignoring the order granting development consent). The Replacement Land will be adequate to compensate the relevant persons and the public for the disadvantages which result from the compulsory acquisition of the order right.

**A.4 List of Open Space Land Plots required for temporary purposes only:**

A.4.1 The following plots are open space land over which temporary powers only are sought. No acquisition of land and/or new rights is proposed.

**Table A.4**

(1) Open Space Land	(4) Land Plan Plot Nos.	(5) Area Required by the scheme	
		m <sup>2</sup>	ha
Gershwin Boulevard, Witham (Area 2)	7/16a 7/16g 7/17a	3,607	0.36
Gershwin Boulevard, Witham (Area 3)	7/19c 7/19d 8/11a 8/11c	13,744	1.37
Olivers Drive, Witham (Area 4)	8/11aj, 8/11am, 8/12a, 8/12b	1,243	0.12
Land North of Market Lane, Witham (Area 6)	8/30a, 8/11v	1,466	0.15

<sup>3</sup> These plots are also allocated to replace Area 9.



## Replacement Land Statement

(1) Open Space Land	(4) Land Plan Plot Nos.	(5) Area Required by the scheme	
		m <sup>2</sup>	ha
River Brain, Witham (Area 8)	8/47i	1,431	0.14
Freebournes Road, Witham (Area 11)	9/8b, 9/8d, 10/8c, 10/8e	3,546	0.35
Land at Station Road Marks Tey (Area 12)	19/2f, 19/6c	3,634	0.36
Copford Recreation Ground (Area 13)	19/17a	3,711	0.37

- A.4.2 For each of the above listed plots none is within any of the other descriptions in subsection (1) of section 131.
- A.4.3 Temporary powers are sought only for a temporary (although possibly long-lived) purpose. The purpose in each case is for working space and access during the works to implement the proposed scheme, save for plot 19/17a, for which temporary powers are sought for the installation of bat boxes.
- A.4.4 To the extent that the Secretary of State believes that temporary possession is an acquisition for the purposes of section 131 and/or 132 of the 2008 Act, SPP is not required in any event. This is because section 131 (4B) states:
- A.4.5 *This subsection applies if—*
- A.4.6 *order land is, or forms part of, an open space,*
- A.4.7 *none of the order land is of any of the other descriptions in subsection (1), and*
- A.4.8 *the order land is being acquired for a temporary (although possibly long-lived) purpose.*
- A.4.9 *This subsection applies if—*
- A.4.10 *the order land does not exceed 200 square metres in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and*
- A.4.11 *the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.*
- A.4.12 On this basis the Secretary of State can be satisfied that special parliamentary procedure is not engaged for the use by the proposed scheme of the plots required only on a temporary basis that form part of an open space.

**A.4.13 Temporary powers over Freehold and New Rights Plots forming part of an open space that are included in Order Lands**

A.4.14 Powers of temporary possession are sought for all plots that are listed in tables A1, A2 and A3 above for the period of time, if any, that temporary powers are relied on by the Applicant before vesting, permanent possession or other acquisition of the freehold or new rights occurs.

## Acronyms

Abbreviation	Term
AOD	Above Ordnance Datum (a consistent version of above sea level, in effect)
DCLG	Department of Communities and Local Government (Now Department of Levelling Up Housing and Communities)
DCO	Development Consent Order
ha	hectare (10,000m <sup>2</sup> or approximately 2.47 acres)
km	kilometre (1,000m)
LNR	Local Nature Reserve
m	metre
m <sup>2</sup>	square metre
NH	National Highways Limited
NMU	Non-Motorised User – pedestrian, cyclist, equestrian
NSIP	Nationally Significant Infrastructure Project
OS	Ordnance Survey
PA 2008	Planning Act 2008
PCF	Project Control Framework (NH's project management system)
PRA	Preferred Route Announcement
PRoW	Public Right of Way (public byway, bridleway or footpath)
RIP	Regional Investment Programme
RIS	Road Investment Strategy
SAR	Scheme Assessment Report
SNCI	Site of Nature Conservation Importance (district level)
SPP	Special Parliamentary Procedure
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest (national level)

## Glossary

Term	Definition
Book of reference	Detailed listing of all land parcels and rights required for the Proposed Scheme, explaining why they are required and showing all existing and proposed interests in the land.
Development Consent Order (DCO)	An order that authorises NSIPs under the PA 2008
National Highways	National Highways Limited - the overseeing organisation for the Proposed Scheme; a Government company charged with modernising, maintaining and running the SRN in England.
Open Space	This is defined in sections 131 and 132 PA 2008, by reference to section 19 of the Acquisition of Land Act 1981, as “ <i>any land laid out as a public garden or used for the purposes of public recreation</i> ”.
Order Land	land included within, and proposed to be subject to, the powers of land acquisition and of temporary use in the DCO.
Order Limits	The extent of land that is the subject of compulsory acquisition or use powers in the DCO or other Order.
Preferred Route	The design that that the Secretary of State for Transport published as the basis for the subsequent public consultation process prior to the preparation and submission of the DCO application.
Proposed Scheme	The proposals for the widening of the A12 between Chelmsford and the A120 for which the A12 Chelmsford to A120 Widening Development Consent Order is sought
Replacement Land	Land provided in exchange for special category land that is subject to compulsory acquisition or compulsory acquisition of rights, under the powers of the DCO, and which is provided in accordance with sections 131 and 132 of the PA 2008.
Special Category Land	Land falling within a range of uses, as defined under the PA 2008The most frequently encountered such land uses are common land and open space.

## **4 B1023 Flood Mitigation and Drainage Technical Note**

# A12 Chelmsford to A120 widening scheme

TR010060

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

### B1023 Flood Mitigation and Drainage Technical Note

Rule 113 and 114  
Infrastructure Planning (Examination Procedure)  
Regulations 2010

April 2023

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# 1 Introduction

## 1.1 Background

- 1.1.1 An application seeking a development consent order (DCO) 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 Examination started on 12 January 2023 and is expected to finish on 12 July 2023.
- 1.1.3 Since the DCO application was made, National Highways has continued to engage and refine designs to identify opportunities to further improve the proposals. As a result of this, National Highways are consulting on changes to the proposed scheme during the Examination stage to address interested parties' suggestions and implement improvements to the proposed scheme.
- 1.1.4 This targeted DCO change application consultation reflects design changes to the DCO application that we are proposing. These changes are as a result of the continued design evolution, detailed design progressing in parallel with the application, and continued engagement with stakeholders, interested parties and our delivery partners.
- 1.1.5 Map books have been created to support the consultation which show the key DCO drawings which would be affected by the proposed change.
- 1.1.6 The draft DCO application can be found on the Planning Inspectorate's website at the following link  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a12-chelmsford-to-a120-widening-scheme/>
- 1.1.7 References to the DCO application or subsequent documents submitted during the Examination will be made in this report, the document reference number will be written in square brackets and all documents with a reference number can be found in the Examination Library on the Planning Inspectorate's website.

## 1.2 Changes being made

- 1.2.1 The purpose of this document is to explain the proposed changes to the design of the highway drainage and flood mitigation infrastructure in the vicinity of the B1023 near Inworth, from the design that was submitted with the DCO application on 15 August 2022. In this document the A12 Chelmsford to A120 Widening Scheme is referred to as the "proposed scheme" and the proposed changes to the design of drainage and flood mitigation infrastructure in the vicinity of the B1023 near Inworth are referred to as the "new design". The new design is entirely within the proposed scheme Order Limits that were submitted in August 2022. Refer to consultation Map Book 4, Land Plans - Sheet 14 of 21 and Sheet 20 of 21.

1.2.2 The new design results in a material reduction in the land requirements from the design that was submitted as part of the DCO application. This document summarises the new design proposals and describes the assessment undertaken on the implications of the proposed change for landtake in addition to the identification and assessment of environmental impacts in the Environmental Statement (ES) submitted with the DCO application.

## 1.3 Reason behind changes

1.3.1 Subsequent to the submission of the DCO Application in August 2022, additional surveys and site investigations have been undertaken as part of the design development process. The new design has been developed using this additional information to refine the highway drainage and flood mitigation proposals in the vicinity of the B1023 near Inworth. The additional information and the design refinement work undertaken includes:

- Site surveys, in particular of the existing drainage network (referred to as “post-submission drainage surveys” hereafter), but also topographic and utilities surveys.
- Hydraulic modelling of watercourses. A lack of available information on the existing drainage network meant that the hydraulic modelling of watercourses was not undertaken for the design submitted in August 2022, which was accordingly based on a worst case approach. With the additional information received, a hydraulic model has been built and used to refine the design of the proposed flood mitigation measures.
- The post-submission drainage surveys improved the understanding of the existing highway drainage. The surveys have been used to refine the highway drainage design and proposed attenuation ponds submitted with the DCO application in August 2022.

1.3.2 Several relevant representations identified the extensive landtake for the flood mitigation measures and attenuation ponds for the design submitted in August 2022 as being of concern and therefore further assessment has been undertaken to attempt to address these concerns.

1.3.3 The new design takes account of the location of an existing high pressure (HP) gas main that crosses the B1023 road. The design submitted in August 2022 included flood mitigation storage areas that would have required excavation over this gas main, the location of which was unknown at DCO design. The location of other underground services along the B1023 was also made available post-submission of the DCO and used for the new design. The highway drainage attenuation storage ponds and watercourse flood mitigation storage areas have been adjusted in the new design to minimise the impact on the existing foul sewer that crosses and runs alongside the B1023.

1.3.4 The post-submission drainage surveys confirmed that there is an existing damaged manhole chamber within the highway drainage network along the B1023 road. The damage to this chamber means the existing highway drainage is not functioning as it should. The existing highway drainage serving the B1023 road is described further in Section 2.3 (i.e. within the “Existing Highway

Drainage” sub-section) The post-submission drainage survey information enabled a hydraulic model to be built such that, when the damaged manhole was represented, it generated existing scenario results that better matched reports of flooding received from stakeholders. The hydraulic model has therefore been used to represent the baseline scenario and gives an improved understanding of the existing flood risk than was available for the design submitted in August 2022. The new baseline modelling resulted in a reduction of flood water reaching the B1023 road near Inworth compared to that calculated for the design submitted in August 2022. Furthermore, the new baseline modelling also shows that a greater conveyance of flood water away from the road would be possible with a repaired highway drainage system than had previously been assumed, while keeping the highway drainage system separate from the watercourse.

## **2 Design assessment approach**

### **2.1 Design principles**

2.1.1 The new design follows the flood risk assessment principles outlined in the Flood Risk Assessment (FRA) submitted with DCO application [APP-162] regarding the flood risk assessment of Ordinary Watercourses and any associated flood risk mitigation measures. Similarly, the highway drainage design principles outlined in the Surface Water Drainage Strategy [APP-174] have been used in the new design of the proposed highway drainage elements.

### **2.2 Hydraulic modelling approach for watercourses**

- 2.2.1 Hydraulic modelling has been undertaken of Ordinary Watercourse 34 and its tributaries, which is the primary watercourse that flows from south to north alongside the B1023 road. The watercourse hydraulic model uses a two-dimensional (2D) schematisation built in TUFLOW software, with 1D elements used for culverts where appropriate. The hydraulic model is focussed on the watercourses and the flooding from these and surface water flows associated with the watercourse catchment. The highway drainage is represented in a separate hydraulic model. A high level description of the hydraulic modelling approach undertaken for the new design of highway drainage is presented in Section 2.3 of this document.
- 2.2.2 A hydrological assessment has been undertaken to provide inflows for the watercourses hydraulic model. These inflows have been applied to the hydraulic model as point inflows at appropriate locations.
- 2.2.3 A baseline (present day) hydraulic model has been run to identify the existing flood risk to the B1023 road from the watercourse. The changes to the B1023 near Inworth as a result of the proposed scheme have then been added to the model to allow for an assessment of what the flood risk to the proposed scheme would be and if there is any change to the existing flood risk. The proposed scheme hydraulic model has then been used to test the required mitigation including an allowance for climate change as specified in FRA [APP-162]. The assessment also accounts for the requirements for the existing drainage ditches

and the existing culverted watercourses impacted by the proposed scheme with their sizes being determined through hydraulic modelling.

- 2.2.4 The provision of flood mitigation storage areas in all of the areas identified in the design submitted in August 2022 as being required for that purpose has been considered as part of the reassessment work undertaken. The hydraulic model results have been used to identify which of the areas were most likely to provide sufficient attenuation storage in the most efficient way possible. The reassessment work undertaken for the watercourse flood mitigation storage areas has also taken into account the locations of the proposed highway drainage attenuation storage ponds such that the combined new design solution will make more efficient use of the land areas identified as being required. The new design provides a reduction in the area of land required permanently and is located entirely within the proposed scheme Order Limits that was submitted in August 2022. Refer to consultation Map Book 4, Land Plans - Sheet 14 of 21 and Sheet 20 of 21.

## 2.3 Highway drainage design rationalisation

### Existing highway drainage

- 2.3.1 The post-submission drainage surveys confirmed that the highway drainage runoff is primarily collected through traditional kerb inlet gullies and kerb/gully drainage arrangements, which generally appear to be drained using carrier drains and/or discharge to a number of highway drainage ditches which convey the collected runoff to Ordinary Watercourses located adjacent to the B1023 road. It is noted that some sections of the road appear to have no formal highway drainage system and rely on 'over-the-edge' drainage into nearby field ditches. It was also found that in some cases the existing highway drainage discharges directly into existing culverts that cross the B1023 road. For the new design where possible the direct discharge of proposed highway drainage outfalls to culverts is avoided in favour of discharging to an open ditch/watercourse.
- 2.3.2 The post-submission drainage surveys indicate the presence of damaged and / or collapsed pipework and damaged manhole chambers including the damaged manhole chamber described in Section 1.3.4 above. The presence of damaged pipework and manhole chambers is likely due to a lack of adequate highway drainage maintenance works being undertaken and results in a poorly functioning highway drainage system locally. The new design assumes that, where required, the existing highway drainage will be rehabilitated and upgraded as part of the proposed scheme. Where the existing highway drainage is impacted by the proposed highway widening works and / or inadequate hydraulic capacity such that it could not be retained then the affected existing highway drainage would either need replacement and/or upgrading.
- 2.3.3 It is noted that the presence of existing surface water attenuation features such as attenuation storage ponds, underground attenuation storage systems, flow control devices or pollution control measures were not found along the B1023

near Inworth. Similarly, the presence of soakaways and/or other infiltration techniques could not be confirmed.

- 2.3.4 The post-submission drainage surveys were found to be sufficient to inform a general understanding of the existing highway drainage features, drainage catchments and outfall locations in and around the B1023. There are some gaps in the drainage survey information for which appropriate design assumptions have been made in the new design that would need to be confirmed at detailed design stage. The existing highway drainage catchment extents for the new design are illustrated on Sheet 14 of 21 and Sheet 20 of 21 of Drainage and Surface Water Plans, and can be found within consultation Map Book 4.

### **Highway drainage design approach**

- 2.3.5 The new design of the proposed highway drainage elements is based on the highway improvement works and the subsequent receipt / assessment of further information on the existing highway drainage systems serving the B1023 near Inworth. The aforementioned further information on the existing highway drainage systems has helped to better understand existing drainage catchments and local outfall arrangements which has informed the new design for the highway drainage proposals.
- 2.3.6 The drainage catchment area extents, the proposed edge collection methods, the need to retain / relocate / upgrade any existing highway drainage, attenuation storage requirements and the proposed outfall locations have been assessed as part of the proposed highway drainage. The new design of the highway drainage proposals along the B1023 road is presented within consultation Map Book 4, Drainage and Surface Water Plan – Sheet 14 of 21 and Sheet 20 of 21. These plans illustrate the proposed highway drainage catchment extents, the existing highway drainage catchments to be retained (where applicable), the drainage ditch alignments, the proposed outfall locations, the proposed attenuation storage pond locations and other relevant drainage features for the B1023 near Inworth. The existing and proposed paved catchment areas and any permeable catchment areas draining into the proposed highway drainage systems for the proposed highway drainage catchments are presented in Table A.1 in Appendix A.
- 2.3.7 The new design of the proposed highway drainage elements has generally maintained the existing edge collection features, flow conveyance methods using carrier drains and discharge to highway drainage ditches and/or Ordinary Watercourses located adjacent to the B1023 road. Flow control devices will be provided as required to limit the proposed discharge rates to the existing site discharge rates and enable the attenuation of the collected surface water runoff. Use of combined kerb and gully drainage systems forms part of the new design where the hydraulic capacity of existing gullies/kerb inlets were found to be inadequate.

### **Highway drainage design criteria**

- 2.3.8 The new design of the proposed highway drainage for the B1023 near Inworth adheres to the highway drainage design criteria presented in Section 4 of the

Surface Water Drainage Strategy [APP-174] submitted at DCO. The key highway drainage design criteria and the associated specific references to sub-sections within Section 4 of the Surface Water Drainage Strategy [APP-174] are summarised below:

- Retention of the general location of the discharge points from the existing highway drainage where feasible in order to maintain flows in receiving watercourses as far as reasonably practicable. The allowable discharge rates criteria is specified in Sections 4.8 to 4.10, Section 7 and Section 10 of [APP-174].
- The provision of adequate attenuation storage measures. The attenuation storage design criteria is specified in Section 4.9 of [APP-174].
- The climate change allowance applied to the proposed highway drainage over the design life of the proposed scheme is specified in Section 4.4 of [APP-174].
- The hydraulic design criteria for the piped drainage systems is specified in Section 4.5.7 and Section 4.5.8 of [APP-174].
- Where feasible, Sustainable Drainage Systems (SuDS) flow conveyance and attenuation features (e.g. filter drains, attenuation storage ponds, etc.) are employed to minimise the flood risk and water quality impact of surface water runoff being discharged to the natural environment from the proposed highway drainage systems. This is as specified in Section 4.2 and Section 11 of [APP-174].
- The proposed highway is to remain operational and safe for users during major rainfall events and not increase flood risk elsewhere. The exceedance flows assessment methodology is specified in Section 9 of [APP-174].

### **Discharge rates and attenuation storage volumes**

- 2.3.9 The proposed catchment discharge rates, the associated flow control devices used to achieve the proposed discharge rates, the attenuation storage type used, and the resulting modelled attenuation storage volume estimates are presented in Table A.2 in Appendix A. Hydraulic modelling has been undertaken to determine the allowable discharge rates and attenuation storage volumes. The hydraulic modelling methodology employed is described in Section 5 of the Surface Water Drainage Strategy [APP-174]. The rainfall data and the various hydraulic modelling parameters that inform the hydraulic modelling are those presented in Section 4.6, of the Surface Water Drainage Strategy [APP-174].
- 2.3.10 Regarding the proposed highway drainage discharge rates, Table A.2 in Appendix A presents a summary table of the outfall locations for the proposed highway drainage systems. The modelled proposed case peak discharge rates for the 1 in 1-year, 1 in 2-year, 1 in 5-year and 1 in 100-year return period storm events (plus an allowance for climate change) for the critical storm event are presented. The proposed highway drainage attenuation storage volumes have been determined for design events up to and including the 1 in 100-year return

period storm event (plus an allowance for climate change) and the associated critical storm duration for the attenuation storage locations.

### **Infiltration potential assessment**

- 2.3.11 Based on the findings of the preliminary ground investigation, in-situ testing undertaken to date has found that ground conditions are generally not suitable across the majority of the proposed scheme for SuDS using infiltration. Refer to Section 8 and associated Annex E of the Surface Water Drainage Strategy [APP-174] which assesses the ground investigation findings in depth with respect to the feasibility of using infiltration methods for the proposed scheme highway drainage catchments. Table A.4 in Appendix A summarises the ground investigation findings for the proposed attenuation storage ponds that are part of the new design of the highway drainage proposal for the B1023 near Inworth.

### **Exceedance flows assessment**

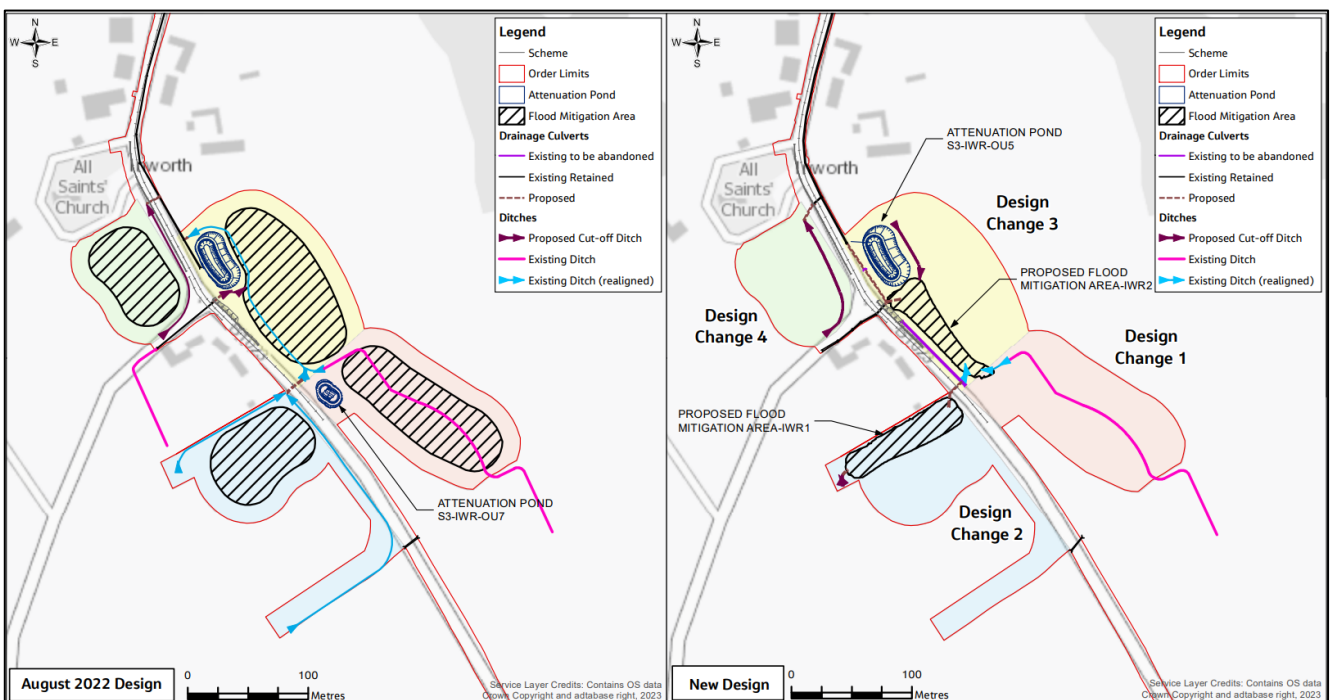
- 2.3.12 The assessment of exceedance flows from the proposed highway drainage systems has been undertaken to ensure that there is no increased surface water drainage flood risk to road users and to the third-party land outside the proposed scheme permanent acquisition of land boundary. Refer to Section 9 of the Surface Water Drainage Strategy [APP-174] for full details on the exceedance flows assessment criteria. The exceedance flow assessment results satisfy the stated design standard requirements quoted in Section 2.3.8 above.

### 3 Summary of the change

3.1.1 The proposed mitigation required for the highway drainage and flood risk infrastructure in the vicinity of the B1023, near Inworth, has been rationalised to reduce the number of watercourse flood mitigation storage areas and highway drainage attenuation storage ponds. The new design solution with regards to the flood mitigation storage areas has been informed through hydraulic modelling of the watercourses and includes associated proposed drainage ditch works and culverted watercourse proposals that cross the B1023 near Inworth.

3.1.2 The new design proposal is shown on Sheet 14 of 21 and Sheet 20 of 21 of Drainage and Surface Water Plans which are enclosed within consultation Map Book 4. Plate 3.1 and Plate 3.2 present schematic comparisons for the new design solution of the highway drainage and flood risk mitigation measures to those submitted in August 2022. Table 3.1 and Table 3.2 further summarise the key design changes for the new design in comparison to the design submitted in August 2022. Regarding the culverted watercourses associated with the proposed flood mitigation storage areas, Table A.3 in Appendix A presents a summary of the affected existing culvert locations including the new culvert requirements. The culverts schedule provided in Table A.3 in Appendix A details those culverts being retained, those that require extension where road widening is proposed and the new culverts required.

**Plate 3.1 New design proposals in comparison with design submitted in August 2022 in the vicinity of the B1023, near Inworth (Cluster Area 1)**

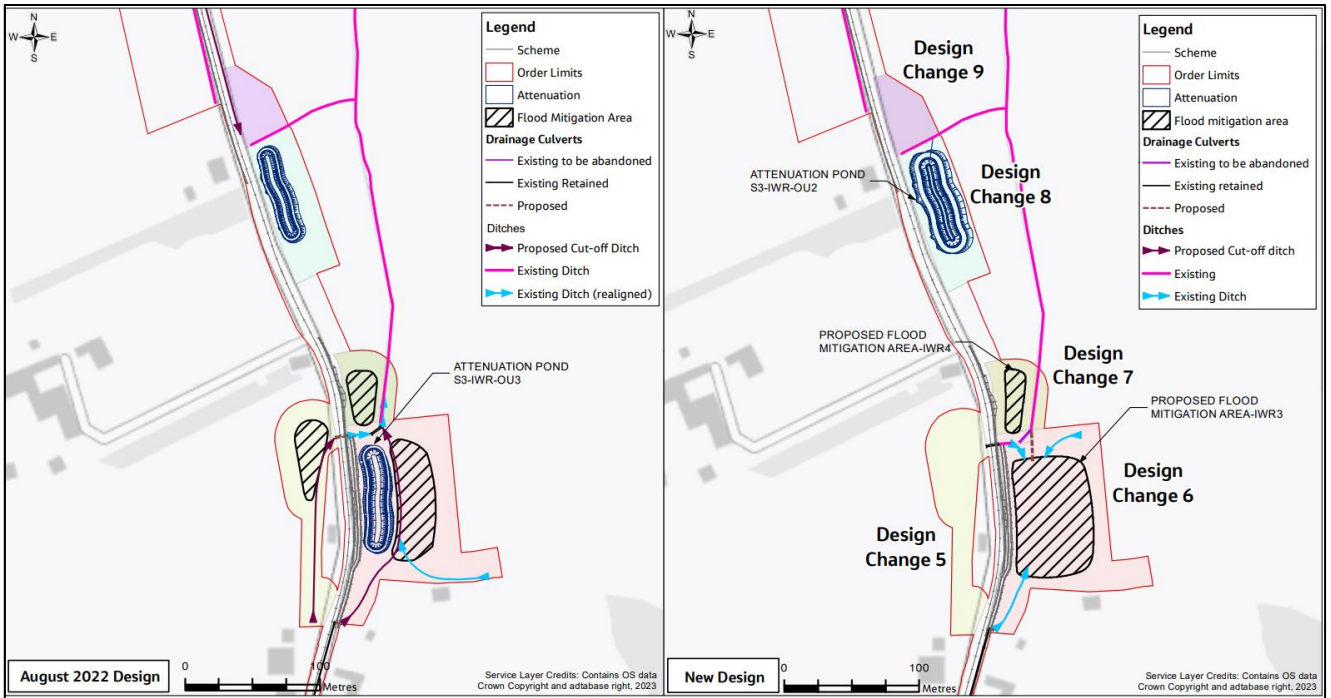




**Table 3.1 Summary of Design Changes - Drainage and Flood Mitigation Measures in the vicinity of the B1023 near Inworth (Cluster Area 1)**

Landtake Area Reference from Plate 3.1	New Design Solution
Design Change 1	<p><b>Attenuation Pond S3-IWR-OU7 has been removed.</b> There are no highway widening works within the catchment S3-IWR-OU7 boundary. Hydraulic checks indicate minor increase in flows due to an increase in rainfall values for climate change allowance which will be manageable through localised upgrades to drainage collection features.</p> <p>The design submitted in August 2022 included a flood mitigation storage area that would have required excavation over the gas main, the location of which was unknown at DCO Stage design. New design has taken this constraint into account and developed the solution through hydraulic modelling that confirmed <b>removal of flood mitigation measures in this area.</b></p>
Design Change 2	<p><b>New drainage ditches adjacent to the B1023 near Inworth</b> that were considered previously as part of flood risk mitigation <b>are not required.</b></p> <p>New design proposal has considered the constraint imposed by existing the HP gas main and been informed by hydraulic modelling. <b>New design (proposed flood mitigation -IWR1) provides a reduction in the flood mitigation storage area requirements.</b></p>
Design Change 3	<p><b>Attenuation Pond S3-IWR-OU5 has been retained.</b></p> <p><b>New design proposal (proposed flood mitigation – IWR2)</b> has been informed through hydraulic modelling and <b>provides reduction in the flood mitigation storage area requirements.</b></p>
Design Change 4	<p>New design has been developed through hydraulic modelling which has confirmed <b>removal of flood mitigation measures in this area.</b></p> <p><b>Proposed drainage ditch is retained</b> although required to move further away from the road and enlarged to capture the overland runoff from the catchment upstream which forms part of the overall solution for flood mitigation measures in this area.</p>

**Plate 3.2 New design proposals in comparison with the design submitted in August 2022 in the vicinity of the B1023 near Inworth (Cluster Area 2)**



**Table 3.2 Summary of Design Changes - Drainage and Flood Mitigation Measures in the vicinity of the B1023 near Inworth (Cluster Area 2)**

Landtake Area Reference from Plate 3.2	New Design Solution
Design Change 5	<p><b>New drainage ditch and flood mitigation storage area</b> adjacent to the B1023, near Inworth, that were considered for the design submitted at DCO <b>are not required</b>. Existing field drains/ditches found in the location of the new drainage ditch and will be retained.</p>
Design Change 6	<p>A new design solution has been developed to optimise the combined design solutions that would work for the mitigation required for the highway drainage (attenuation storage) and for the flood risk mitigation storage. <b>Attenuation Pond S3-IWR-OU3 has been removed</b> and the highway drainage catchment is now diverted to Attenuation Pond S3-IWR-OU2.</p> <p><b>Flood mitigation storage area (proposed flood mitigation area – IWR3)</b> has been informed through hydraulic modelling and has <b>increased in area (i.e. in comparison to the design submitted in August 2022 but is still within the Order Limits)</b>.</p>

Landtake Area Reference from Plate 3.2	New Design Solution
Design Change 7	<b>Flood mitigation storage area (proposed flood mitigation area – IWR4)</b> is proposed to be retained. Minor adjustments will be required to minimise the impact to the existing foul sewer in the area.
Design Change 8	<b>Attenuation Pond S3-IWR-OU2 is retained.</b> Note there has been an increase in the attenuation storage volume for Attenuation Pond S3-IWR-OU2 (i.e. in comparison to the design submitted in August 2022 but is still within Order Limits) as a result of the additional highway drainage catchment draining to this attenuation storage pond which was previously associated to Attenuation Pond S3-IWR-OU3 (i.e. Design Change 6). Attenuation Pond S3-IWR-OU2 has been adjusted locally to minimise the impact on the existing foul sewer located in this area.
Design Change 9	This area is considered as potential attenuation for the highway drainage for Catchment S3-IWR-OU1 that will be reduced in size as this catchment now drains through proposed Catchment S3-OU8B+OU8D. Refer to consultation Map Book 4, Sheet 20 of 21 of Drainage and Surface Water Plan for the revised catchments for the proposed S3-OU8B + OU8D catchments that includes the diverted existing S3-IWR-OU1 catchment.

3.1.3 In addition to the changes summarised above for the B1023, near Inworth, it is noted that the proposed highway design change at the B1023 roundabout includes the removal of a segregated left turn lane, which will result in a small reduction in paved area associated with the proposed S3-OU8B+OU8D catchments. However, as described in Design Change 9 in Table 3.2, the reduction in paved area catchment will be adjusted against the existing S3-IWR-OU1 catchment, which is proposed to be drained through the proposed S3-OU8B + OU8D catchment. This results in a small increase to the paved area and the associated attenuation storage volumes for Attenuation Ponds S3-OU8B and S3-OU8D in comparison to the design submitted in August 2022. It is noted that this small increase in the attenuation storage volume will not have an impact on the proposed attenuation storage ponds footprint reported as part of the highway drainage design in August 2022. This is because these proposed attenuation storage ponds were found to have adequate attenuation storage capacity following the optimisation of the attenuation pond base invert level / side slopes geometry and the surrounding natural terrain (i.e. steep terrain and / or high ground).

## 4 Impacts

### 4.1 Land take

4.1.1 The changes identified have resulted in changes to the proposed flood mitigation areas and highway drainage for the B1023. The new design removes new infrastructure from the exclusion zone of a gas pipeline and results in reduction in earthworks required for flood mitigation works. Several flood mitigation areas previously identified as being required are no longer necessary. New design provides reduction in the number of drainage attenuation ponds. As such it there will be a reduction in the area of land required permanently of approximately 34,098m<sup>2</sup>.

### 4.2 Access Arrangement

#### Maintenance access

4.2.1 The maintenance access tracks to the attenuation ponds and flood mitigation areas in the vicinity of the B1023 have been reviewed and amended to reflect the new design.

4.2.2 The following maintenance access tracks have been added or modified:

- 20/C - modified to include turning head for access to attenuation pond S3-IWR-OU5 and flood mitigation area IWR2
- 20/L - new track added to maintain flood mitigation area IWR1
- 20/M - new track added to maintain attenuation pond S3-IWR-OU2

#### Private means of access

4.2.3 The Private Means of Access provisions have also been reviewed to ensure that access is maintained to land that is adjacent to the Order Limits. As some land, particularly towards the south of the B1023, is no longer subject to powers of compulsory acquisition, provision for Private Means of Access can be reduced and in some cases is no longer required.

4.2.4 The following Private Means of Access tracks have been modified or removed following the revision of the land requirements:

- 20/C - modified to include turning head to access attenuation pond. Access to land outside of Order Limits to be maintained.
- 20/D - shortened to 3m, access from the B1023 to highway boundary only required
- 20/E - shortened to 3m, access from the B1023 to highway boundary only required
- 20/H – modified to include turning head to access attenuation pond. Access to land outside of Order Limits to be maintained.
- 20/J - no longer required as land is no longer subject to powers of compulsory acquisition

- 20/K - renumbered to avoid duplicate

4.2.5 The Streets, Rights of Way and Access plans have been updated to reflect the changes to the Private Means of Access and Maintenance Access tracks. (Map Book 4)

### 4.3 Construction

4.3.1 The removal of a number of attenuation ponds and flood mitigation storage areas will reduce the overall earthworks movement volumes. This will reduce the number of HGV movements associated with construction of these elements.

4.3.2 The proposed scheme construction programme and associated road closures required along the B1023 are highly unlikely to change due to the extent of the improvements to the existing drainage network, which are critical activities for that area.

### 4.4 Environment

4.4.1 The below sections describe the predicted environmental impacts of the new design of attenuation ponds and flood mitigation areas along the B1023, with reference to the conclusions in the assessment chapters of the Environmental Statement submitted as part of the DCO application (chapters 6 to 16 of the Environmental Statement, DCO examination library reference [APP-073 to APP-083]).

4.4.2 Each section addresses the change in potential impacts, change in proposed mitigation measures, and change to the assessment of likely significant effects as a result of the new design.

#### Chapter 6: Air quality

##### Potential impacts

4.4.3 The air quality assessment undertaken for the Environmental Statement is based on modelling impacts to a set of predefined human health, ecological and pollution climate mapping (PCM) receptors (see Environmental Statement Appendix 6.5: Air quality modelling results [APP-104]). The reduction of land take along the B1023 has no material effect on the location of receptors, nor does it affect traffic forecasts in the opening year 2027. As the operational traffic remains unchanged from what was assessed in the Environmental Statement, and the receptors are unaffected, then the potential impacts would remain as reported in Environmental Statement Chapter 6: Air quality, Section 6.9 [APP-073].

4.4.4 The construction traffic for the proposed scheme is constrained to the A12 corridor, as a result subsequent emissions from construction traffic would not impact sensitive receptors on the B1023.

4.4.5 Potential impacts from dust during construction would not change.

##### Design, mitigation and enhancement measures

4.4.6 No additional mitigation measures, beyond standard mitigation for dust management, have been proposed on the basis that there would be no likely

significant air quality effects, in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 (see Chapter 6: Air quality, paragraph 6.10.6 [APP-073]). The land take reduction along the B1023 has no material effect on this outcome, and therefore no change to mitigation is required.

### **Assessment of likely significant effects**

- 4.4.7 As the potential impacts would not change due to the reduction in land take along the B1023, there would be no change to the ES predictions of likely significant effects for human health, ecological, or PCM receptors (see Environmental Statement Chapter 6: Air quality, Section 6.11 [APP-073]).

## **Chapter 7: Cultural heritage**

### **Potential impacts**

- 4.4.8 The impacts on cultural heritage assets that would be caused by the proposed scheme along the B1023 are considered within the assessment of effects presented in Environmental Statement Chapter 7: Cultural heritage [APP-074] and Appendix 7.9: Cultural heritage impact assessment summary tables [APP-117].
- 4.4.9 The removal or reduction in size of some proposed flood mitigation areas and attenuation ponds would reduce the duration and scale of impacts during construction on the settings of the grade I listed Church of All Saints, Inworth (Asset 708) and four grade II listed buildings: Inworth Hall (Asset 701), Gates and Gate Piers to Inworth Hall (Asset 712), Thatched Cottage (Asset 715), and Harborough Cottage (Asset 717). However, taken in the context of the impact on their settings from the construction of proposed attenuation ponds and changes to the alignment of the B1023, the impacts would not change sufficiently to reduce the significance of effect predicted in Environmental Statement Chapter 7: Cultural heritage [APP-074].
- 4.4.10 The removal or reduction in size of some proposed flood mitigation areas and attenuation ponds would reduce the duration and scale of impacts during construction on two non-designated historic landscape types (HLT): Settlement (HLT 1), and Modern Agriculture (HLT 14). This would be achieved through the retention of field boundaries, particularly the field south of Church of All Saints, Inworth (Asset 708). However, in the context of the overall proposed scheme the impacts on HLT 1 and HLT 14 would not change sufficiently to reduce the significance of effect assessed in Environmental Statement Chapter 7: Cultural heritage [APP-074].

### **Design, mitigation and enhancement measures**

- 4.4.11 There would be no change to the measures proposed to mitigate impacts on the setting of designated and non-designated built heritage and historic landscape assets as a result of the proposed changes.
- 4.4.12 Measures were included in Environmental Statement Appendix 7.10: Archaeological mitigation strategy [APP-118] to evaluate the proposed flood mitigation areas for the presence of unknown archaeological remains through trial trenching. The scale of this requirement would be reduced to reflect the revised extent of the flood mitigation areas, but would otherwise be unchanged,

and would be secured through Commitment CH2 of the Register of Environmental Actions and Commitments [APP-185]. The Archaeological Mitigation Strategy will be updated to reflect this change, along with other changes that have resulted from ongoing engagement with Historic England and the county/local authority archaeology officers.

### **Assessment of likely significant effects**

- 4.4.13 Taken in the context of other impacts in this area, the assessment of the significance of effects on grade I listed Church of All Saints, Inworth (Asset 708), and grade II listed Inworth Hall (Asset 701), Gates and Gate Piers to Inworth Hall (Asset 712), Thatched Cottage (Asset 715), and Harborough Cottage (Asset 717), and non-designated HLT 1 and HLT 14 would be unchanged.

## **Chapter 8: Landscape and visual**

### **Potential impacts**

- 4.4.14 The landscape effects that would be caused by the proposed scheme at the B1023 are considered within the assessment of effects on local landscape character area F1 Messing Wooded Farmland, presented within Environmental Statement Appendix 8.2: Landscape effects schedule [APP-120]. The localised landscape impacts along the B1023 would be slightly reduced when considering the new design, because the attenuation ponds and flood mitigation areas would be less extensive which subsequently results in reduced loss of existing vegetation. However, the changes would be localised, and the assessment of impacts on F1 Messing Wooded Farmland within the Environmental Statement considers the full extent of the proposed scheme where it falls within F1 Messing Wooded Farmland, including proposals at junction 24 and along the mainline, as well as the proposals along the B1023. As such, the overall conclusions on landscape impacts reported within Environmental Statement Chapter 8: Landscape and visual [APP-075] and Appendix 8.2: Landscape effects schedule [APP-120] would not change as a result of the new design.
- 4.4.15 Visual effects have been assessed through the application of representative viewpoints located at publicly accessible viewpoints, a proportionate approach which is supported by the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) and DMRB LA 107 Landscape and Visual Effects, Revision 2. There are no representative viewpoints that would be affected by the new design at the B1023. Therefore, the visual impacts assessed within Chapter 8: Landscape and visual [APP-075] and Appendix 8.3 Visual effects schedule [APP-121] would not change as a result of the new design.

### **Design, mitigation and enhancement measures**

- 4.4.16 The new design affects the landscape mitigation presented on sheet 20 of the Environmental Masterplan, part 3 [APP-088]. Proposed mitigation planting has been revised to reflect the new layout. The revisions comprise minor adjustments to the proposed mitigation, and do not materially affect the mitigation that would be delivered. The updated sheet of the Environmental

Masterplan showing the revised planting forms part of the Consultation Materials (Map Book 4).

### **Assessment of likely significant effects**

- 4.4.17 Consistent with the explanation presented above that the new design would not affect the landscape and visual impacts reported within the Environmental Statement, the landscape and visual effects reported within Chapter 8: Landscape and visual [APP-075], Appendix 8.2: Landscape effects schedule [APP-120] and Appendix 8.3: Visual effects schedule [APP-121] would not change as a result of the new design.

## **Chapter 9: Biodiversity**

### **Potential impacts**

- 4.4.18 The impacts on biodiversity resulting from the proposed scheme along the B1023 are considered within the assessment of effects presented in Environmental Statement Chapter 9: Biodiversity [APP-076] and the Supplementary Bat Survey Report [AS-032]. Biodiversity receptors of particular relevance along or in close proximity to the B1023 include Perry's Wood ancient woodland and Local Wildlife Site (LWS), Inworth Wood LWS, badger (one badger sett is located within 100m of the Order Limits), bats (four trees with low to moderate suitability for roosting bats are located within the Order Limits) and great crested newt (GCN) (one confirmed GCN pond - Pond 40 - is located within 250m of the Order Limits).
- 4.4.19 The removal or reduction in size of some proposed flood mitigation areas and attenuation ponds would not result in any new impacts on Perry's Wood ancient woodland and LWS, Inworth Wood LWS, badger, bats or GCN. The reduced extent of works would increase the intervening distance between construction activities and Inworth Wood LWS, and sensitive features for badger and GCN, particularly along the eastern edge of the B1023 (although no significant effects are predicted on these receptors in this location and therefore the level of impact would remain not significant). Hedgerow loss would be slightly reduced when considering the new design, because the attenuation ponds and flood mitigation areas would be less extensive which subsequently results in reduced loss of existing vegetation. There would therefore be no change to the conclusions presented for these receptors in Chapter 9: Biodiversity [APP-076].
- 4.4.20 The removal or reduction in size of some proposed flood mitigation areas and attenuation ponds would result in revisions to the landscaping proposals on sheet 20 of the Environmental Masterplan, part 3 [APP-088]. This would result in a minor reduction in the provision of associated grassland planting. However, there would be no change to planting of hedgerows with intermittent trees or individual trees due to the new design. The overall conclusions on biodiversity impacts reported within Chapter 9: Biodiversity [APP-076] would not change as a result of the new design.

### **Design, mitigation and enhancement measures**

- 4.4.21 The potential impacts would not change owing to the reduction in land take along the B1023, therefore no additional mitigation is required.



- 4.4.22 The new design affects the landscaping proposals through a reduction in the provision of grassland planting presented on sheet 20 of the Environmental Masterplan, part 3 [APP-088]. Proposed landscaping has been revised to reflect the new layout.

**Assessment of likely significant effects**

- 4.4.23 As the potential impacts would not change owing to the reduction in land take along the B1023, there would be no change to the significant effects reported within Section 9.11 of Chapter 9: Biodiversity [APP-076].

**Chapter 10: Geology and soils**

**Potential impacts**

- 4.4.24 The new junction design slightly reduces the agricultural land take required by the proposed scheme.
- 4.4.25 There are no land quality constraints or geological receptors in this location, so the new design does not result in any changes to the potential impacts reported in Section 10.9 of Environmental Statement Chapter 10: Geology and soils [APP-077].

**Design, mitigation and enhancement measures**

- 4.4.26 The new design does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 10.10 of Chapter 10: Geology and soils [APP-077]. No specific mitigation measures were identified for this aspect along the B1023, beyond standard measures for managing soil during construction, and therefore no change to this is required with the new design.

**Assessment of likely significant effects**

- 4.4.27 While the new design is likely to result in a small reduction in overall agricultural land loss/disturbance, this reduction is considered insignificant compared to the overall agricultural land loss/disturbance for the whole proposed scheme, and therefore there is no change to the significance of effects reported in Section 10.11 of Chapter 10: Geology and soils [APP-077].

**Chapter 11: Material assets and waste**

**Potential impacts**

- 4.4.28 The new design does not result in any changes to the potential impacts reported in Section 11.9 of Environmental Statement Chapter 11: Material assets and waste [APP-078]. This aspect does not assess the impacts associated with specific design elements at a local level, and instead focuses on assessing the impacts of materials consumption, minerals sterilisation and waste disposal in absolute terms.

**Design, mitigation and enhancement measures**

- 4.4.29 The new design does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 11.10 of Chapter 11: Material assets and waste [APP-078]. No additional mitigation measures were

identified for this aspect in relation to the B1023, and therefore no change to this is required with the new design.

#### **Assessment of likely significant effects**

- 4.4.30 While the new design is likely to result in negligible, yet indeterminate, changes to the total materials consumption, minerals sterilisation and waste disposal reported in Section 11.11 of Chapter 11: Material assets and waste [APP-078], any changes are considered insignificant in the context of the entire proposed scheme.
- 4.4.31 The changes from the new design would not be at a level that would generate any new or different likely significant effects to those already reported for the proposed scheme, and there is therefore no change to the reported residual significance of effects for the material assets or waste matters of this aspect.

### **Chapter 12: Noise and vibration**

#### **Potential impacts**

- 4.4.32 The closest construction receptor to the proposed works is R28, which is representative of receptors along the B1023 (this is shown on sheet 3 of Environmental Statement Figure 12.3 [APP-230]). During vegetation clearance, the noise level was predicted to be above the significant observed adverse effect level (SOAEL), indicating the potential for likely significant adverse effects if the temporal threshold is exceeded, as defined in paragraph 12.5.27 of Environmental Statement Chapter 12: Noise and vibration [APP-079]. This potential impact is identified in paragraph 12.9.18 of Chapter 12: Noise and vibration [APP-079]. The works for the revised drainage and flood mitigation design would still require vegetation clearance, albeit for a reduced number of ponds and flood mitigation areas, and the predicted noise level would be above the SOAEL, therefore the potential impact remains.
- 4.4.33 The operation of the drainage and flood mitigation design would not generate any noticeable levels of noise and so impacts were not calculated within Chapter 12: Noise and vibration [APP-079]. This would be the same for the new design.

#### **Design, mitigation and enhancement measures**

- 4.4.34 No specific construction mitigation measures beyond standard mitigation measures were identified for the works along the B1023, and no change to this is required with the new design.
- 4.4.35 During operation there were no mitigation measures identified as there was no potential impact. There is no change to the potential impact with the new design, and therefore no change to operational mitigation is required.

#### **Assessment of likely significant effects**

- 4.4.36 During construction there were no significant adverse effects identified from the works along the B1023, as the duration of the vegetation clearance works did not exceed the temporal threshold defined in paragraph 12.5.27 of Chapter 12: Noise and vibration [APP-079]. The new design would not increase the timeframe the works would be undertaken over, so there would be no significant

adverse effect from the revised works, and hence the conclusions of the Environmental Statement do not change.

- 4.4.37 The operation of the drainage and flood mitigation design do not generate any noticeable levels of noise and so effects were not predicted within Chapter 12: Noise and vibration [APP-079]. This would be the same for the new design, and so the conclusions of the Environmental Statement do not change.

## **Chapter 13: Population and human health**

### **Potential impacts**

- 4.4.38 The new design would have a reduced impact on agricultural landholdings due to the reduced land take for the attenuation ponds and flood mitigation areas. It would have no change in impacts on private property and housing, community land and assets or development land and businesses as these types of land use would not be directly affected by the new design in this location.
- 4.4.39 There would be no change in impact from that previously assessed for walkers, cyclists and horse riders as the potential impact on footpath 145\_15 has been identified and assessed in the Environmental Statement (Table A.16 in Appendix 13.3: Land Use and Accessibility Assessment Tables [APP-155]), and there would be no change to this impact from the new design.
- 4.4.40 No change in impact on human health is anticipated from that assessed within the Environmental Statement on the basis that there is no change in health determinants impacted on from the new design.

### **Design, mitigation and enhancement measures**

- 4.4.41 The new design would not affect the mitigation outlined in Section 13.9 of Environmental Statement Chapter 13: Population and human health [APP-080] regarding impacts on agricultural landholdings, as agricultural landholdings would still be affected albeit to a lesser degree. The proposed mitigation therefore remains appropriate.
- 4.4.42 There would be no change in mitigation for other matters within Chapter 13: Population and human health [APP-080], as there would be no change to the potential impacts.

### **Assessment of likely significant effects**

- 4.4.43 The reduced impact on arable land use would not materially change the assessment of likely significant effects. While there would be reduced land-take from fields owned by two landholders, which are currently used for cereal production, this would not be of a scale to reduce the overall effect on agricultural landholdings concluded in section 13.20 of Chapter 13: Population and human health [APP-080], where the loss of agricultural land is assessed as large adverse. This is on the basis that the new design changes would only affect approximately 1% of the agricultural land previously identified as being impacted on by the proposed scheme.
- 4.4.44 There would be no change in effects for other matters within Chapter 13: Population and human health [APP-080], as there would be no change to the potential impacts.

## Chapter 14: Road drainage and the water environment

### Potential impacts

- 4.4.45 The Environmental Statement reported operational surface water quality assessment of seven (IWR-1 to IWR-7) proposed outfalls serving the proposed scheme on the B1023.
- 4.4.46 The seven outfalls were assessed for surface water quality impacts and groundwater quality impacts. The watercourses that are proposed to receive discharges from the B1023 outfalls (Watercourses 34 and 34c) were assigned the minimum Q95 for use within the surface water quality assessments as a conservative approach. As a consequence, these are considered to be 'low-flow' watercourses that present 'dry' conditions and act like a soakaway, therefore, overall impact assessment was based upon a groundwater quality assessment. The design changes to the B1023 do not propose the outfalls discharging to non 'low-flow' watercourses and as such, the overall method of assessment does not change.
- 4.4.47 The surface water assessment results, although not used to inform overall significance of effect, were presented in the Environmental Statement in Appendix 14.1: Water Quality Assessment Report [APP-158]. The post-mitigation Highways England Water Risk Assessment Tool (HEWRAT) results (Step 3) presented in Appendix 14.1 concluded a 'pass' for environmental quality standards (EQS) compliance and soluble pollutants. The assessment for the B1023 was assessed cumulatively excluding sediment-bound pollutants.
- 4.4.48 HEWRAT assessments have been undertaken to reflect the new design. The outfalls for the B1023 have been assessed both individually and cumulatively (excluding sediment-bound pollutants for outfalls more than 100m apart) at Step 3 – post-mitigation. These results show a 'pass' for EQS compliance and soluble (and sediment-bound, where applicable) pollutants. Therefore, there is no change in terms of surface water impacts, as shown in Table 4.1.

**Table 4.1 HEWRAT Surface Water Quality Assessments post-mitigation (Step 3) results**

Outfall Reference	Receiving Watercourse Name/ number	HEWRAT Routine Runoff Assessment (Method A)						
		Soluble Cu. No of exceedances /year		Soluble Zn. No of exceedances /year		AA-EQS Compliance (Cu ug/l)	AA-EQS Compliance (Zn ug/l)	Sediment Bound Pollutants (Pass/Fail)
		RST24	RST6	RST24	RST6			
<b>Post - Mitigation (Step 3)</b>								
<b>S3 - OU08B&amp;8D (IWR1)</b>	Unnamed Ditch	0.00	0.00	0.00	0.00	0.13	0.30	Pass (Alert)
<b>IWR2</b>	Ordinary Watercourse 34	0.00	0.00	0.00	0.00	0.12	0.30	Pass
<b>IWR5</b>	Ordinary Watercourse 34C	0.00	0.00	0.00	0.00	0.01	0.04	Pass

Outfall Reference	Receiving Watercourse Name/ number	HEWRAT Routine Runoff Assessment (Method A)						
		Soluble Cu. No of exceedances /year		Soluble Zn. No of exceedances /year		AA-EQS Compliance (Cu ug/l)	AA-EQS Compliance (Zn ug/l)	Sediment Bound Pollutants (Pass/Fail)
		RST24	RST6	RST24	RST6			
Post - Mitigation (Step 3)								
IWR5A	Ordinary Watercourse 34C	0.00	0.00	0.00	0.00	0.04	0.09	Pass
IWR6	Ordinary Watercourse 34C	0.00	0.00	0.00	0.00	0.05	0.10	Pass
IWR7	Ordinary Watercourse 34C	0.00	0.00	0.00	0.00	0.03	0.07	Pass
<b>Cumulative Assessment (Including IWR2 to IWR7)</b>	Ordinary Watercourse 34/34C	0.20	0.00	0.00	0.00	0.28	0.71	n/a

4.4.49 The new design would result in a reduction in flood risk to the B1023 from the baseline scenario, with areas of very large beneficial impact. The beneficial impact would be of the same magnitude as that described in Chapter 14: Road drainage and the water environment.

4.4.50 The new design would not result in any changes to watercourses from the baseline scenario, although flow levels would be locally raised within the watercourse in some areas.

**Design, mitigation and enhancement measures**

4.4.51 One of the primary reasons for the change in design is a change in the flood risk mitigation for the proposed scheme. This has been discussed in Section 3 of this report and is not described further here.

4.4.52 There is no change in potential water quality, groundwater, or hydromorphology impacts along the B1023 from the new design. No change to the design mitigation or enhancement measures described in Section 14.10 of Chapter 14: Road drainage and the water environment [APP-081] are therefore required.

**Assessment of likely significant effects**

4.4.53 The assessment of significant effect upon water quality for the B1023 outfalls is determined by a groundwater assessment based on the low flows in the receiving watercourses. As the location of the proposed mitigation has not changed, the conclusion of the cumulative impact assessment of risk to groundwater at this location is low as shown in Appendix H of the Water Quality Assessment Report [APP-158]. There is no change in the significance of effects which are assessed as neutral as shown in Appendix F of the Water Quality Assessment Report [APP-158].

## Chapter 15: Climate

### Potential impacts

- 4.4.54 The new drainage and flood mitigation design would not substantially influence the quantities of materials required to construct the proposed scheme, nor affect traffic flows with the proposed scheme in place. As such, the proposed changes would not have a material impact on the magnitude of estimated changes in greenhouse gas (GHG) emissions associated with the proposed scheme.
- 4.4.55 Furthermore, the proposed changes would not alter the vulnerability of the proposed scheme to future changes in climate.

### Design, mitigation and enhancement measures

- 4.4.56 The mitigation measures presented in Environmental Statement Chapter 15: Climate [APP-082] are considered to remain valid, and therefore no changes to the measures presented in the Environmental Statement are required.

### Assessment of likely significant effects

- 4.4.57 As neither emissions of GHGs nor the vulnerability of the proposed scheme to climate change are considered likely to be affected by the proposed changes, then the conclusions set out in Chapter 15: Climate [APP-082] remain unchanged.

## Chapter 16: Cumulative effects assessment

### Potential impacts

- 4.4.58 In accordance with Environmental Statement Chapter 16: Cumulative effects assessment [APP-083], material assets and waste and climate have been scoped out of the assessment of cumulative effects.
- 4.4.59 The remaining individual topic chapters above have been reviewed in order to identify any changes to individual topic effects before then considering how any such changes may contribute to changes in cumulative effects. The findings of this review are shown in Table 4.2.

**Table 4.2 Cumulative effects**

Topic	Potential for cumulative effects
Air quality	There would be no change to the significant effects reported in Environmental Statement Chapter 6: Air quality [APP-073]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Cultural heritage	There would be no change to the significant effects reported in Environmental Statement Chapter 7: Cultural heritage [APP-074]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].

Topic	Potential for cumulative effects
Landscape and visual	There would be no change to the significant effects reported in Environmental Statement Chapter 8: Landscape and visual [APP-075]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Biodiversity	There would be no change to the significant effects reported in Environmental Statement Chapter 9: Biodiversity [APP-076]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Geology and soils	There would be no change to the likely significant effects reported in Chapter 10: Geology and soils [APP-077]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Noise and vibration	There would be no change to the likely significant effects reported in Chapter 12: Noise and vibration [APP-079]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Population and human health	There would be no change to the significant effects reported in Environmental Statement Chapter 13: Population and human health [APP-080]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Road drainage and the water environment	There would be no change to the significant effects reported in Environmental Statement Chapter 14: Road drainage and the water environment [APP-081]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].

### Design, mitigation and enhancement measures

- 4.4.60 No new or different cumulative effects are predicted from the new design, hence no design, mitigation and enhancement measures are required.

### Assessment of likely significant effects

- 4.4.61 There is no change to the reported assessment of cumulative effects in Chapter 16: Cumulative effects assessment [APP-083] due to the new design.

### Overall environment conclusion

- 4.4.62 Impacts along the B1023 would decrease as the number of attenuation ponds and flood mitigation areas decrease, resulting in reduced land take and vegetation loss. The reduction in impacts would not be on a scale or magnitude to change the significant effects reported in the Environmental Statement. There are therefore no new or different likely significant effects arising from the new design.

## **5 Conclusion**

- 5.1.1 The change reported on above has resulted in a reduction in the permanent land take of approximately 34,098m<sup>2</sup> whilst the effects of construction and operation of the scheme would remain consistent with the findings presented within the relevant chapters of the Environmental Statement.



## **Appendix A New design outputs summary for the proposed highway drainage**

**Table A.1 Paved and Permeable Catchment Areas Summary**

Proposed catchment	Existing paved area <sup>1</sup>	New paved area	Total proposed paved area <sup>2</sup>	Total proposed permeable area <sup>3</sup>	Catchment-specific comments
	(ha)	(ha)	(ha)	(ha)	
S3-IWR-OU2	0.414 (0.157)	0.055	0.469	0.028	<p>Minor highway improvement works to the existing B1023 in addition to the proposed offline walking, cycling and horse-riding (WCH) route access provision.</p> <p>The existing paved area (0.414ha) associated with the existing the B1023 portion, includes the existing retained paved area of 0.157ha within S3-IWR-OU2 catchment, the existing paved area (0.088ha) associated with existing S3-IWR-OU3 catchment and the existing paved area (0.169ha) associated with the existing S3-IWR-OU4 catchment that will be contained within the proposed S3-IWR-OU2 catchment boundary</p>
S3-IWR-OU5	0.092 (0.046)	0.002	0.048	0	<p>Minor highway improvement works to the existing B1023</p> <p>The existing paved area (0.092ha) is associated with the existing S3-IWR-OU5 catchment that has been divided up between the proposed S3-IWR-OU5 catchment and the proposed S3-IWR-OU5A catchment (i.e. 0.046ha will be retained within the proposed S3-IWR-OU5 catchment boundary while 0.046ha will be drained to the proposed S3-IWR-OU5A catchment boundary)</p>
S3-IWR-OU5A	0 (0.082)	0.005	0.087	0.092	<p>Minor highway improvement works to the existing B1023</p> <p>The existing paved area is associated with the existing S3-IWR-OU5 catchment portion (0.046ha) and the existing S3-IWR-OU6 catchment portion</p>

Proposed catchment	Existing paved area <sup>1</sup>	New paved area	Total proposed paved area <sup>2</sup>	Total proposed permeable area <sup>3</sup>	Catchment-specific comments
	(ha)	(ha)	(ha)	(ha)	
					(0.036ha) contained within the proposed S3-IWR-OU5A catchment boundary
S3-IWR-OU6	0.129 (0.093)	0	0.093	0	<p>No online highway widening works proposed within the proposed S3-IWR-OU6 catchment boundary</p> <p>The existing paved area (0.129ha) is associated with the existing S3-IWR-OU6 catchment that has been divided up between the proposed S3-IWR-OU5A catchment and the proposed S3-IWR-OU6 catchment (i.e. 0.093ha will be retained within the proposed S3-IWR-OU6 catchment boundary while 0.036ha will be drained to the proposed S3-IWR-OU5A catchment)</p>
S3-IWR-OU7	0.089	0	0.089	0	No online highway widening works proposed within the proposed S3-IWR-OU7 catchment boundary
S3-OU8B+8D	0 (0.127)	0.384	0.511	0.238	<p>The new Inworth Link Road portion and new B1023 Roundabout connecting the link road to the existing B1023. New paved area has been reduced from the design submitted at DCO due to a change in the highway design which removes the segregated left turn from the B1023 approaching the new B1023 Roundabout</p> <p>The existing paved area (0.127ha) is associated with the existing B1023 portion associated with the existing S3-IWR-OU1 catchment that will be drained to the proposed S3-OU8B+8D catchment. As a result, the total proposed paved area associated with the proposed S3-OU8B +8D catchment has been increased (0.105ha) compared</p>

Proposed catchment	Existing paved area <sup>1</sup>	New paved area	Total proposed paved area <sup>2</sup>	Total proposed permeable area <sup>3</sup>	Catchment-specific comments
	(ha)	(ha)	(ha)	(ha)	
					to that which was submitted at DCO (See Note 4)

**Notes:**

1. For some proposed catchments the retained existing paved area contained within the proposed catchment boundary differs to that in the existing site condition. This is due to the retained existing paved area’s adjustment to neighbouring catchments where required due to site constraints. The retained existing paved area within the proposed catchment boundary is presented in brackets in the ‘Existing paved area’ column where applicable and is included in the total proposed paved area summation.
2. The total proposed paved area is the sum of the existing paved area (adjusted existing paved area where applicable) to be retained and the additional new paved area which will form the proposed highway drainage catchment areas across the proposed scheme. The existing and additional new paved areas are illustrated on the Drainage and Surface Water Plan – Sheet 14 of 21 and Sheet 20 of 21, within consultation Map Book 4.
3. Permeable catchment areas include grassed verges, grassed roundabout centre islands, cut slopes, embankment slopes, etc. that drain into the proposed highway drainage systems.
4. It is noted that the small increase in paved area (0.105ha) will not have an impact on the proposed S3-OU8B and S3-OU8D catchment attenuation pond volumes and the associated footprint reported at DCO. This is because these attenuation ponds were found to have adequate attenuation storage capacity following the optimisation of the attenuation pond base invert level / side slopes geometry and the surrounding natural terrain (i.e. steep terrain and / or high ground).

**Table A.2 Discharge Rate and Attenuation Storage Volume Summary**

Proposed catchment	Receiving watercourse	Modelled peak discharge rates (l/s) <sup>1</sup>					Flow control type (diameter)	Attenuation storage type	Estimated attenuation storage volume <sup>3</sup> (m <sup>3</sup> )	Catchment specific comments
		Allowable discharge rates (A) <sup>2,4</sup>								
		Proposed discharge rates (P) <sup>2</sup>								
A / P	1yr	2yr	5yr	100yr						
S3-IWR-OU2	Existing drainage ditch (Ultimately Ordinary Watercourse 34)	A	31.0	29.5	38.8	78.8	Orifice plate (175mm) & Orifice Plate (300mm)	Attenuation pond	201	Minor highway improvement works on the B1023 which currently discharges to an existing drainage ditch. Therefore, brownfield discharge rates are applicable. A new outfall is required to an existing drainage ditch located adjacent to the B1023. The proposed S3-IWR-OU2 catchment also intercepts the flows from the existing S3-IWR-OU3 and S3-IWR-OU4 catchments. This is because attenuation pond provision is not feasible due to spatial constraints adjacent to the existing S3-IWR-OU3 and S3-IWR-OU4 catchments. See Note 4 and Note 5. Two orifice plate flow control devices are required and are to be set at different levels to ensure the proposed discharge rates meet the existing case allowable discharge rates
		P	24.0	27.2	31.6	67.6				

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Proposed catchment	Receiving watercourse	Modelled peak discharge rates (l/s) <sup>1</sup>					Flow control type (diameter)	Attenuation storage type	Estimated attenuation storage volume <sup>3</sup> (m <sup>3</sup> )	Catchment specific comments
		Allowable discharge rates (A) <sup>2,4</sup>								
		Proposed discharge rates (P) <sup>2</sup>								
A / P	1yr	2yr	5yr	100yr						
S3-IWR-OU5	Culverted Watercourse CL-IWR-4 (Ultimately Ordinary Watercourse 34)	A	18.4	17.6	23.6	53.7	Hydrobrake (107mm)	Attenuation pond	82	<p>Highway improvement works on the B1023 which currently discharges to an existing drainage ditch. Therefore, brownfield discharge rates are applicable</p> <p>A new outfall is required to culverted watercourse (Culvert CL-IWR-CL4) located adjacent to the B1023</p>

Proposed catchment	Receiving watercourse	Modelled peak discharge rates (l/s) <sup>1</sup>					Flow control type (diameter)	Attenuation storage type	Estimated attenuation storage volume <sup>3</sup> (m <sup>3</sup> )	Catchment specific comments
		Allowable discharge rates (A) <sup>2,4</sup>								
		Proposed discharge rates (P) <sup>2</sup>								
A / P	1yr	2yr	5yr	100yr						
		P	5	5	5	5				<p>Spatial constraints prevent attenuation pond provision for the adjacent proposed S3-IWR-OU5A catchment. Hence the mitigation attenuation storage is provided within the proposed S3-IWR-OU5 catchment attenuation pond</p> <p>A minimum practicable discharge rates of 5 l/s has been used (see the catchment specific comment for the proposed S3-IWR-OU5A catchment)</p>
S3-IWR-OU5A	Culverted Watercourse CL-IWR_4 (Ultimately Ordinary Watercourse 34)	A	See Comments				None. Unattenuated	None	-	<p>Brownfield discharge rates are applicable due to online highway widening works</p> <p>The existing case S3-IWR-OU5 catchment has been divided into the</p>

Proposed catchment	Receiving watercourse	Modelled peak discharge rates (l/s) <sup>1</sup>					Flow control type (diameter)	Attenuation storage type	Estimated attenuation storage volume <sup>3</sup> (m <sup>3</sup> )	Catchment specific comments
		Allowable discharge rates (A) <sup>2,4</sup>								
		Proposed discharge rates (P) <sup>2</sup>								
A / P	1yr	2yr	5yr	100yr						
		P	11	10.0	16.0	43.8				proposed case S3-IWR-OU5 and S3-IWR-OU5A catchments  The existing S3-IWR-OU6 catchment allowable discharge rates are apportioned between the proposed S3-IWR-OU5 and S3-IWR-OU5A catchments. A new outfall to the culverted watercourse (Culvert CL-IWR-4) will be required



Proposed catchment	Receiving watercourse	Modelled peak discharge rates (l/s) <sup>1</sup>					Flow control type (diameter)	Attenuation storage type	Estimated attenuation storage volume <sup>3</sup> (m <sup>3</sup> )	Catchment specific comments
		Allowable discharge rates (A) <sup>2,4</sup>								
		A / P	1yr	2yr	5yr	100yr				
S3-IWR-OU6	Culverted Watercourse CL-IWR-9 (Ultimately Ordinary Watercourse 34)	A	24	22.8	30.7	64.9	None. Unattenuated	None	-	<p>Highway improvement works on the existing B1023 which currently discharges to an existing culvert, CL-IWR-9. Therefore, brownfield discharge rates are applicable</p> <p>A new outfall to existing culvert CL-IWR-CL9 will be required</p> <p>The proposed S3-IWR-OU6 catchment requires no attenuation storage given that the proposed catchment has been adjusted with the proposed S3-IWR-OU5 catchment and results in proposed discharge rates that are less than the existing case allowable discharge rates. This is achieved without the use of a formal means of attenuation storage</p>
		P	21.8	20.7	27.8	59.3				

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Proposed catchment	Receiving watercourse	Modelled peak discharge rates (l/s) <sup>1</sup>					Flow control type (diameter)	Attenuation storage type	Estimated attenuation storage volume <sup>3</sup> (m <sup>3</sup> )	Catchment specific comments
		Allowable discharge rates (A) <sup>2,4</sup>								
		A / P	1yr	2yr	5yr	100yr				
S3-IWR-OU7	Ordinary Watercourse 34C	A	16.3	15.5	20.8	42.7	None. Unattenuated	None	-	Existing catchment on the B1023 which currently discharges to an existing drainage ditch. Brownfield discharge rates are applicable. The existing outfall may need to be repositioned locally. Minor increase in the proposed case discharge rates has been adjusted by a reduction in the discharge rates for the proposed S3-IWR-OU5 catchment which ultimately discharges to the same receptor (Ordinary Watercourse 34)
		P	20.4	19.3	25.7	45.6				
Combined S3-IWR-OU5, OU5A, OU6 and OU7	Ordinary Watercourse 34	A	58.7	55.9	75.1	161.3	N/A	N/A	N/A	The combined proposed discharge rates from the proposed S3-IWR-OU5, S3-IWR-OU5A, S3-IWR-OU6 and S3-IWR-OU7 are less than the combined existing S3-IWR-OU5, S3-IWR-OU6 and S3-IWR-OU7 allowable discharge rates. This ensures there is no adverse flood risk impact, considering that these catchments have a common ultimate receptor in culverted Ordinary Watercourse 34
		P	58.2	55.0	74.5	153.7				

Proposed catchment	Receiving watercourse	Modelled peak discharge rates (l/s) <sup>1</sup> Allowable discharge rates (A) <sup>2,4</sup> Proposed discharge rates (P) <sup>2</sup>					Flow control type (diameter)	Attenuation storage type	Estimated attenuation storage volume <sup>3</sup> (m <sup>3</sup> )	Catchment specific comments
		A / P	1yr	2yr	5yr	100yr				

**Notes:**

1. FEH2013 rainfall data has been used in the hydraulic calculations for the modelled peak discharge rates. FEH2013 rainfall cannot be used for the assessment of the 1 in 1-year return period storm event. Therefore, FEH1999 rainfall data have been used for the assessment of the 1 in 1-year return period storm event. Section 4.6 of the Surface Water Drainage Strategy [APP-174] provides further details on the rainfall data inputs.
2. The existing case allowable discharge rates do not include a climate change allowance given that current climatic conditions are required to inform the discharge rates for the proposed highway drainage systems. The proposed case discharge rates include a climate change allowance as described in Section 4.4 of the Surface Water Drainage Strategy [APP-174].
3. The modelled proposed case attenuation storage volumes are determined for the 1 in 100-year return period storm event plus a climate change allowance.
4. The modelled proposed case attenuation storage volumes for attenuation pond S3-IWR-OU2 is based on existing case allowable discharge rates associated with the existing S3-IWR-OU2 catchment only. This does not take into account the existing case discharge rates associated with the existing S3-IWR-OU3 and S3-IWR-OU4 catchments which are part of the proposed S3-IWR-OU2 catchment and is considered as a conservative design approach for the estimation of the attenuation storage volumes and the associated landtake.
5. With regards to the proposed S3-IWR-OU2 catchment which includes the existing S3-IWR-OU3 and S3-IWR-OU4 catchments, it is currently assumed that a separate highway drainage system (i.e. the existing highway drainage network has connections to the existing culverted watercourse which are proposed to be abandoned) will be feasible to install within the road corridor for the section of road associated with the existing S3-IWR-OU3 and S3-IWR-OU4 catchments. This highway drainage proposal would need to be reviewed at the detailed design stage.

**Table A.3 Existing and Proposed Culverts Schedule for the B1023**

Culvert name <sup>1</sup>	National Grid Reference (NGR)	Existing culvert (retained/ extension/ abandoned) or Proposed Culvert	Culvert type	Culvert dimensions <sup>3</sup> (m)	Total culvert length (m)	Approx. length of proposed culvert extension (m)	Culvert crossing (watercourse / ditch)	Comments
CL-IWR-1A	TL88362 17267	Existing to be retained	Pipe	0.3	15	N/A	Ordinary Watercourse 34C	Existing culvert is not affected by the proposed highway improvement works
CL-IWR-2	TL88114 17692	Proposed	Pipe	0.3	25	N/A	Ordinary Watercourse 34C	New culvert located downstream of proposed flood mitigation storage area IWR1. The culvert size is determined through hydraulic modelling to restrict the flows from the upstream catchment as part of the flood mitigation proposals
CL-IWR-2A	TL88022 17625	Proposed	Pipe	1.2	5	N/A	Ordinary Watercourse 34C	New culvert required for draining the diverted ditch at an existing footpath
CL-IWR-4.1	TL88114 17692	Existing to be abandoned	Pipe	0.85	74	N/A	Ordinary Watercourse 34C	The existing culvert will be abandoned The existing watercourse upstream of this culvert will be diverted to the proposed flood mitigation storage area IWR2. The attenuated flows from the proposed mitigation storage area IWR2 will be drained through proposed culvert CL-IWR-4B

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

Culvert name <sup>1</sup>	National Grid Reference (NGR)	Existing culvert (retained/ extension/ abandoned) or Proposed Culvert	Culvert type	Culvert dimensions <sup>3</sup> (m)	Total culvert length (m)	Approx. length of proposed culvert extension (m)	Culvert crossing (watercourse / ditch)	Comments
CL-IWR-9	TL88031 17749	Existing to be extended	Pipe	0.45	68	2.7	Ordinary Watercourse 34C	The existing culvert hydraulic capacity was found to be adequate. Proposed culvert length includes approximately 2.7m of culvert extension to account for the highway widening works. The culvert extension will retain the existing pipe culvert geometry and gradient
CL-IWR-4B	TL88052 17760	Proposed	Pipe	0.6	69	N/A	Ordinary Watercourse 34C	New culvert located downstream of proposed flood mitigation storage area IWR2. The culvert size is determined through hydraulic modelling to restrict the flows from the upstream catchment as part of the flood mitigation proposal. This culvert partially replaces about 25m of an existing 900mm diameter pipe culvert
CL-IWR-4	TL87982 17901	Existing to be retained	Pipe	0.9 1.0 0.65	25 (0.9m dia pipe) 158 (1.0m dia pipe) 14 (0.65m dia pipe)	N/A	Ordinary Watercourse 34C	A chamber exists along the existing culvert alignment where the pipe diameter changes from 900mm (upstream) to 1000mm and then to 650mm diameter (downstream). Hydraulic modelling undertaken has taken into account the existing culvert to be retained. The flood mitigation measures proposed upstream of Culvert CL-IWR-4B and downstream of CL-IWR-4A are also applicable to this culvert location

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

Culvert name <sup>1</sup>	National Grid Reference (NGR)	Existing culvert (retained/ extension/ abandoned) or Proposed Culvert	Culvert type	Culvert dimensions <sup>3</sup> (m)	Total culvert length (m)	Approx. length of proposed culvert extension (m)	Culvert crossing (watercourse / ditch)	Comments
CL-IWR-4A	TL88012 18015	Proposed	Pipe	0.65	5	N/A	Ordinary Watercourse 34C	For sizing this new culvert, flow is taken from existing retained culvert CL-IWR4 as this culvert is located downstream of Culvert CL-IWR4. Mitigation measures proposed upstream of Culvert CL-IWR4 and Culvert CL-IWR-4B are also applicable to this culvert
CL-IWR-5	TL87996 17846	Existing to be extended	Pipe	0.6	23	12	Drainage culvert	The existing culvert hydraulic capacity was found to be adequate. The proposed culvert length includes approximately 12m of culvert extension to account for the highway widening works. The culvert extension will retain the existing pipe culvert geometry and gradient
CL-IWR-8	TL88046 18162	Existing to be abandoned	Pipe	0.5	9	N/A	Ordinary Watercourse 34	The existing culvert will be abandoned The existing watercourse upstream of this culvert will be diverted to proposed flood mitigation storage area IWR3. The attenuated flows from the proposed mitigation storage area IWR3 will be drained through proposed culvert CL-IWR-8A

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

Culvert name <sup>1</sup>	National Grid Reference (NGR)	Existing culvert (retained/ extension/ abandoned) or Proposed Culvert	Culvert type	Culvert dimensions <sup>3</sup> (m)	Total culvert length (m)	Approx. length of proposed culvert extension (m)	Culvert crossing (watercourse / ditch)	Comments
CL-IWR-8A	TL88044 18160	Proposed	Pipe	0.6	21	N/A	Ordinary Watercourse 34	New culvert located downstream of proposed flood mitigation storage area IWR3. The culvert size is determined through hydraulic modelling to restrict the flows as part of the flood mitigation proposals
CL-IWR-7	TL87894 18524	Existing to be retained	Pipe	0.45	56	N/A	Drainage culvert	Existing culvert hydraulic capacity assumed to be adequate (See note 2)

**Notes:**

1. The culvert schedule should be read in conjunction with Sheet 14 of 21 and Sheet 20 of 21 of Drainage and Surface Water Plan, included within consultation Map Book 4.
2. Appropriate assumptions have been made where the existing drainage surveys have been found to be incomplete.
3. The new culverts sizes are based on hydraulic modelling undertaken for the Ordinary Watercourses and are to restrict the flows as necessary as part of proposed flood mitigation works.
4. Where existing culverts are proposed to be retained, their condition assessment (including defects identification and remediation work requirements) will be undertaken at the detailed design stage.

Table A.4 Preliminary Ground Investigation Data in the Vicinity of the Attenuation Ponds at the B1023

Proposed Catchment	Pond Elevation from LIDAR (mAOD)	Geology at Pond Location in Accordance to BGS GeolIndex Map	Exploratory Hole	Exploratory Hole Elevation (mAOD)	Exploratory Hole Depth (mbgl)	Exploratory Hole Distance from the Pond (m)	Geology of Exploratory Hole Within Anticipated Pond Depth	Soil Infiltration Rate from Soakaway Test (ms <sup>-1</sup> )	Groundwater Strike / Level (mbgl)	Highest Recorded GW Monitoring Level (mbgl)	Comments, Provisional Assessment of Drainage Conditions and Engineering Assessment of Infiltration Drainage Feasibility
S3-IWR-OU2	38.0/39.0	LOFT	TP6509	38.48	4.0	On	0.30 – 4.0mbgl <b>HEAD</b> (slightly gravelly sandy CLAY)	N/A	Not encountered	N/A	Soakaway drainage unlikely to be feasible Limited groundwater data The design of a lined pond solution may need to be considered as mitigation measures (e.g. clay and or concrete) to reduce the effects of potential uplift
			BH6132	38.06	5.0	On	0.30 – 2.70mbgl <b>HEAD</b> (slightly sandy slightly gravelly silty CLAY) 2.70 – 5.00mbgl <b>LC</b> (slightly sandy CLAY)	N/A	Not encountered	4.36 (limited readings)	
S3-IWR-OU5	44.0/45.0	LC	TP6511	47.36	3.30	On	0.30 - 1.70 <b>HEAD</b> (slightly sandy CLAY with rootlets) 1.70 - 3.30 <b>LOFT</b> (slightly gravelly CLAY with frequent sandy clay layers)	N/A	Not encountered	N/A	
			WS6417	47.88	5.45	70m to the SE	0.30 - 1.20 <b>HEAD</b> (slightly sandy gravelly CLAY) 1.20 - 5.45 <b>LC</b> (CLAY)	N/A	Not encountered	5 (limited readings)	





## **5 B1023 Roundabout Technical Note**

# **A12 Chelmsford to A120 widening scheme**

**TR010060**

## **DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION**

### **B1023 Roundabout Technical Note**

Rule 113 and 114  
Infrastructure Planning (Examination Procedure)  
Regulations 2010

April 2023

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# 1 Introduction

## 1.1 Background

- 1.1.1 An application seeking a development consent order (DCO) 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 Examination started on 12 January 2023 and is expected to finish on 12 July 2023.
- 1.1.3 Since the DCO application was made, National Highways has continued to engage and refine designs to identify opportunities to further improve the proposals. As a result of this, National Highways are consulting on changes to the proposed scheme during the Examination stage to address interested parties' suggestions and implement improvements to the proposed scheme.
- 1.1.4 This targeted DCO change application consultation reflects design changes to the DCO application that we are proposing. These changes are as a result of the continued design evolution, detailed design progressing in parallel with the application, and continued engagement with stakeholders, interested parties and our delivery partners.
- 1.1.5 Map books have been created to support the consultation which show the key DCO drawings which would be affected by the proposed change.
- 1.1.6 The DCO application can be found on the Planning Inspectorate's website at the following link  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a12-chelmsford-to-a120-widening-scheme/>
- 1.1.7 References to the DCO application or subsequent documents submitted during the Examination will be made in this report, the document reference number will be written in square brackets and all documents with a reference number can be found in the Examination Library on the Planning Inspectorate's website.

## 1.2 Changes being made

- 1.2.1 National Highways is proposing the removal of the segregated left turn lane (SLTL) from the arrangement of the Inworth Road Roundabout that was presented in the DCO application.

## 1.3 Reason behind changes

- 1.3.1 This SLTL was proposed to alleviate the potential queuing of traffic wishing to turn left from the B1023 south of the roundabout, by removing the conflict of this movement with drivers wishing to turn right at the roundabout from the B1023 north of the roundabout.
- 1.3.2 Through design refinement in the parallel detailed design process and validation against the strategic traffic model presented as part of the DCO

Application, its inclusion is not required for the roundabout to perform acceptably in the proposed scheme's design year of 2042. Further to this, the proposed removal of the SLTL helps reinforce the local nature of the existing B1023 in this area, reduces the area of impermeable pavement and therefore the drainage burden in the immediate vicinity.



**Plate 1.1 Inworth Road Roundabout with Segregated Left Turn Lane as submitted for DCO Application**



**Plate 1.2 Inworth Road Roundabout with Segregated Left Turn Lane removed**

## **2 Summary of change**

### **2.1 Design principles**

- 2.1.1 The overarching design principle for this change was to ensure that the roundabout could operate safely and provide capacity for the forecasted traffic demand. An arrangement without the SLTL was drawn up and modelled in microsimulation software, the results are presented in section 3.3 below.

## **3 Impacts**

### **3.1 Land take**

- 3.1.1 While there may be a slight decrease in the final footprint of the road, when current limits of deviation are taken into account, together with adjacent drainage works there is no proposal at this stage to alter the proposed land acquisition in the area in question.

### **3.2 Drainage design**

- 3.2.1 The reduction in paved area is likely to reduce the amount of drainage infrastructure. However, there will not be a change to the size of the associated drainage ponds submitted as part of the DCO application [APP-174], as this is also associated with changes to the drainage proposals further south along the B1023.

### **3.3 Traffic**

- 3.3.1 Although traffic joining junction 24 on the approach from Inworth Village would have to use the Inworth Road roundabout itself to access junction 24 rather than a separate left-hand turn lane, this is not predicted to affect the performance of the junction. All arms of the roundabout are still predicted to operate with a Level of Service 'A' (i.e. the best level of operation), the same as was reported in Table 4.1 of the Transport Assessment submitted as part of the DCO application [APP-253].
- 3.3.2 The change is not predicted to make drivers change which routes they take in their journeys, so there would be no change in the amount of traffic on any roads.

### **3.4 Environment**

- 3.4.1 The below sections describe the predicted environmental impacts of the new design of the junction 24 Inworth Road roundabout, with reference to the conclusions in the assessment chapters of the Environmental Statement submitted as part of the DCO application (chapters 6 to 16 of the Environmental Statement, DCO examination library reference [APP-073 to APP-083]).
- 3.4.2 Each section addresses the change in potential impacts, change in proposed mitigation measures, and changes to the assessment of likely significant effects as a result of the new design.

#### **Chapter 6: Air quality**

##### **Potential impacts**

- 3.4.3 The air quality assessment undertaken for the Environmental Statement is based on modelling impacts to a set of predefined human health, ecological and pollution climate mapping (PCM) receptors (see Environmental Statement Appendix 6.5: Air quality modelling results [APP-104]). The removal of the



segregated left turn has no material effect on the traffic forecast in the opening year 2027 and the subsequent impact on air quality at the nearest relevant receptors R122 and R124 (see Environmental Statement Figure 6.9 [APP-213]). As the operational traffic remains unchanged from what was assessed in the Environmental Statement, and the receptors are unaffected, then the potential impacts would remain as reported in Environmental Statement Chapter 6: Air quality, Section 6.9 [APP-073].

3.4.4 The construction traffic for the proposed scheme is constrained to the A12 corridor, as a result subsequent emissions from construction traffic would not impact sensitive receptors on Inworth Road.

3.4.5 Potential impacts from dust during construction would not change.

#### **Design, mitigation and enhancement measures**

3.4.6 No additional mitigation measures, beyond standard mitigation for dust management, have been proposed on the basis that there would be no likely significant air quality effects, in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 (see Environmental Statement Chapter 6: Air quality, paragraph 6.10.6 [APP-073]). The removal of the segregated left turn has no material effect on this outcome, and therefore no change to mitigation is required.

#### **Assessment of likely significant effects**

3.4.7 As the potential impacts would not change due to the removal of the segregated left turn, there would be no change to the significant effects for human health, ecological, or PCM receptors (see Chapter 6: Air quality, Section 6.11 [APP-073]).

### **Chapter 7: Cultural heritage**

#### **Potential impacts**

3.4.8 The impacts on cultural heritage assets that would be caused by the proposed scheme at the junction 24 Inworth Road roundabout are considered within the assessment of effects presented in Environmental Statement Chapter 7: Cultural heritage [APP-074] and Appendix 7.9: Cultural heritage impact assessment summary tables [APP-117].

3.4.9 Impacts on cultural heritage assets from the new junction 24 Inworth Road roundabout design would be of a similar scale to those already assessed, so there would be no change to the potential impacts on cultural heritage to those described in the Environmental Statement.

#### **Design, mitigation and enhancement measures**

3.4.10 No change is required to the design, mitigation and enhancement measures as the effects on cultural heritage assets from construction and operation of the new junction 24 Inworth Road roundabout design would not differ from those previously assessed.

**Assessment of likely significant effects**

- 3.4.11 The changes from the new design would not be at a level that would generate any new or different likely significant effects to those already reported for the proposed scheme, and there is therefore no change to the reported residual significance of effects reported in Section 7.11 of Chapter 7: Cultural heritage [APP-074].

**Chapter 8: Landscape and visual****Potential impacts**

- 3.4.12 The landscape effects that would be caused by the proposed scheme at junction 24 are considered within the assessment of effects on local landscape character area F1 Messing Wooded Farmland, presented within Environmental Statement Appendix 8.2: Landscape effects schedule [APP-120]. There would be no further landscape effects than assessed in the Environmental Statement as the changes would be localised, and the assessment of impacts on F1 Messing Wooded Farmland considers the full extent of the proposed scheme where it falls within F1 Messing Wooded Farmland, including proposals at junction 24 and along the A12 mainline, as well as the proposals along Inworth Road. As such, the overall conclusions on landscape impacts reported within Environmental Statement Chapter 8: Landscape and visual [APP-075] and Appendix 8.2: Landscape effects schedule [APP-120] would not change as a result of the new design.
- 3.4.13 Visual effects have been assessed through the application of representative viewpoints located at publicly accessible viewpoints, a proportionate approach which is supported by the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) and DMRB LA 107 Landscape and Visual Effects, Revision 2. Representative viewpoint 17 would be affected by the new design of the junction 24 Inworth Road roundabout. However, there would be no further visual effects than assessed, as the changes would be localised and would be set within the context of the wider proposals at Inworth roundabout and junction 24. Therefore, the visual impacts assessed within Chapter 8: Landscape and visual [APP-075] and Appendix 8.3 Visual effects schedule [APP-121] would not change as a result of the new design.

**Design, mitigation and enhancement measures**

- 3.4.14 The new design does not affect the planting presented on sheet 14 of the Environmental masterplan, part 3 [APP-088]. Minor adjustments will be required to provide grass to reflect the new highway layout, which does not materially affect the mitigation that would be delivered.

**Assessment of likely significant effects**

- 3.4.15 Consistent with the explanation presented above that the new design would not affect the landscape and visual impacts reported within the Environmental Statement, the landscape and visual effects reported within Chapter 8: Landscape and visual [APP-075], Appendix 8.2: Landscape effects schedule [APP-120] and Appendix 8.3: Visual effects schedule [APP-121] would not change as a result of the new design.

## Chapter 9: Biodiversity

### Potential impacts

- 3.4.16 The new design of the junction 24 Inworth Road roundabout would not change the assessment of effects with respect to sensitive ecological receptors assessed within Environmental Statement Chapter 9: Biodiversity [APP-076] and Appendix 9.15: Assessment of air quality impacts on ecology receptors report [APP-139]. The removal of the segregated left turn has no material effect on the traffic forecast in the opening year 2027 and so there would be no changes to nitrogen deposition on designated sites, ancient woodland or veteran trees.

### Design, mitigation and enhancement measures

- 3.4.17 No new effects on sensitive receptors have been identified from the new design of the junction 24 Inworth Road roundabout, and as such there are no changes to the mitigation proposed within Section 9.10 of Chapter 9: Biodiversity [APP-076].

### Assessment of likely significant effects

- 3.4.18 Given the potential impact from the new design of the junction 24 Inworth Road roundabout would be the same as the design assessed in the Environmental Statement, the effects of construction and operation would remain consistent with the findings presented within Section 9.11 of Chapter 9: Biodiversity [APP-076].

## Chapter 10: Geology and soils

### Potential impacts

- 3.4.19 The new junction 24 Inworth Road roundabout design does not affect agricultural land take. While the junction is on agricultural land, the land take is unaffected by the new design.
- 3.4.20 There are no land quality constraints in the area of the junction 24 Inworth Road roundabout.
- 3.4.21 There are no geological receptors in this location.
- 3.4.22 The new design does not result in any changes to the potential impacts reported in Section 10.9 of Environmental Statement Chapter 10: Geology and soils [APP-077].

### Design, mitigation and enhancement measures

- 3.4.23 The new junction 24 Inworth Road roundabout design does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 10.10 of Chapter 10: Geology and soils [APP-077]. No specific mitigation measures were identified for junction 24, beyond standard measures for managing soil during construction, and therefore no change to this is required with the new design.

**Assessment of likely significant effects**

- 3.4.24 There is no change to the likely significant effects reported in Section 10.11 of Chapter 10: Geology and soils [APP-077] as there are no changes to the potential impacts associated with the junction 24 Inworth Road roundabout.

**Chapter 11: Material assets and waste****Potential impacts**

- 3.4.25 The new design does not result in any changes to the potential impacts reported in Section 11.9 of Environmental Statement Chapter 11: Material assets and waste [APP-078]. This aspect does not assess the impacts associated with specific design elements at a local level, and instead focuses on assessing the impacts of materials consumption, minerals sterilisation and waste disposal in absolute terms.

**Design, mitigation and enhancement measures**

- 3.4.26 The new design does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 11.10 of Chapter 11: Material assets and waste [APP-078]. No additional mitigation measures were identified for this aspect in relation to junction 24, and therefore no change to this is required with the new design.

**Assessment of likely significant effects**

- 3.4.27 While the new design is likely to result in negligible, yet indeterminate, changes to the total materials consumption, minerals sterilisation and waste disposal reported in Section 11.11 of Chapter 11: Material assets and waste [APP-078], any changes are considered insignificant in the context of the entire proposed scheme.
- 3.4.28 The changes from the new design would not be at a level that would generate any new or different likely significant effects to those already reported for the proposed scheme, and there is therefore no change to the reported residual significance of effects for the material assets or waste matters of this aspect.

**Chapter 12: Noise and vibration****Potential impacts**

- 3.4.29 The closest construction receptor to the proposed works is R29, which is representative of receptors around the proposed new junction 24 (this is shown on sheet 3 of Environmental Statement Figure 12.3 [APP-230]). For the night-time works involving vegetation clearance around the area of the junction 24 Inworth Road roundabout, there were impacts predicted to be above the significant observed adverse effect level (SOAEL), indicating the potential for likely significant adverse effects if the temporal threshold is exceeded, as defined in paragraph 12.5.27 of Environmental Statement Chapter 12: Noise and vibration [APP-079]. The works for the revised layout would be no different in terms of noise impacts, and so the impacts above SOAEL for the vegetation clearance would remain for the new design.

- 3.4.30 For operation, the new design would not cause a change to the predicted traffic flow around the roundabout. In the area of the roundabout, there were predicted to be both increases and decreases in noise, with the decreases being minor and moderate and the increases being minor. These are described in paragraph 12.9.56 of Chapter 12: Noise and vibration [APP-079]. As the new design would not change the predicted traffic flow, these impacts would be the same with the removal of the segregated left turn at the roundabout.

#### **Design, mitigation and enhancement measures**

- 3.4.31 No specific construction mitigation measures beyond standard mitigation measures were identified for the works associated with the construction of the roundabout, and no change to this is required with the new design.
- 3.4.32 During operation, there were no mitigation measures identified in the Environmental Statement. There is no change to the potential impact with the new design, and therefore no change to operational mitigation is required.

#### **Assessment of likely significant effects**

- 3.4.33 During construction, the identified impacts above the SOAEL for vegetation clearance were not significant adverse effects since the temporal scope defined in paragraph 12.5.27 of Chapter 12: Noise and vibration [APP-079] was not met for the works. The removal of the segregated left turn would not change this and so there would be no significant adverse effects from the new design, and hence the conclusions of the Environmental Statement do not change.
- 3.4.34 The operational noise assessment identified likely significant adverse and beneficial effects in the area around the roundabout. These are described in paragraphs 12.11.43 and 12.11.44 of Chapter 12: Noise and vibration [APP-079] and shown on sheet 7 of Environmental Statement Figure 12.5 [APP-232]. These effects would not change with the new design of the roundabout, as traffic flows would not change, and so the conclusions of the Environmental Statement do not change.

### **Chapter 13: Population and human health**

#### **Potential impacts**

- 3.4.35 The new junction 24 Inworth Road roundabout design does not affect agricultural land take. While the junction results in an overall land-take from Agricultural Landholding 23 (reported in Environmental Statement Appendix 13.3: Land Use and Accessibility Assessment Tables [APP-155]), the land take is unaffected by the new design.
- 3.4.36 No notable change in impact is identified from the new design on private property and housing, community land and assets or development land and business.
- 3.4.37 There would be no change in impacts predicted for walkers, cyclists and horse riders from the new design.
- 3.4.38 No change in impact on human health is anticipated from that assessed within the Environmental Statement on the basis that there is no change in health determinants impacted on from the new design.

**Design, mitigation and enhancement measures**

- 3.4.39 The new design would not affect the mitigation outlined in Environmental Statement Chapter 13: Population and human health [APP-080]. Overall, there would still be a loss of agricultural land and therefore the mitigation proposals set out in the Environmental Statement remain appropriate.
- 3.4.40 There would be no change in mitigation for other matters within Chapter 13: Population and human health [APP-080], as there would be no change to the potential impacts.

**Assessment of likely significant effects**

- 3.4.41 There would be no change in the conclusion on significance of effects set out in section 13.20 of Chapter 13: Population and human health [APP-080] as the new design introduces no notable change in impacts on land use, accessibility or human health determinants from that previously assessed in the Environmental Statement.

**Chapter 14: Road drainage and the water environment****Potential impacts**

- 3.4.42 The new design would reduce the total catchment area discharging from the mainline drainage. However, it does not result in any changes to the potential impacts reported in Section 14.9 of Environmental Statement Chapter 14: Road drainage and the water environment [APP-081].
- 3.4.43 The proposed changes to the junction 24 slip road would not significantly change impacts to the water environment or associated receptors.

**Design, mitigation and enhancement measures**

- 3.4.44 There is no change to the proposed mitigation reported in Section 14.10 of Chapter 14: Road drainage and the water environment [APP-081].
- 3.4.45 The water environment mitigation measures presented in Environmental Statement Chapter 14: Road drainage and the water environment are considered to remain valid, and therefore no changes to the measures presented in the Environmental Statement for potential impacts to the water environment are required.

**Assessment of likely significant effects**

- 3.4.46 The changes proposed would not generate any new or different likely significant effects to those already reported for the proposed scheme, and there is therefore no change to the reported residual significance of effects for the water environment reported in Section 14.11 of Chapter 14: Road drainage and the water environment [APP-081].

**Chapter 15: Climate****Potential impacts**

- 3.4.47 The proposed changes to the junction 24 Inworth Road roundabout would not substantially influence the quantities of materials required to construct the proposed scheme, nor substantially affect traffic flows with the proposed

scheme in place. As such, the proposed changes would not have a material impact on the magnitude of estimated changes in greenhouse gas (GHG) emissions associated with the proposed scheme.

- 3.4.48 Furthermore, the proposed changes would not alter the vulnerability of the proposed scheme to future changes in climate.

#### **Design, mitigation and enhancement measures**

- 3.4.49 The mitigation measures presented in Environmental Statement Chapter 15: Climate [APP-082] are considered to remain valid, and therefore no changes to the measures presented in the Environmental Statement are required.

#### **Assessment of likely significant effects**

- 3.4.50 As neither emissions of GHGs nor the vulnerability of the proposed scheme to climate change are considered likely to be affected by the proposed changes, then the conclusions set out in Chapter 15: Climate [APP-082] remain unchanged.

### **Chapter 16: Cumulative effects assessment**

#### **Potential impacts**

- 3.4.51 In accordance with Environmental Statement Chapter 16: Cumulative effects assessment [APP-083], material assets and waste and climate have been scoped out of the assessment of cumulative effects.
- 3.4.52 The remaining individual topic sections above have been reviewed in order to identify any changes to individual topic effects before then considering how any such changes may contribute to changes in cumulative effects. The findings of this review are shown in Table 3.1.

#### **Cumulative effects**

<b>Topic</b>	<b>Potential for cumulative effects</b>
Air quality	There would be no change to the air quality effects reported in Environmental Statement Chapter 6: Air quality [APP-073]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083]
Cultural heritage	There would be no change to the cultural heritage effects reported in Environmental Statement Chapter 7: Cultural heritage [APP-074]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Landscape and visual	There would be no change to the significant effects reported in Environmental Statement Chapter 8: Landscape and visual [APP-075]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Biodiversity	There would be no change to the significant effects reported in Environmental Statement Chapter 9: Biodiversity [APP-076]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].

Topic	Potential for cumulative effects
Geology and soils	There would be no change to the significant effects reported in Environmental Statement Chapter 10: Geology and soils [APP-077]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Noise and vibration	There would be no change to the significant effects reported in Environmental Statement Chapter 12: Noise and vibration [APP-079]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Population and human health	There would be no change to the significant effects reported in Environmental Statement Chapter 13: Population and human health [APP-080]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Road drainage and the water environment	There would be no change to the likely significant effects reported in Environmental Statement Chapter 14: Road drainage and the water Environment [APP-081]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].

**Design, mitigation and enhancement measures**

3.4.53 No new or different cumulative effects are predicted from the new design, hence no design, mitigation and enhancement measures are required.

**Assessment of likely significant effects**

3.4.54 There is no change to the reported assessment of cumulative effects in Chapter 16: Cumulative effects assessment [APP-083] due to the new design.

**Overall environment conclusion**

3.4.55 The change in potential impacts from the removal of the junction 24 Inworth Road segregated left turn are considered negligible. The change in impacts would not be on a scale or magnitude to change the significant effects reported in the Environmental Statement. There are therefore no new or different likely significant effects arising from the new design.



## **4 Conclusion**

- 4.1.1 The proposed removal of the segregated Left Turn Lane of the Inworth Road Roundabout originally proposed within the DCO has been assessed from an environmental perspective and the effects of construction and operation of the scheme would remain consistent with the findings presented within the relevant chapters of the Environmental Statement without materially affecting the ability of the roundabout to provide capacity for the forecasted traffic demand in the proposed scheme's design year of 2042.

## **6 Junction 25 Technical Note**

# **A12 Chelmsford to A120 widening scheme**

**TR010060**

## **DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION**

### **Junction 25 Technical Note**

**RULE 113 and 114**  
Infrastructure Planning (Examination Procedure)  
Regulations 2010

April 2023

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# 1 Introduction

## 1.1 Background

- 1.1.1 An application seeking a development consent order (DCO) 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.
- 1.1.1 The Examination started on 12 January 2023 and is expected to finish on 12 July 2023.
- 1.1.2 Since the DCO application was made, National Highways has continued to engage and refine designs to identify opportunities to further improve the proposals. As a result of this, National Highways are consulting on changes to the proposed scheme during the Examination stage to address interested parties' suggestions and implement improvements to the proposed scheme.
- 1.1.3 This targeted DCO change application consultation reflects design changes to the DCO application that we are proposing. These changes are as a result of the continued design evolution, detailed design progressing in parallel with the application, and continued engagement with stakeholders, interested parties and our delivery partners.
- 1.1.4 Map books have been created to support the consultation which show the key DCO drawings which would be affected by the proposed change.
- 1.1.5 The draft DCO can be found on the Planning Inspectorate's website at the following link  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a12-chelmsford-to-a120-widening-scheme/>
- 1.1.6 References to the DCO application or subsequent documents submitted during the Examination will be made in this report, the document reference number will be written in square brackets and all documents with a reference number can be found in the Examination Library on the Planning Inspectorate's website.

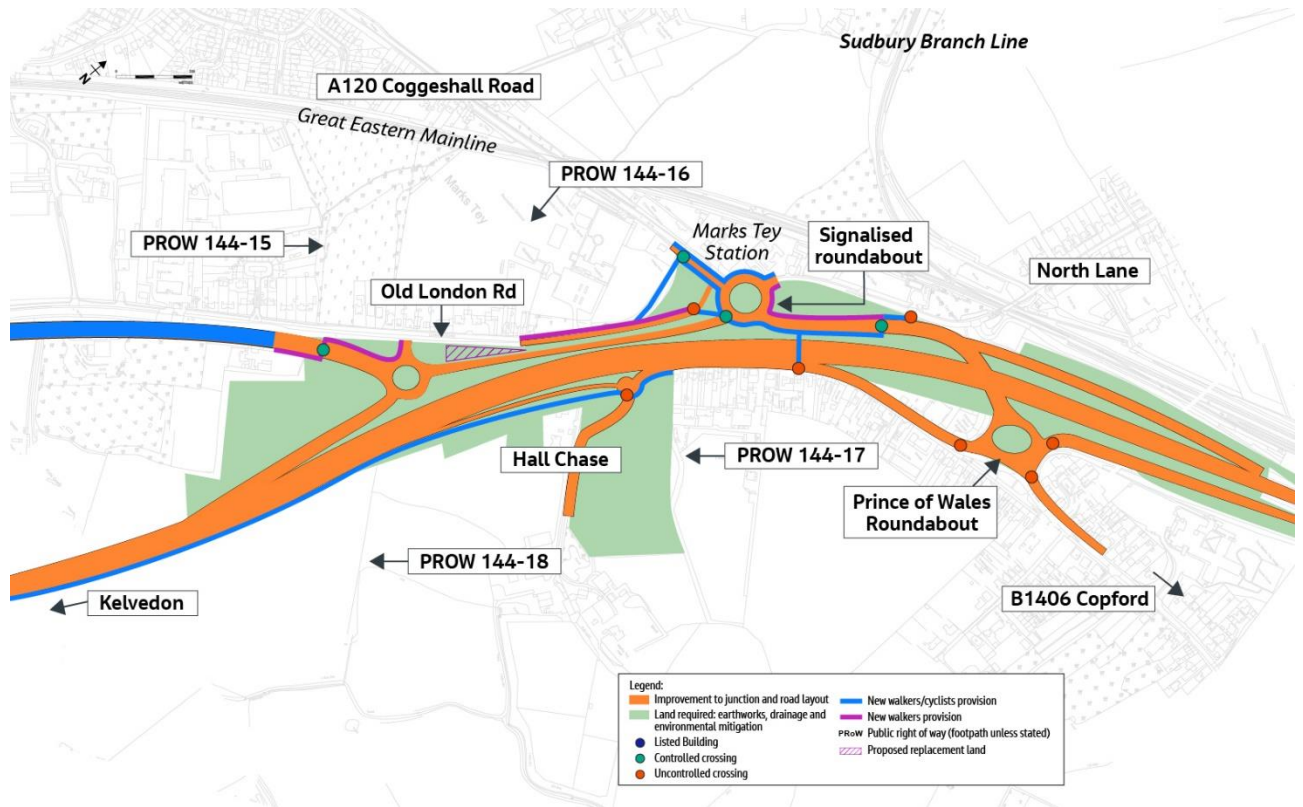
## 1.2 Changes being made

- 1.2.1 National Highways is proposing to change the configuration of junction 25 to remove the signalised crossroads proposed in the design submitted with the DCO application, and implement a partially signalised roundabout design to maximise the use of existing infrastructure and minimise loss of existing trees within the Old Rectory Junction roundabout island. The retention of the roundabout, albeit with its signalisation, requires less land acquisition and has small impacts on the proposals for replacement land in this location. There will also be consequential changes to the utility diversions in this area.

## 1.3 Reason behind changes

- 1.3.1 In Marks Tey, National Highways has received representations from the Parish Council to request that the existing roundabout remain rather than it being

replaced by a signalised all movements crossroads. Through further design refinement as part of the detailed design process happening in parallel with the DCO examination, the traffic signal phasing for the signalised junction has been refined and an optimal solution has been identified which would allow a partially signalised roundabout design to be implemented. This would also allow the proposals to satisfy the request of Marks Tey Parish Council to retain as many trees within the existing Old Rectory Junction roundabout as possible.



**Plate 1.1 Redesign of junction 25 to signalised roundabout**

## 2 Summary of change

### 2.1 Modelling approach

- 2.1.1 The operational performance of A12 junction 25 in terms of traffic queues and delays was assessed using Vissim junction modelling software, as reported in the Transport Assessment.
- 2.1.2 This partially signalised design has been modelled in Vissim junction modelling software. The results of this assessment in comparison to those presented in the Transport Assessment for the DCO design are provided in section 3.3 of this report.
- 2.1.3 The effect of traffic re-routing due to the proposed design change has also been modelled. The result of this assessment are also presented in section 3.3 of this report. These new traffic figures were used to update the noise and air quality assessments.

### 2.2 Design principles

The overarching design principle for this change has been to ensure the junction performance presented at the western roundabout (the Old Rectory Junction) of junction 25 in the Transport Assessment - Appendix A: Junction Modelling Results Summary, which was submitted as part of the DCO application [APP-254], is achieved or improved. In addition the new design seeks to improve the U-turn movement onto the northbound A12 carriageway from Marks Tey whilst maximising the use of the existing junction arrangement to retain as many of the trees within the roundabout island as reasonably practicable. The change has sought to maintain the route options available with regards to walking and off-carriageway cycling facilities when compared with the design submitted with the DCO application .

## 3 Impacts

### 3.1 Land take

- 3.1.1 There is no change to the proposed land take.
- 3.1.2 The replacement land previously proposed in land plot 18/1v, 19/1h and 19/1i as shown on the Land Plans submitted with the DCO application [APP-018] has now been provided by increasing the replacement land provided by plot 18/1u as shown in Map Book 6. Please see the [Replacement Land Statement] which forms part of the Consultation Materials for further information.

### 3.2 Drainage design

- 3.2.1 The redesign of junction 25 will have a small reduction in paved area, which may offer opportunities to refine the drainage provision. However, any refinements to the highway drainage elements needed will be the subject of detailed design and will be within the proposed scheme limits of deviation.

### 3.3 Traffic

- 3.3.1 Traffic models were used to predict how well junction 25 would operate with the proposed changes compared to the design presented in the DCO application .
- 3.3.2 A summary of the predicted junction performance in 2042 is provided below for the changed junction. The table presents the predicted Level of Service, which is based on average vehicle delay and can be used as a guide for how well the junction operates. Level of Service A represents the best possible operating conditions, while Level of Service F is the worst.
- 3.3.3 The partially signalised Old Rectory Junction roundabout is predicted to operate better than the previously planned signalised crossroads. In the AM peak, the Level of Service would improve from a Level of Service D (categorised as ‘approaching unstable condition’) to a Level of Service C (categorised as ‘stable flow condition’).
- 3.3.4 Because traffic would be able to flow more freely through a partially signalised Old Rectory roundabout compared to a signalised crossroads, the adjacent Prince of Wales roundabout would become slightly busier. This would result in a lowering of the Level of Service from a C to a B, although both Levels of Service C and B are still categorised as having ‘stable flow condition’.
- 3.3.5 At quieter times of the day, the change in design means that traffic from non-signalised arms of the Old Rectory Junction (e.g. on the A120 arm approaching from Braintree) would be able to pass through the roundabout without the risk of having to wait at signals.
- 3.3.6 Overall, junction 25 would therefore perform better as a result of the proposed change with fewer locations where the traffic flow is approaching unstable conditions.

**Table 3.1 Junction 25 Level of Service comparison**

	Level of Service for design presented in the DCO application (signalised crossroads)		Level of Service with proposed design change (partially signalised roundabout)	
	Weekday AM peak	Weekday PM peak	Weekday AM peak	Weekday PM peak
Old Rectory Junction roundabout	D	D	C	D
Prince of Wales roundabout	B	B	C	C

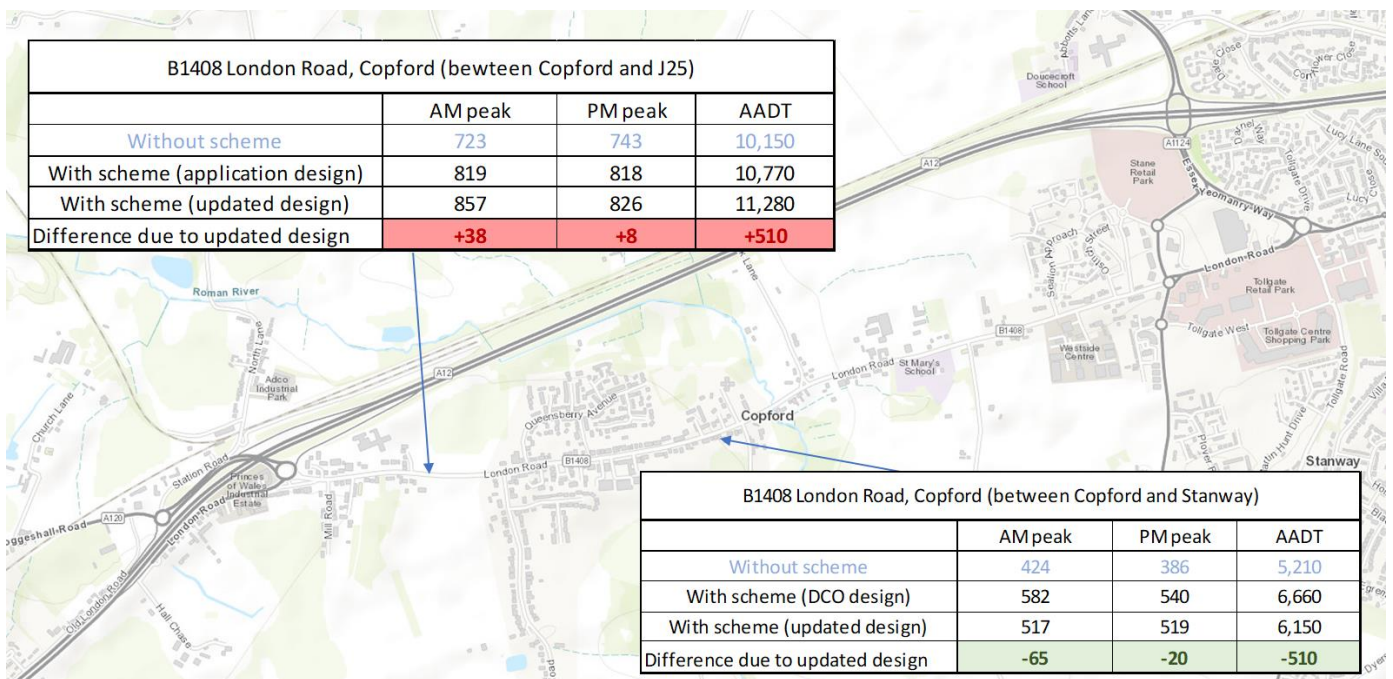
- 3.3.7 The change to a partially signalised roundabout is predicted to result in some changes in traffic flows on local roads. This is because of slight changes in how long it takes to travel through the junction from different approach arms.
- 3.3.8 The main predicted change in traffic flows is that more traffic from Copford would use junction 25 (Marks Tey) to access the A12 northbound, instead of



DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

travelling via B1408 London Road and joining the A12 at junction 26 (Stanway). This is because it is easier to make this movement if the Old Rectory junction was a partially-signalised roundabout than if it was a signalised crossroads. Compared to the design presented in the DCO application, this change would therefore cause a slight increase in traffic travelling around both the Prince of Wales roundabout and the Old Rectory Junction roundabout, and a slight decrease in traffic on the B1048 London Road between Copford and Stanway.

- 3.3.9 The change in traffic flow on these roads is shown below. This shows the predicted change in 2027 traffic flows as a result of the new design. The traffic flows are presented in vehicles per hour in the AM and PM peak, and in vehicles per day (AADT). For example, traffic on the B1408 between Copford and Stanway is predicted to be 65 vehicles per hour lower due to the proposed change than it would have been with the design presented in the DCO application.
- 3.3.10 The impacts that this change in traffic would have on noise and air quality impacts is described in section 3.4 of this report.
- 3.3.11 Although the traffic model also predicts some changes in traffic on other roads, only the changes around Copford and Marks Tey are considered significant enough to report. Any changes on other roads are much lower.



**Plate 3.1 Change in traffic flows around Junction 25 (2027 traffic flows)**

- 3.3.12 In summary, junction 25 itself would perform better as a result of the proposed change. Traffic flows would decrease on the B1408 London Road through Copford, but would increase slightly around A12 junction 25 itself however not to an extent that this would impact on the operation of any other junction or local road.

## 3.4 Environment

- 3.4.1 The below sections describe the predicted environmental impacts of the new design of junction 25, with reference to the conclusions in the assessment chapters of the Environmental Statement submitted as part of the DCO application (chapters 6 to 16 of the Environmental Statement, DCO examination library reference [APP-073 to APP-083]).
- 3.4.2 Each section addresses the change in potential impacts, change in proposed mitigation measures, and changes to the assessment of likely significant effects as a result of the new design.

### Chapter 6: Air quality

#### Potential impacts

- 3.4.3 The air quality assessment undertaken for the Environmental Statement is based on modelling impacts to a set of predefined human health, ecological and pollution climate mapping (PCM) receptors (see Environmental Statement Appendix 6.5: Air quality modelling results [APP-104]). The change in design from a crossroads to a partially signalised roundabout affects the road alignment, traffic flows (as an Annual Average Daily Traffic (AADT)) and speeds across the junction.
- 3.4.4 The road sections to be realigned owing to the new design have sensitive receptors nearby, therefore, there would be impacts owing to changes to the receptor distance from the emission source. In addition, the new junction arrangement would result in changes in AADT flow across the junction which would affect vehicle emissions on road links associated with the junction and subsequent pollutant concentrations at sensitive receptors. Changes in traffic data are screened against the Design Manual for Roads and Bridges (DMRB) LA 105 screening criteria. These included  $\geq 1,000$  AADT, 200 heavy duty vehicles (HDV), a change in speed band and a change in carriageway alignment by  $\geq 5$ m. Road links which exceed these criteria determine the Affected Road Network (ARN).
- 3.4.5 The change in AADT would alter the emissions modelled and change the predicted pollutant concentrations at sensitive receptors reported in Environmental Statement Appendix 6.5: Air quality modelling results [APP-104]. It also has the potential to alter the emissions profile of the ARN and thus impact the study area.
- 3.4.6 The potential impact of emissions from construction traffic in the peak construction year 2025 would not change from what was assessed in the Environmental Statement as a result of the new design.
- 3.4.7 Potential impacts from dust during construction would not change.

#### Design, mitigation and enhancement measures

- 3.4.8 No additional mitigation measures, beyond standard measures for managing dust during construction, have been proposed on the basis that there would be no likely significant air quality effects, in accordance with DMRB LA 105 (see Chapter 6: Air quality, paragraph 6.10.6 [APP-073]). The likely changes in traffic

emissions owing to the partial signalling of the roundabout would have no material effect on this outcome, and therefore no change to mitigation is required.

### **Assessment of likely significant effects**

- 3.4.9 The change in AADT traffic flow data, which included the partially signalised roundabout (DS2), was compared to the traffic data provided for the DCO application (DS1). The outcome showed that the partially signalised roundabout would result in changes in AADT flow across the junction in exceedance of the DMRB screening criteria mentioned above.
- 3.4.10 Given the magnitude and complexity of these changes and the location of sensitive receptors with respect to the junction, the air quality model was re-run for all human health receptors presented in Environmental Statement Chapter 6: Air quality [APP-073] and Appendix 6.5: Air quality modelling results [APP-104]. These receptors were selected to represent worst-case receptors with the potential to be affected by changes in geometry and traffic conditions as a result of the proposed scheme.
- 3.4.11 In summary, the greatest number of changes as a result of the new design relative to the design presented in the DCO application occur for annual mean NO<sub>2</sub> concentrations, where 15 receptors are modelled to experience a decrease in concentrations, and 21 receptors are modelled to experience an increase in concentrations.
- 3.4.12 The greatest changes (i.e. >0.1 µg/m<sup>3</sup>) are all located in the near vicinity of the revised junction 25 layout. All changes > 0.1 µg/m<sup>3</sup> occurred within 1.8km of the partially signalised roundabout.
- 3.4.13 Of the 260 modelled human health receptors, there are modelled changes at 36 receptors for annual mean NO<sub>2</sub> concentrations, nine receptors for annual mean PM<sub>10</sub> concentrations and 17 receptors for PM<sub>2.5</sub> concentrations. While most of these changes are adverse, only three receptors (one for NO<sub>2</sub> and two for PM<sub>2.5</sub>) resulted in an adverse change in magnitude in accordance with Table 2.91 of the DMRB LA 105 i.e. an impact shifting from imperceptible to small. This is outweighed by five beneficial changes in magnitude between DS1 and DS2 (four for NO<sub>2</sub> and one for PM<sub>2.5</sub>) i.e. small to imperceptible.
- 3.4.14 Of all the modelled human health receptors, there are no receptors with modelled concentrations above the relevant Air Quality Objective. Therefore, on balance, the impact of the changes for the revised layout for junction 25 can be considered negligible relative to the assessment put forward in the DCO application.
- 3.4.15 The results concluded that there would be no change to the determination of significant effects for human health (see Environmental Statement Chapter 6: Air quality, Section 6.11 [APP-073]).

## **Chapter 7: Cultural heritage**

### **Potential impacts**

- 3.4.16 The impacts on cultural heritage assets that would be caused by the proposed scheme at junction 25 are considered within the assessment of effects
-

presented in Environmental Statement Chapter 7: Cultural heritage [APP-074] and Appendix 7.9: Cultural heritage impact assessment summary tables [APP-117].

- 3.4.17 There are no known archaeological remains within the footprint of the proposed partially signalised roundabout. There are no listed buildings close to the roundabout.
- 3.4.18 The Old Rectory (Asset 918) is a locally listed building assessed to be of low value located approximately 40m north of the roundabout. This was assessed as having a slight adverse effect during construction and operation of the proposed scheme. The impact of constructing the partially signalised roundabout would reduce, as the new design would use more of the existing infrastructure, however, taken in the context of the impact on setting from the wider construction works around junction 25, the impact would not change sufficiently to reduce the significance of effect assessed in Environmental Statement Chapter 7: Cultural heritage [APP-074]. Impacts during operation would not change.
- 3.4.19 The proposed partially signalised roundabout is located within the Communications historic landscape type (HLT 2) defined by the existing A12 corridor. The Environmental Statement concluded that there would be no impact on HLT 2 from the proposed scheme. The impact on HLT 2 from the new design would not change compared to what was assessed in Environmental Statement Chapter 7: Cultural heritage [APP-074].

#### **Design, mitigation and enhancement measures**

- 3.4.20 No mitigation measures for cultural heritage have been proposed in this location because no significant effects on cultural heritage assets or their settings have been assessed. No change to mitigation would therefore be required due to the new design as the potential impacts would not change.

#### **Assessment of likely significant effects**

- 3.4.21 The potential impacts of the new partially-signalised roundabout design would be similar to that of the signalised crossroads design assessed in the Environmental Statement. The effect of construction and operation of the proposed partially-signalised roundabout would therefore be unchanged from that already assessed in the Environmental Statement.

### **Chapter 8: Landscape and visual**

#### **Potential impacts**

- 3.4.22 The landscape effects that would be caused by the proposed scheme at junction 25 are considered within the assessment of effects on local landscape sub area B2A, presented within Environmental Statement Appendix 8.2: Landscape effects schedule [APP-120]. The localised landscape impacts would be slightly reduced when considering the new design, because the roundabout layout would make it possible to retain existing vegetation within the existing roundabout junction. However, the changes would be localised, and the assessment of impacts on landscape sub area B2A within the Environmental Statement considers the full extent of the proposed scheme where it falls within

landscape sub area B2A, including proposals along the A12 mainline and where the offline bypass would tie in with the mainline. As such, the overall conclusions on landscape impacts reported within Chapter 8: Landscape and visual [APP-075] and Appendix 8.2: Landscape effects schedule [APP-120] of the Environmental Statement would not change as a result of the new design.

- 3.4.23 Visual effects have been assessed through the application of representative viewpoints located at publicly accessible viewpoints, a proportionate approach which is supported by the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) and DMRB LA 107 Landscape and Visual Effects, Revision 2. There are no representative viewpoints that would be affected by the new design at junction 25 northern roundabout. Therefore, the visual impacts assessed within Environmental Statement Chapter 8: Landscape and visual [APP-075] and Appendix 8.3 Visual effects schedule [APP-121] would not change as a result of the new design.

#### **Design, mitigation and enhancement measures**

- 3.4.24 The new design affects the landscape mitigation presented on sheet 18 of the Environmental masterplan, part 3 [APP-088]. Proposed mitigation planting has been revised to reflect the new layout. The revisions comprise minor adjustments to the proposed mitigation, and do not materially affect the mitigation that would be delivered. The updated sheet of the Environmental Masterplan showing the revised planting forms part of the Consultation Materials (Map Book 6).

#### **Assessment of likely significant effects**

- 3.4.25 Consistent with the explanation presented above that the new design would not affect the landscape and visual impacts reported within the Environmental Statement, the landscape and visual effects reported within Chapter 8: Landscape and visual [APP-075], Appendix 8.2: Landscape effects schedule [APP-120] and Appendix 8.3: Visual effects schedule [APP-121] would not change as a result of the new design.

### **Chapter 9: Biodiversity**

#### **Potential impacts**

- 3.4.26 The new partially signalised roundabout design of junction 25 would not change the assessment of effects with respect to sensitive ecological receptors assessed within Environmental Statement Chapter 9: Biodiversity [APP-076] and Appendix 9.15: Assessment of air quality impacts on ecology receptors report [APP-139]. No ecological impacts were associated with the crossroads design at junction 25, and this would remain the case for the new design.
- 3.4.27 Ecology receptors close to junction 25 which were assessed for potential effects due to nitrogen deposition included Marks Tey Local Wildlife Site (LWS) and potential veteran trees T744 and T792. Effects on T744 and T792 were discounted in the assessment of the original design on the basis that any change in nitrogen deposition would not affect the features for which they are designated, and therefore (as per paragraph 9.11.301 of Chapter 9: Biodiversity [APP-076]) there would be no effect on the integrity of the trees. This

assessment would not change even if nitrogen deposition were to increase as a result of the new design as the integrity of the trees would still be unaffected.

3.4.28 Marks Tey LWS was outside of the 200m buffer around the ARN assessed within Chapter 9: Biodiversity [APP-076]. As detailed within the air quality section above, the new junction arrangement would result in changes in AADT flow across the junction which has the potential to alter the emissions profile of the ARN. However, due to the distances between Marks Tey LWS and the nearest roads, it is not feasible that even with a change to the ARN that Marks Tey LWS would be affected through nitrogen deposition as it would be well outside the 200m buffer around the ARN.

3.4.29 Changing the design from signalised crossroads to a partially signalised roundabout means it would be possible to retain existing vegetation within the existing roundabout junction. As such, there would be a greater retention of vegetation with the new design than previously identified as part of the signalised crossroads. Although a benefit, this would not change the effects reported in the Environmental Statement.

#### **Design, mitigation and enhancement measures**

3.4.30 No new effects on sensitive receptors have been identified from the new design of junction 25, and as such there are no changes to the mitigation proposed within Section 9.10 of Environmental Statement Chapter 9: Biodiversity [APP-076].

#### **Assessment of likely significant effects**

3.4.31 Given the potential impact from the new design of junction 25 would be the same as the design assessed in the Environmental Statement, the effects of construction and operation would remain consistent with the findings presented within Section 9.11 of Chapter 9: Biodiversity [APP-076].

### **Chapter 10: Geology and soils**

#### **Potential impacts**

3.4.32 The new junction design does not affect agricultural land take as the junction is located on non-agricultural land.

3.4.33 While there is a minor land quality constraint on the boundary of the junction (Nursery land) this is not considered to have an effect upon the proposed scheme as no soil disturbance within the constraint area is planned.

3.4.34 There are no geological receptors in this location.

3.4.35 The new design does not result in any changes to the potential impacts reported in Section 10.9 of Environmental Statement Chapter 10: Geology and soils [APP-077].

#### **Design, mitigation and enhancement measures**

3.4.36 The new design does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 10.10 of Chapter 10: Geology and soils [APP-077]. No specific mitigation measures were identified

for junction 25, beyond standard measures for managing soil during construction, and therefore no change to this is required with the new design.

#### **Assessment of likely significant effects**

- 3.4.37 There is no change to the likely significant effects reported in Section 10.11 of Chapter 10: Geology and soils [APP-077] as there are no changes to the potential impacts associated with junction 25.

### **Chapter 11: Material assets and waste**

#### **Potential impacts**

- 3.4.38 The new design does not result in any changes to the potential impacts reported in Section 11.9 of Environmental Statement Chapter 11: Material assets and waste [APP-078]. This aspect does not assess the impacts associated with specific design elements at a local level, and instead focuses on assessing the impacts of materials consumption, minerals sterilisation and waste disposal in absolute terms.

#### **Design, mitigation and enhancement measures**

- 3.4.39 The new design does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 11.10 of Chapter 11: Material assets and waste [APP-078]. No additional mitigation measures were identified for this aspect in relation to junction 25, and therefore no change to this is required with the new design.

#### **Assessment of likely significant effects**

- 3.4.40 While the new design is likely to result in negligible, yet indeterminate, changes to the total materials consumption, minerals sterilisation and waste disposal reported in Section 11.11 of Chapter 11: Material assets and waste [APP-078], any changes are considered insignificant in the context of the entire proposed scheme.
- 3.4.41 The changes from the new design would not be at a level that would generate any new or different likely significant effects to those already reported for the proposed scheme, and there is therefore no change to the reported residual significance of effects for the material assets or waste matters of this aspect.

### **Chapter 12: Noise and vibration**

#### **Potential impacts**

- 3.4.42 The closest construction receptor to the proposed works is R42, which is representative of receptors along London Road (this is shown on sheet 4 of Environmental Statement Figure 12.3 [APP-230]). During certain construction activities (see paragraph 12.9.16 of Environmental Statement Chapter 12: Noise and vibration [APP-079]), the noise level was predicted to be above the significant observed adverse effect level (SOAEL), indicating the potential for likely significant adverse effects if the temporal threshold is exceeded, as defined in paragraph 12.5.27 of Chapter 12: Noise and vibration [APP-079]. However, none of the identified activities likely to exceed the SOAEL were from works associated with the changing of the roundabout to a crossroads. The

works involved in partially signalling the roundabout would not generate noise levels above those from the activities to change the junction to a crossroads, and hence there would be no change in the impacts from these works.

- 3.4.43 The impact of the new design has no change within the immediate area of junction 25. Along London Road (i.e. east from junction 25 towards Copford) there is predicted to be a reduction in traffic flow. Within Chapter 12: Noise and vibration [APP-079], in paragraph 12.9.65, there is reported to be a minor increase (1 – 3 dB(A)) in noise along London Road. With the new design of junction 25, this increase in noise is now negligible (< 1 dB(A)).

#### **Design, mitigation and enhancement measures**

- 3.4.44 No specific construction mitigation measures beyond standard mitigation measures were identified for the works to change the roundabout to a crossroads, and no change to this is required with the new design.
- 3.4.45 No noise mitigation around junction 25 or along London Road in Copford was proposed in the Environmental Statement. There is no noise mitigation now proposed with the new design of junction 25.

#### **Assessment of likely significant effects**

- 3.4.46 No significant adverse effects were identified from the construction works involved with changing the roundabout to a crossroads. There is no change to this with the works associated with partially signalling the roundabout. The conclusions on construction effects in the Environmental Statement do not change as a result of the new design.
- 3.4.47 The Environmental Statement predicted significant adverse effects at seven dwellings along London Road in Copford. These are reported in the Environmental Statement at paragraph 12.11.55 of Chapter 12: Noise and vibration [APP-079]. These significant adverse effects were caused by an increase in traffic flow, resulting in a minor increase in noise. These seven dwellings were predicted to experience an absolute noise level above the SOAEL and were therefore concluded to be significant adverse effects, in accordance with DMRB LA 111.
- 3.4.48 With the new design of junction 25, the increase in traffic flow is less along London Road and there is now a negligible increase in noise at these dwellings. These are therefore no longer significant adverse effects at the seven receptors along London Road. The conclusions of the Environmental Statement would now be that there are 116 significant adverse effects across the proposed scheme as opposed to the 123 reported in the Environmental Statement (paragraph 12.13.4 of Chapter 12: Noise and vibration [APP-079]).

## **Chapter 13: Population and human health**

### **Potential impacts**

- 3.4.49 The nature of the impact of the new design on walkers and cyclists is different from that in Table A.20 of Environmental Statement Appendix 13.3: Land Use and Accessibility Assessment Tables [APP-155], where the signalised cross roads junction arrangement is described as an operational impact. However, there would be no overall change in magnitude of impact from changing the



design to a partially signalised roundabout, as the new design would still offer improved provision for pedestrians and cyclists, and therefore would still be assessed as a minor beneficial impact.

3.4.50 No notable change in impact is identified from the new design on private property and housing, community land and assets, development land and business or agricultural land use as these types of land use would not be directly affected by the new design in this location.

3.4.51 No change in impact on human health is anticipated from that assessed within the Environmental Statement on the basis that there is no change in health determinants impacted on from the new design.

#### **Design, mitigation and enhancement measures**

3.4.52 The new design does not affect the proposed mitigation set out in Environmental Statement Chapter 13: Population and human health in relation to walkers and cyclists because the predicted impact would still be beneficial, and therefore no mitigation is required.

3.4.53 There would be no change in mitigation for other matters within Chapter 13: Population and human health [APP-080], as there would be no change to the potential impacts.

#### **Assessment of likely significant effects**

3.4.54 There would be no change in the conclusion on significance of effects set out in section 13.20 of Chapter 13: Population and human health [APP-080] as the new design introduces no notable change in impacts on land use, accessibility or human health determinants from that previously assessed in the Environmental Statement.

### **Chapter 14: Road drainage and the water environment**

#### **Potential impacts**

3.4.55 The new design does not result in any changes to the potential impacts reported in Section 14.9 of Environmental Statement Chapter 14: Road drainage and the water environment [APP-081].

#### **Design, mitigation and enhancement measures**

3.4.56 The new layout does not necessitate any changes to be made to the design, mitigation and enhancement measures reported in Section 14.10 of Chapter 14: Road drainage and the water environment [APP-081], as there is no change to the potential impacts.

#### **Assessment of likely significant effects**

3.4.57 The changes from the new layout would not be at a level that would generate any new or different likely significant effects to those already reported for the proposed scheme, and there is therefore no change to the reported residual significance of effects for the water environment reported in Section 14.11 of Chapter 14: Road drainage and the water environment [APP-081].

## Chapter 15: Climate

### Potential impacts

- 3.4.58 The proposed changes to the junction would not substantially influence the quantities of materials required to construct the proposed scheme, nor substantially affect traffic flows with the proposed scheme in place. As such, the proposed changes would not have a material impact on the magnitude of estimated changes in greenhouse gas (GHG) emissions associated with the proposed scheme.
- 3.4.59 Furthermore, the proposed changes would not alter the vulnerability of the proposed scheme to future changes in climate.

### Design, mitigation and enhancement measures

- 3.4.60 The mitigation measures presented in Environmental Statement Chapter 15: Climate [APP-082] are considered to remain valid, and therefore no changes to the measures presented in the Environmental Statement are required.

### Assessment of likely significant effects

- 3.4.61 As neither emissions of GHGs nor the vulnerability of the proposed scheme to climate change are considered likely to be affected by the proposed changes, then the conclusions set out in Chapter 15: Climate [APP-082] remain unchanged.

## Chapter 16: Cumulative effects assessment

### Potential impacts

- 3.4.62 In accordance with Environmental Statement Chapter 16: Cumulative effects assessment [APP-083], material assets and waste and climate have been scoped out of the assessment of cumulative effects.
- 3.4.63 The remaining individual topic sections above have been reviewed in order to identify any changes to individual topic effects before then considering how any such changes may contribute to changes in cumulative effects. The findings of this review are shown in Table 3.2.

**Table 3.2 Cumulative effects**

Topic	Potential for cumulative effects
Air quality	There would be no change to the significant effects reported in Environmental Statement Chapter 6: Air quality [APP-073]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Cultural heritage	There would be no change to the significant effects reported in Environmental Statement Chapter 7: Cultural heritage [APP-074]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].

Topic	Potential for cumulative effects
Landscape and visual	There would be no change to the significant effects reported in Environmental Statement Chapter 8: Landscape and visual [APP-075]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Biodiversity	There would be no change to the significant effects reported in Environmental Statement Chapter 9: Biodiversity [APP-076]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Geology and soils	There would be no change to the likely significant effects reported in Chapter 10: Geology and soils [APP-077]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Noise and vibration	<p>There would be no change to the construction-phase effects reported in Environmental Statement Chapter 12: Noise and vibration [APP-179].</p> <p>During operation, there would be a reduction in the number of receptors significantly affected by noise associated with increases in traffic flow. Seven properties along London Road would no longer experience significant adverse effects.</p> <p>Environmental Statement Chapter 16: Cumulative effects assessment [APP-083] identified no noise receptors shared with other developments, and hence no potential for cumulative effects. Therefore, the reduced number of properties that would experience significant noise effects does not lead to any new or different cumulative effects.</p>
Population and human health	There would be no change to the significant effects reported in Environmental Statement Chapter 13: Population and human health [APP-080]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].
Road drainage and the water environment	There would be no change to the significant effects reported in Environmental Statement Chapter 14: Road drainage and the water environment [APP-081]. Therefore, there would be no change to the cumulative effects reported in Environmental Statement Chapter 16: Cumulative effects assessment [APP-083].

### Design, mitigation and enhancement measures

- 3.4.64 No new or different cumulative effects are predicted from the new design, hence no design, mitigation and enhancement measures are required.

### Assessment of likely significant effects

- 3.4.65 There is no change to the reported assessment of cumulative effects in Chapter 16: Cumulative effects assessment [APP-083] due to the new design.

### Overall environment conclusion

- 3.4.66 Changing the junction 25 signalised crossroads to a partially signalised roundabout would result in a beneficial change in noise impacts. This is due to a reduction in traffic flows along London Road from what was predicted as

occurring from the design submitted with the DCO application. This would remove significant adverse effects above the SOAEL for seven receptors in Copford. The new design would also allow trees in the centre of the existing roundabout to be retained, as the new design would make use of the existing infrastructure. However, retaining the trees would not change the significant effects reported in the Environmental Statement.

## 4 Conclusion

- 4.1.1 By changing the Old Rectory Junction from a signalised cross roads as proposed within the original DCO application to a partially signalised roundabout, there is expected to be an overall improvement to the performance of the junction in the project's design year of 2042. This overall improvement forecasts a reduction of the traffic using the B1408 between Copford and Stanway. The impacts of this new design and amended traffic model has been assessed from an environmental perspective; regarding noise. there are no longer significant adverse effects at seven receptors along London Road, the effects of construction and operation of the scheme would remain consistent with the findings presented within the remaining chapters of the Environmental Statement..

# A12 Chelmsford to A120 widening scheme

TR010060

## DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION

### 10.14 Consultation Report Annex H: Consultation Responses

Advice Note 16 (Version 3) 2023

May 2023

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# 1 Consultation Responses



# **A12 Chelmsford to A120 Widening Project**

Reponse to targeted consultation

12 May 2023

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# 1. Introduction

Thank you for your letter dated 12 April 2023 in which you asked Essex County Council (the Council) for views on the six proposed changes to your Development Consent Order application, the details of which are set out briefly below:

1. Junction 19 – redesign of north bound on slip road
2. Exclusion of Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel
3. Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area
4. Junction 24/Inworth Road B1023 - Removal of the segregated left turn lane
5. Drainage works associated with B1023 Kelvedon Road at Inworth
6. Junction 25 - Removal of the signalised crossroads and partial signalisation of the existing roundabout at A120/Junction 25

The Council welcomes the opportunity to comment on these proposed changes and would like to reiterate that it remains a supporter of the scheme overall, recognising the improvements it will bring to the A12 corridor between Junction 19 and Junction 25, as well as the wider benefits that are expected.

The Council remains of the view, however, that additional changes to the scheme are required (for example around de-trunking and the provision of facilities for walking, cycling, and horse-riding (WCH)) and in that respect it is unfortunate that the current consultation does not include reference to these changes. The Council will continue to make representations in respect of the changes it considers are required.

## 2. Junction 19 slip road

The proposed change to the position of the eastbound on-slip from Generals Lane does not cause any particular concern, in traffic and transportation terms. However, it does not address two outstanding issues that have been raised by the Council previously, namely:

- The lack of space for cyclists to manoeuvre on the splitter island at entry/exit of Generals Lane roundabout from Generals Lane itself.
- The lack of compatibility with the Council's longer-term plan to dual the proposed Chelmsford North East Bypass (CNEB) - which would require the reconstruction of both the A12 overbridge and the removal of the eastbound on-slip proposed in the supplementary consultation.
- If the Council's CNEB related proposals for Junction 19 are to be implemented in the future, the revised eastbound A12 on-slip from Generals Lane will have to be removed, whether it is in the original DCO location, or the in the new position proposed in the Supplementary Consultation.

### **3. Anglian Water Pumping Station (Hatfield Peverel)**

It is noted that National Highways has been in discussions with Bellway Homes and Braintree District Council regarding this proposed change to exclude this land from the Order powers, which was made at the landowner's request. It is understood that the proposed change is made to ensure that planning permission Ref: 19/01803/FUL would not be affected by the proposed scheme. The Council does not have any concerns with this proposed change.

### **4. Replacement land south of Witham**

It is noted that National Highways are proposing changes to Areas 6, 8, 9 and 10 of the Replacement Land Statement following discussions with Witham Town Council and Braintree District Council. This does not cause any particular concern at this current time, as the Council is not the existing landowner.

### **5. B1023 flood mitigation and drainage**

A meeting between the Council and National Highways took place on 5 May 2023 to discuss the drainage design changes along the B1023 Inworth Road. The Council requested further information to reflect that conversation including updated flood modelling, which show changes to flood depth based on the proposed mitigation measures. The Council has reviewed the additional information provided along with the proposed design changes included within the technical note and concluded that these changes will reduce flood risk during the modelled events as well as reduce the land take associated with the original proposal.

Three key points should be noted:

1. Based on the modelling provided the scheme will remove and redirect surface water to the edge of the carriageway but will not completely remove surface water during extreme events. However, the depth and positioning of the remaining water will mean that it is less likely that this will impact traffic flows in these locations.
2. The existing highway network has not been modelled because of lack of available data. National Highways has not allowed for any water to be picked up by this network. This is a conservative approach to assessing flood risk and is in line with our own recommendations. In reality, this element of the system will pick up some of the water from the carriageway further reducing flood risk during the modelled events.
3. A key assumption within the report is that all existing features are functioning efficiently. During CCTV surveys National Highways identified a collapsed drainage chamber, which is likely to be one of the key causes of current flooding issues in the area. The damaged feature is identified as an Essex Highways asset in the FRA (Flood Risk Assessment). For the proposed scheme to function as demonstrated in the modelling repairs to this feature would be necessary.

On the basis of the above, the Council does not object to the proposed change to this aspect of the scheme.

## 6. B1023 roundabout design

The proposed amendment to the B1023 roundabout (which will provide a new connection between the B1023 Inworth Road and the new Junction 24) is described in the document TR010060 B1023 Roundabout Technical Note. This technical note is accompanied by Map Book 5, which comprises the original submitted drawings for the roundabout and the amended versions referenced in the technical note. The Council's comments are based on the content of these documents.

The Council note that section 1.3 of this technical note sets out the reasons for the proposed change to the roundabout design, which would comprise the removal of the originally proposed segregated left-turn lane (SLTL) connecting the northbound carriageway of the B1023 with the new link road to Junction 24. It is understood that the SLTL was intended to alleviate potential queuing at this arm of the junction caused by conflict between drivers travelling northward on the B1023 and drivers turning right at the roundabout to access the link road; however, subsequent modelling work is stated to have identified that the junction is capable of operating in a satisfactory manner without the SLTL.

It is stated at paragraph 1.3.2 that removing the SLTL from the proposed design would help to reinforce the local nature of the B1023, and that reducing the footprint of the junction would also reduce the impermeable surface area, providing a benefit in terms of local drainage.

With regard to the stated benefits, the Council are in agreement in principle that a smaller or less complex junction would be in keeping with the nature of the surrounding local road network, and that such a junction would have slightly less impact in terms of land take and drainage. However, the Council also note that the assessments provided in section 3.4 of the technical note on environmental matters appraise these changes as minor or not significant in terms of the wider environmental assessments.

Section 3.3 references Table 4.1 of the Transport Assessment (TA) submitted as part of the DCO application, which summarises the results of the highway capacity modelling undertaken for the original proposed B1023 roundabout design. This table provides Level of Service (LOS) grades for the junction in each of the modelled scenarios, but does not provide the corresponding information on delays, average queues or average maximum queues; this information is instead provided at tables F 9-4 (2027) and F 9-5 (2042) within Appendix F of the TA report.

It is stated in this technical note at paragraph 3.3.1 that the models of the revised junction design continue to produce a LOS rating of A. Whilst this indicates that the junction continues to operate efficiently, it does not provide any information on how delays and queue lengths alter at the northbound B1023 arm of the junction with the removal of the SLTL. The LOS rating of A does suggest that these changes are minor, however, it is our view

that a proper comparison of the delay, average queues and average maximum queues is necessary to enable us to confirm that there will not be any specific impacts arising from the need for all traffic to enter the roundabout which would be of concern. In particular, we wish to confirm that any extension to the expected queues would not result in potential safety concerns, i.e. that vehicles approaching from the south will have sufficient time to see and react to queued vehicles. The production of tables in the style of those presented in Appendix F of the TA report would be sufficient to address this requirement.

The Council have additionally noted that the entry to the roundabout from the B1023 northbound arm is shown as being marked for two lanes in the original scheme drawings (plate 1.1 in the technical note), whereas in the revised scheme drawing (plate 1.2 in the technical note) this marking is absent, indicating a single lane entry. We would request confirmation that this change has been reflected in the updated scheme modelling, as less traffic is theoretically able to enter the roundabout in this arrangement and we would as such expect there to be further impacts to delay values and queue lengths at this arm.

In summary, the principle of removing the SLTL is supported, subject to confirmation of the detail of specific impacts as set out above.

## 7. Junction 25

### Traffic Impact

To enable the Council to review the likely traffic impact of the proposed changes to Junction 25, a meeting between the Council and National Highways took place on 18 May 2023 following additional traffic modelling data provided by National Highways on 16 May 2023. Further traffic modelling data was requested by the Council at this meeting and this was provided on 19 May 2023. This included strategic model outputs for the highway network in the vicinity of Junction 25 and local junction model outputs for:

- Station Road Junction roundabout
- Western Junction 25 roundabout
- Prince of Wales roundabout

The Council is content that, based on a high-level review of the evidence provided, the proposed changes to the Station Road Junction would not lead to a significant overall change in traffic flows at the junction. On balance, the proposed change to the design of the Station Road Junction would appear to be beneficial and as such the Council is supportive in principle of the revision.

Should the design change be accepted into examination, the Council would expect to carry out a more detailed review of the junction modelling and any localised impacts of traffic flow changes, at that stage. As a result, the Council reserves its rights to make further comments on this matter.

## **Walking Cycling & Horse-Riding Impact**

No details have been provided in the Supplementary Consultation regarding the width of the footway/cycleways being proposed. The Council would expect all the shared use footway/cycleways in the vicinity of Junction 25 to have a minimum width of 3m, in accordance with LTN 1/20 guidelines.

The proposed scheme includes a staggered cycle crossing across south-western approach to Old Rectory roundabout. This does not accord with LTN1/20 guidelines. The cycle crossing should be replaced with a single stage crossing of the arm, or, if National Highways can demonstrate that this is not feasible, a two-stage crossing with no stagger.

The Supplementary Consultation plans show no changes to the proposed A12 overbridge. As such, the Council still has significant concerns regarding its design. To ensure that the overbridge provides an attractive, pleasurable experience, that will encourage future growth in active travel, it needs to be redesigned to fully accord with the Government's LTN1/20 guidelines.

This information is issued by:  
Essex County Council

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alternative formats, on request.

Published May 2023





Tracey Harvey – Project Manager  
A12 Chelmsford to A120 Widening Scheme  
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Anglian Water Services  
Lancaster House, Lancaster Way,  
Ermine Business Park, Huntingdon,  
Cambridgeshire. PE29 6XU

Our ref: PropChCon/A12/2023/TS

12<sup>th</sup> May 2023

Dear Tracey,

**A12 Chelmsford – A120 Widening Project – Application for Development Consent Consultation on proposed changes to the Development Consent Order Application**

Thank you for consulting Anglian Water on the proposed changes to the DCO application. We have the following comments regarding the changes being sought by National Highways:

**Junction 19 – redesign of the north bound on slip road:** no comments

**Exclusion of the Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel:**

Anglian Water supports the proposed change. Anglian Water would like to take this opportunity to state that Anglian Water will only be responsible for the operation of the pumping station once it has been legally transferred by the developer and a final certificate issued by Anglian Water to formally adopt the asset under Section 104 of the Water Industry Act 1991. This process is governed by the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England, published by Ofwat in August 2018.

**Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area:** Anglian Water notes the proposed change in the provision of replacement land and is satisfied that this does not materially impact on replacement land for Anglian Water (9/1q) in Whetmead local nature reserve or the adjoining replacement land for Witham Town Council (9/1a) in the interests of nature connectivity.

**Junction 24/Inworth Road B1023 – removal of segregated left turn lane:** no comments

**Drainage works associated with B1023 Kelvedon Road at Inworth:** Anglian Water notes the following design changes that have taken into account the potential to impact on our wastewater network assets:

- Design Change 7 to retain the flood mitigation area with minor adjustments to account for the existing foul sewer in proximity to the area identified
- Design Change 8 to increase the capacity of the Attenuation Pond S3-IWR-OU2 whilst being adjusted to minimise impact on the existing foul sewer in proximity to the area identified - an asset owned and managed by Anglian Water

We are supportive of design changes which minimise impacts on our network assets including a suitable stand-off distance to protect our sewers and avoiding any potential for these works to cause increased surface water infiltration to our network, whilst enabling flood mitigation works for the project to proceed. The draft DCO protective provisions include stand-off distances for our piped assets, which we are seeking to revise, however, we welcome and acknowledge these design changes in respect of our assets.

**Junction 24/Inworth Road B1023 - removal of segregated left turn lane from the roundabout:** no comments

**Junction 25 modifications:** The technical document notes that there will be consequential changes to utility diversions in the area – should this impact on diversions to any of our assets we would welcome further engagement via our asset diversions team.

Yours sincerely,

A large black rectangular redaction box covering the signature area.A small black rectangular redaction box covering the name of the sender.

Spatial Planning Advisor – Sustainable Growth

14th May 2022

Planning Policy  
Causeway House Braintree  
Essex CM7 9HB  
Tel: 01376 552525  
Fax 01376 557787  
[www.braintree.gov.uk](http://www.braintree.gov.uk)

By email only

Dear Ms Allen,

**A12 Chelmsford –A120 Widening Project Application for Development Consent Consultation on proposed changes to the Development Consent Order Application**

Thank you for contacting Braintree District Council with regards to the proposed targeted changes to the DCO. This consultation pertains to 6 changes to the DCO, 2 are within the Braintree District and 1 is outside the district but likely to affect Braintree residents. The remaining 3 changes do not affect the district.

The relevant changes are summarised as:

- Exclusion of Anglian Water pumping station from land proposed for compulsory acquisition at Hatfield Peverel
- Changes to the provision of replacement land at Whetmead and additional consequential changes reflecting change of ownership for open space in the Witham area
- Junction 24/Inworth Road B1023 -Removal of the segregated left turn lane

We note that changes related to bullet point 1 would reduce the amount of ecological mitigation area proposed at Hatfield Peverel from 0.8ha to 0.64ha or a 20% decrease. We consider that this represents a net loss to local ecological mitigation for reptile habitats. Policy LPP66 of the Adopted Local Plan for the protection, enhancement, management and monitoring of Biodiversity should be considered. It states that 'Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development.' With consideration of the requirements of local policy and subject to the adverse impacts to reptile habitats being fully mitigated taking into account the whole scheme, we have no objections to this loss.

Changes related to bullet point 2 would relocate without loss a small area of replacement land and open space loss mitigation being offered to Witham Town Council. We have no comments to make on this matter and would ask that National Highways respect the views of Witham Town Council on this matter

Changes to bullet point 3 is within Colchester City Council however Braintree residents would be affected by the proposed highways alterations. ECC are the local highways authority to whom we defer our view on the operational impacts of this change. However we would want to be assured that any changes proposed would not have a detrimental impact on traffic congestion on the local road network.

**Yours Sincerely,**

A solid black rectangular box used to redact the signature of the Senior Planning Policy Officer.

Senior Planning Policy Officer

## McCutcheon, Niamh

---

**From:** [REDACTED] <[REDACTED]@canalrivertrust.org.uk>  
**Sent:** 10 May 2023 16:02  
**To:** A12 Chelmsford A120 wide  
**Subject:** A12 Chelmsford -A120 Widening Scheme

**Categories:** [REDACTED]

Dear Tracey Harvey,

Thank you for your consultation on the proposed changes to the Development Consent Order Application for the A12 Chelmsford-A120 Widening Project.

The Trust have reviewed the details and considering the location of the works in relation to our network, the Trust can confirm that we have no comments to make on the proposed changes.

Kind regards

[REDACTED]

[REDACTED]

MRTPI

Area Planner

M: [REDACTED]

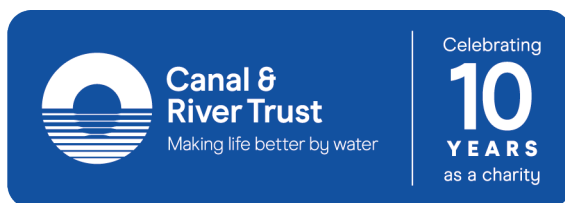
E: [REDACTED]@canalrivertrust.org.uk



**Canal & River Trust**

Canal Lane, Hatton, Warwick, CV35 7JL

[canalrivertrust.org.uk](https://canalrivertrust.org.uk)



---

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National Highways

By email/consultation portal

Planning and Development Management  
P.O. Box 7544, Civic Centre,  
Duke Street, Chelmsford,  
Essex, CM1 1XP

Your ref: TR010060 - 20033066  
My ref: 22/00002/NSIP  
Please ask for:  
Telephone: [REDACTED]  
Date: 11 May 2023

Dear Sir/Madam

**Application by National Highways for an Order Granting Development Consent for the A12 Chelmsford to A120 Widening Scheme Project**

Further to the consultation to 'The Proposed Changes' which runs from Thursday 13<sup>th</sup> April – Sunday 14<sup>th</sup> May 2023, Chelmsford City Council submits the following:

**Principle**

Plan 1 appended to the Beaulieu s106 Agreement (09/01314/EIA refers and also below) shows the works to the Boreham Interchange. The intention was to provide an arm off the repositioned Generals Lane roundabout to connect with the A138, which then passes under the RDR Bridge and connects with the northbound carriageway of the A12.

On the basis of the drawing now provided, it is assumed that this arm would no longer be provided (avoiding two slip roads in close proximity) and instead a new slip road would be provided as shown in orange on the plan below allowing traffic from the Beaulieu Parkway (RDR) to directly access the northbound A12 along its own slip road.

The provision of this slip road is likely to improve traffic flow through the Boreham Interchange by avoiding the need for vehicles to travel round the Generals Lane roundabout to access the northbound slip road; this is welcomed in principle.

**Heritage**

The northern side of the A12 is well screened from The Generals and Boreham House, due to the levels and existing trees. There are no heritage concerns with the proposed addition of the slip road.

These latest plans still have a lack clarity on the mitigation works on Main Road adjacent to Boreham House, which is still a matter to be resolved.

## Conclusions

No objections are raised in principle to this amendment subject to the junction design being acceptable to Essex County Council in highway safety terms.

Yours sincerely

[Redacted Signature]

Senior Planning Officer  
Chelmsford City Council

For Mr [Redacted]  
Director of Sustainable Communities

# Plan 1



**PLANING AND DESIGN DATA SHEET**  
 Project No: [ ]  
 Design No: [ ]  
 Date: [ ]

1	EXISTING ROAD	(Red line)
2	PROPOSED ROAD	(Blue line)
3	PROPOSED ROAD	(Red line)
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<b>AMB</b> CONSULTANTS CIVIL ENGINEERS 100, [ ] [ ] [ ]	
Contract No: [ ] Project No: [ ] Date: [ ]	
Scale: [ ] Drawing No: [ ]	
Project Name: [ ] Location: [ ]	
Client: [ ]	
Design Stage: [ ]	
Drawing Title: [ ]	
Drawing No: [ ]	
Drawing Date: [ ]	
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Drawing Orientation: [ ]	





## Colchester City Council

Rowan House,  
33 Sheepen Road,  
Colchester,  
CO3 3WG

Via Email:

[A12chelmsfordA120@planninginspectorate.gov.uk](mailto:A12chelmsfordA120@planninginspectorate.gov.uk)

National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Contact: [REDACTED]

Phone: [REDACTED]

Fax: [REDACTED]

E-mail: [planning.services@colchester.gov.uk](mailto:planning.services@colchester.gov.uk)

Your ref: TR010060

Our ref: SC/A12-A120 DCO

Date: 14 May 2023

Dear Sir or Madam

**CCC Case Reference:** 211762

**Proposal:** A12 Chelmsford to A120 Widening – Application for Development Consent Consultation on Proposed Changes to the Development Consent Order application

**Location:** A12 Chelmsford to A120 Colchester

Further to the correspondence from the Project Team at National Highways dated 11/04/23 seeking the views of Colchester City Council concerning their proposed changes to the Development Consent Order application currently undergoing examination, I am writing to set out the position of the City Council concerning the proposed changes as follows:

**i) Junction 24/Inworth Road B1023 – Removal of Segregated left turn Lane.** In terms of the detailed engineering and highway safety issues, the City Council wishes to defer to the technical opinion of Essex County Highways. We are however aware of the concerns expressed by the Messing cum Inworth Parish Council and wish to ensure that their concerns are given full and detailed consideration by the Examiners. In particular:

- The application of the correct baseline modelling and design standards to maximise public safety including the provision of appropriate visibility and in particular with regard to horizontal radii and stopping sight distance.

**ii) Drainage Works associated with the B1023 Kelvedon Road, Inworth.** The reduction in flood compensation and attenuation ponds from 4 to 2 and flood mitigation measures from seven to 4 appears to be a very significant reduction in the proposed mitigation set against an unpredictable scenario of changing rainfall patterns and the intensity of events due to climate change. Whilst the reduction in the extent of planned interventions is welcomed from the perspective of the potential for impacts on the historic environment, the City Council remains concerned to ensure that these interventions are an appropriate and resilient design response. We defer to ECC Colleagues as the LLFA to ensure that the calculations on which these design decisions are based are robust.

**iii) Junction 25 – removal of the signalised crossroads and partial designalisation of the existing roundabout at A120/Junction 25** We welcome that the new design maintains the Old

Rectory roundabout and avoids tree loss within the island which form important green feature at the heart of the village. The City Council consequently supports this design change.

The City Council wishes to support the Marks Tey Parish Council's remaining concerns. The City Council has also consistently expressed the opinion that the detailed project design must seek to minimise and mitigate the segregation of the village by the A12. To that end, CCC has supported the case made by ECC with regard to detrunking of the existing infrastructure given the convergence at Marks Tey. We wish to reiterate their concerns regarding:

- Connectivity of the proposed roundabout with Old London Road to minimise HGV movements along the existing street which has a significant number of residential properties along its north side;

- The detailed siting and design of the pedestrian footbridge over the A12. This footbridge provides an essential link for active travel to connect the parish communities to the north and south of the trunk road. Any replacement needs to maximise these opportunities through detailed siting and design. There are concerns that the current design proposal does not represent the optimal design, both in terms of functional and aesthetic design considerations. The City Council shares these concerns to ensure that the final design solution delivers the greatest dividend for the local community in terms of functionality but also design quality having regard to the Government's agenda for beauty in the built environment.

We trust that these representations are constructive and assist the Examiner's in consideration of the design changes now proposed by National Highways to the Development Consent Order insofar as they affect the communities within Colchester City Council.

Yours sincerely

A large black rectangular redaction box covering the signature of the Development Manager.

**Development Manager**

**Textphone users dial 18001 followed by the full number that you wish to call.**

Via email:

[A12chelmsfordA120wide@nationalhighways.co.uk](mailto:A12chelmsfordA120wide@nationalhighways.co.uk)

**Our ref:** AE/2023/128326/01-L01  
**Your ref:** TR010060

**Date:** 11 May 2023

Dear Sir/Madam

**A12 CHELMSFORD TO A120 WIDENING SCHEME PLANNING ACT 2008  
DEVELOPMENT CONSENT ORDER CHANGE APPLICATION CONSULTATION**

Thank you for consulting us on the six proposed changes to the DCO application for this scheme. We have reviewed the submitted documents and can confirm that we have no comments to make except to highlight that the Lead Local Flood Authority must be satisfied in respect of the amended proposals for flood mitigation and drainage on the B1023.

Yours faithfully

[Redacted signature]

**MR [Redacted]  
Sustainable Places - Planning Specialist**

Direct dial [Redacted]  
Direct e-mail [Redacted]@environment-agency.gov.uk

**East Anglia area (East) - Icen House**

Cobham Road, Ipswich, Suffolk, IP3 9JD

General Enquiries: 08708 506506 Fax: 01473 724205

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Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

Website: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

## McCutcheon, Niamh

---

**From:** [REDACTED] <[REDACTED]@waterways.org.uk>  
**Sent:** 19 May 2023 18:02  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL] RE: A12 - Consultation

Hi [REDACTED]

I have finally had time to look at the documents on the change to drainage routes resulting from the proposed change to the Junction 19 slip road design and can confirm that Essex Waterways Ltd has no concerns about this change, as it does not directly affect our land or the total amount of water draining to the River Chelmer. Our concerns remain as detailed in the draft Statement of Common Ground currently under discussion.

Regards

[REDACTED]  
**Director**  
Essex Waterways Limited  
**Tel:** [REDACTED]  
**website:** [REDACTED]

Registered Office: The Navigation Office, Paper Mill Lock, North Hill, Little Baddow, CHELMSFORD CM3 4BS  
Essex Waterways Ltd is a private limited company (registered in England No 5545459)  
Wholly owned by The Inland Waterways Association (registered as a charity No 212342)

## McCutcheon, Niamh

---

**From:** [REDACTED] <[REDACTED]@maldon.gov.uk>  
**Sent:** 22 May 2023 16:07  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL] RE: A12 DCO Change Consultation

Hi [REDACTED],

Thank you for your email.

I can confirm that Maldon District Council received the consultation invitation to the April DCO change consultation. It was reviewed and determined that none of the changes concerned matters Maldon District Council was interested in and it was therefore determined we would not respond to the consultation on this occasion.

I hope this clarifies Maldon District Council's position.

Regards,



[REDACTED] **BSc. (Hons.) MSc. MRTPI AInstLM**  
(He/Him)

**Strategy, Policy & Communications Manager**  
**Planning Policy Programme Lead**  
**A12/A120 Widening DCO Project Lead**

Strategy, Performance and Governance Directorate

Maldon District Council, Princes Road, Maldon, Essex, CM9 5DL  
Tel [REDACTED]

**Certified Carbon Literate**



## Marks Tey Parish Council

Junction 19 Slip Road: No comment.

Anglian Water Pumping Station: No comment.

Replacement Land South of Witham: No comment.

B1023 Flood Mitigation and Drainage: No comment.

B1023 Roundabout Design: No comment.

Junction 25: As maintained all through the design process, Marks Tey Parish Council agrees with National Highways alteration to retain the Old Rectory roundabout at Jn 25 in Marks Tey as part of the A12 widening proposals. The retention of this island will maintain the existing level of landscape separation of the major part of the village from the A12. However, there are still elements of the Jn 25 proposals that concern the Parish Council. Directly related to the Old Rectory roundabout is the proposed replacement of the pedestrian bridge over the A12. The Parish Council have always maintained that the bridge should continue over the adjacent duelled A120 and in doing so this would remove the need for the new footpath to the south of the Old Rectory

roundabout and its associated controlled crossing. Like Essex County Council, the Parish Council are concerned that this bridge is designed to an exemplary standard as it will be such a prominent aesthetic statement on the new road and within Marks Tey. It's indicated siting and form shown on the Consultation plans gives concerns that this will not be the case. In particular it would seem sensible for the new bridge to be re-positioned further towards the shops (rather than moved further from them) to take advantage of the change of level between the roads and thus minimise ramps. As proposed it might be better for the existing elegant bridge to be retained and for it to be simply extended to cross the A120 (if necessary with a dedicated cyclist route redirected over the A12 Road bridge) . We request specific discussion concerning this and about the adjacent new retaining walls to London Road and loss of existing landscaping to London Road. The Parish Council still have concerns about HGV traffic from employment sites on Old London Road being forced onto the residential and sub-standard road. The A12 proposals see the closure of the direct access from these sites onto the existing A12. For this reason Marks Tey Parish Council have asked that the new A12 northern exit roundabout adjacent to Old London Road be repositioned adjacent to these existing or future employment sites and away from residential property. In this regard, Essex County Council's proposal's for the detrunked A12 could significantly assist this. Reducing the detrunked A12 between Feering and Marks Tey to a single two way (southern) carriageway could give more scope to reposition the exit roundabout further south and give the option for the employment sites to access directly onto this detrunked single carriageway, thus leaving Old London Road for residential traffic and to the Parish Hall. The ECC proposals also greatly enhance the landscape and pedestrian recreation facilities for Marks Tey. Thus the Parish Council strongly support the ECC detrunking proposals and request that National Highways adopt these and continue to seek to move the Jn 25 northern exit roundabout adjacent to the employment sites and away form residential properties.

Further Comments:

**Subject:**

RE: A12 DCO Proposed Changes

**From:** [REDACTED]@openreach.co.uk <[REDACTED]@openreach.co.uk>

**Sent:** Thursday, May 18, 2023 5:24 PM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** Re: A12 DCO Proposed Changes

Response to DCO Application Consultation and the recent DCO Change Application Consultation.

## **FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS**

1. For the protection of any operator, referred to in this Part of this Schedule, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the operator.

2. In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003<sup>(1)</sup>;

“the code rights” has the same meaning as in the Paragraph 3 of the electronic communications code<sup>(2)</sup>

“electronic communications apparatus” has the same meaning as in the electronic communications code<sup>(2)</sup>;

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act<sup>(2)</sup>;

“electronic communications code network” means—

- (a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and
- (b) an electronic communications network which the undertaker is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;

“infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7(2) of that code; and

“operator” means the operator of an electronic communications code network.

3. The exercise of the powers conferred by Communications Act 2003 any statutory undertakers is subject to Part 10 (undertaker’s works affecting electronic communications apparatus) of the Electronic Communications Code.

4.—(1) Subject to sub-paragraphs (2) to (3), if as a result of the authorised development or its construction, or of any subsidence resulting from any of the authorised development—

- (a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development), or other property of an operator; or
- (b) there is any interruption in the supply of the service provided by an operator,



the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other reasonable expenses, loss, damages, penalty or costs incurred by it, by reason, or in consequence of, any such damage or interruption.

(1) 2003 c.21

(2) See section 106. Section 106 was amended by section 4(3) to (9) of the Digital Economy Act 2017 (c.30)

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker and if such consent, is withheld, the undertaker has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

5. Any difference arising between the undertaker and the operator under this Part must be referred to and settled by arbitration under the Communications Act 2003

6. This Part of this Schedule does not apply to—

(a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the NRSWA 1991 Act.

The following clause only applicable to HVDC installations

7. High Voltage – DC Construction - The Communications Code 2003, Part 10 provides for the protection of Code Operator Networks from potential damage which may be caused as a result of a new construction introduced by other undertakers.

- a) Where a proposed new HV/DC construction is likely to come close to existing BT Network / Infrastructure or Exchange building, it is for the Undertaker to carry out the necessary evaluation, to determine whether, as a result of that proposed construction, if there is a likelihood of physical damage, or electrical interference/ interruption to BT's Network.
- b) Where the evaluation identifies potential for such damage / interference, it is for the Undertaker to decide the level and nature of mitigation required to eliminate that risk. In order to support the evaluation, Openreach will provide a full list of Network Cable types, building diagrams and policy requirements for the Telecommunications apparatus. If the undertaker requires more specific information, a more detailed site study can be provided by Openreach. The latter is a significant undertaking and one which would be chargeable.
- c) The Undertakers evaluation must cover all aspects of any potential interference both physical and safety during any proposed alterations and the potential impact once the Undertakers apparatus is operational. i.e. potential impact from outages / maintenance routines after installation is complete. Any alterations must be within Openreach's planning policy tolerance and agreed at each stage and for any alterations during build that are altered from the original specification.
- d) Where the mitigation proposed by the Undertaker involves shifting / re-arrangement of BT's Network / Infrastructure, that can be arranged and agreed through the Openreach Network Re-Arrangement Team, who can provide an estimate of costs for the work required and will work with the Undertaker to arrive at an agreed solution to protect the BT assets.
- e) Whilst Openreach may carry out mitigation works as requested by the Undertaker; it bears no responsibility for the effectiveness of that solution. Such responsibility lies with the Undertaker.

Regards,

[REDACTED]

Network Rearrangement Project Engineer (Complex), Infrastructure Solutions

**Openreach**

Telephone: [REDACTED]

Web: [REDACTED]

We build and maintain the digital network that enables more than 600 providers to deliver broadband to homes, hospitals, schools and businesses large and small. Our engineers work in every community, every day, because we believe everyone deserves decent and reliable broadband.

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**Openreach Limited**

Registered Office: Kelvin House, 123 Judd Street, London WC1H 9NP

Registered in England and Wales no. 10690039

[Redacted]

**From:** [Redacted] <[Redacted]@HistoricEngland.org.uk>  
**Sent:** 17 April 2023 08:17  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: A12: Consultation on proposed changes to the Development Consent Order Application

**Categories:** [Redacted]

Dear [Redacted],

Thank you for your email about the proposed DCO Change Application.

We note the proposed six changes to the scheme:

- Junction 19 Slip Road
- Anglian Water Pumping Station (Bury Lane, Hatfield Peverel)
- Replacement Land South of Witham
- B1023 Flood Mitigation and Drainage
- B1023 Roundabout Design
- Junction 25

We do not believe these changes would alter the assessment of affects relating to highly-graded designated heritage assets (scheduled monuments, grade I and II\* listed buildings).

Kind regards,

[Redacted]



Dr [Redacted] MCifA FSA (he/him)  
Inspector of Ancient Monuments (Essex and Hertfordshire)  
Tel: [Redacted]  
Mob: [Redacted]

Historic England | Brooklands, 24 Brooklands Avenue, Cambridge, CB2 8BU

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**Advance Notice of Leave:**

[Redacted]

Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at

[Redacted]

[REDACTED]

---

**From:** [REDACTED] <[REDACTED]@naturalengland.org.uk>  
**Sent:** 21 April 2023 14:51  
**To:** A12 Chelmsford A120 wide  
**Subject:** NE RESPONSE 429285 TR010060 - A12 Chelmsford - A120 Widening Project - Consultation on proposed changes to the Development Consent Order  
**Attachments:** NE RESPONSE 429285 20032607 TR010060 - A12 Chelmsford - A120 Widening Project - Consultation on proposed changes to the Development Consent Order.pdf  
**Categories:** [REDACTED]

Please find attached Natural England's response to the above mentioned consultation.

Kind regards

[REDACTED]

Lead Adviser,  
Northants Local Delivery Team  
Cambridgeshire, Northamptonshire, Bedfordshire, Essex and Hertfordshire Area Team  
Natural England  
Tel: [REDACTED]

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

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Date: 21 April 2023  
Our ref: 429285  
Unique Reference: 20032607  
Your ref: TR010060 / change application letter



A12 Chelmsford to A120 Widening Scheme Project – Case Team  
National Infrastructure Planning

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Ms Harvey

**Consultation:** TR010060 - A12 Chelmsford - A120 Widening Project - Application for Development Consent Consultation on proposed changes to the Development Consent Order Application

Thank you for your consultation on the above which was received by Natural England on 12 April 2023

Natural England has reviewed the consultation documents detailing the proposed changes to the Development Consent Order. We are satisfied that the Technical Notes confirm that the proposed changes to the DCO will not significantly change the construction and operational effects reported in the Environmental Statement, including Section 9.11 of Chapter 9: Biodiversity [APP-076]. On this basis Natural England has no further comments to make.

If you have any queries relating to the advice in this letter please contact me on [REDACTED]

Yours sincerely

[REDACTED]

Lead Advisor – Land Use Planning  
West Anglia Area Team

[Redacted]

**From:** [Redacted] <[Redacted]@witham.gov.uk>  
**Sent:** 04 May 2023 16:40  
**To:** A12 Chelmsford A120 wide  
**Cc:** [Redacted]  
**Subject:** Consultation on proposed changes to the Development Consent Order Application - response

**Categories:** [Redacted] Tracked To Dynamics 365

Good afternoon,

In response to the letter of 12<sup>th</sup> April 2022 advising of proposed changes to the Development Consent Order Application, I confirm that Witham Town Council are happy to accept the newly proposed replacement land that is now being offered near to Whetmead Nature Reserve.

We also acknowledge that National Highways are now aware of the change of land ownership and have the correct information regarding Witham Town Council's freehold land.

Kind Regards,



[Redacted]  
Deputy Town Clerk  
Witham Town Council | Town Hall | 61 Newland Street  
| Witham | Essex | CM8 2FE  
[Redacted] | [Redacted]@witham.gov.uk |  
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[REDACTED]

---

**From:** [REDACTED]@btinternet.com  
**Sent:** 02 May 2023 15:43  
**To:** A12 Chelmsford A120 wide  
**Subject:** Junction 19

**Categories:** [REDACTED] Tracked To Dynamics 365

We are responding to the consultative documentation issued in connection with the new on-slip proposed for north-bound traffic arriving at J19 over the Beaulieu Bridge. We have the following comments / questions,

- a) Could you please advise if the new proposed design is fully compliant with DMRB and if not please specify where and why not.
- b) Could you please provide the anticipated duration of the work to create the new on slip and anticipated start date.
- c) We have specific concerns regarding the turning radius from the Beaulieu Bridge onto the entry of the on-slip in that HGV's speeding downhill from the bridge to "catch" a green light could be prone to overturn when attempting what seems to be a tight left hand turn.
- d) You have lodged a number of objections to the new on-slip proposed by [REDACTED] to provide southbound access between the villages of Hatfield Peverel and Boreham. These included "Weaving" and "Merging". We note from 1.1.10 of the Technical Note issued regarding the proposed new on-slip, that it states "proposed new merge is sufficiently far from the existing junction merge". We estimate the distance between the merges at Junction 19 are between a third / quarter of that between Junction 21 and the on-slip proposed by [REDACTED]. Both cannot be true. We assume therefore that you will either withdraw your proposed on-slip at Junction 19 or withdraw your objections to the [REDACTED] proposed on-slip between the villages of Hatfield Peverel and Boreham.

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]@btinternet.com  
**Sent:** 03 May 2023 09:02  
**To:** A12 Chelmsford A120 wide  
**Subject:** Junction 19

**Categories:** Tracked To Dynamics 365

Dear Sirs, reference the proposed new on-slip for north bound traffic, could you please advise

- a) What are the estimated delays for north bound traffic / traffic heading for the B1137 on the relevant arms of the junction
- b) Is it the intention to have "yellow boxes" at any arms / sections of the roundabouts

Thank you, [REDACTED]



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 03 May 2023 10:16  
**To:** A12 Chelmsford A120 wide  
**Cc:** [REDACTED]  
**Subject:** A12: Response to consultation webinar

**Categories:** Tracked To Dynamics 365

Dear Sir or Madam,

I attended the Highways England webinar on May 2 and posed a series of questions.

Earlier that day I asked for drawings for the section covering the Marks Tey junction. I would still appreciate sight of these but please regard this email as my submission unless any issues come to light. In such an event, I will send an amendment before the consultation deadline.

Several of my questions were the result of HE "indicative materials" being inaccurate and/or lacking detail. Some of the illustrations did not have North compass arrows. An example is below, which I have laid over an OS map. It took me time to realise that the label for Marks Tey station is not the station itself, which is 300m to the east; also the proposed new pedestrian bridge is 70m west of where it actually is (and where you say it will remain).

Because of manpower issues, [REDACTED] is limiting its detailed comment to the Marks Tey junction and possible funding (from HE but separate to the core A12 scheme) for a cycleway link between Marks Tey and Tollgate roundabout in Stanway.

During the webinar, however, it occurred to me that one of our proposals – for an independent audit covered in the following three italicised paragraphs – should apply to the entire scheme.

*I made mention of the possibility of an HE-funded **independent** audit of cycle facilities at Marks Tey by either Active Travel England or a consultancy such as Phil Jones Associates. Please regard this submission as an official request for that to happen for the entire scheme.*

*While I recognise that HE employees are experts, the agency deals primarily with large-scale issues from a motor vehicle perspective. The addition of high-quality, detailed cycle infrastructure such as that specified by LTN 1/20 is new: a second set of eyes and a fresh imagination would ensure not only compliance but it would also maximise the opportunities to achieve the best result for active travel.*

*At one stage towards the end of the webinar, mention was made of the Inworth to Feering Road. This appears to have been looked at entirely from a motor vehicle perspective, in fact an HE representative acknowledged that the route would not only become busier but the speed of throughput would increase. There is a lack of clarity of how cyclists would navigate the roundabout. I doubt that the current road would meet LTN 1/20 standards as it is. It is alarming that it will become worse and that no separate facilities for cyclists are planned, especially with the reasons (public health, road danger reduction and climate change) that are behind the thrust for active travel. In my view, if HE is altering any part of a highway as part of a major scheme (in this instance drainage), that should include new cycling infrastructure.*

I am disappointed that HE has been so unambitious that it has not attempted to envisage/design and/or fund a one-stage bridge that crosses both the A12 and the A120 at Marks Tey. While I appreciate that ground levels are uneven and that more generous alignments and a one-stage crossing of the A120 are planned, this once-in-60-years scheme presents an opportunity to do far better than replace like with like. I will flag this to the inquiry inspector.

Anticipating a cycleway from Marks Tey to Stanway, the A12 scheme at Marks Tey should include a toucan crossing over the B1406 and also the installation of a protected cycleway on the south side of the Prince of Wales roundabout. This would protect cyclists from Stanway who want to access the railway station via the bridge, and vice versa.

Finally it is unclear from the indicative materials what happens to cycle facilities at various points, such as the section between the old A12 and the Marks Tey A120 roundabout; the eastern landing point of the crossing over the A120 to the station, and between Marks Tey old village and Hall Chase. Clarification would be welcome.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.



Yours sincerely

Will

---



██████████  
Vice-secretary  
Colchester Cycling Campaign

- ██████████@colchester-cycling.org.uk
- ██████████

---

Colchester Cycling Campaign is a non-political lobby group for transport cyclists. We aim to make it easier for people aged 8 to 80 to ride a bike to work, school, the shops or just to meet friends – all as part of their everyday lives.

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Junction 19 Slip Road: No comment

Anglian Water Pumping Station: No comment

Replacement Land South of Witham: No comment but I support the change.

B1023 Flood Mitigation and Drainage: No comment

B1023 Roundabout Design: No comment

Junction 25: No comment

Further Comments: It would seem to me that the concerns of those living along the route of the A12 have not properly been considered, for example extending low noise surfacing along all sections adjacent to village locations and the inclusion of acoustic barriers at sensitive sites also. This is a once in a generation opportunity to improve the lives of those living in close proximity to the A12 and are impacted by noise. More can and should be done by National Highways to deliver this without hiding behind the cost benefit analysis. It should be your duty to deliver these improvements.



Junction 19 Slip Road:

Anglian Water Pumping Station: Whilst it is stated that the reduction is negligible it still remains a reduction and with the Government committed to Biodiversity gain it is disappointing. It is rather surprising that this has come up at this stage given outline planning consent was granted for the area impacted some time ago and simply reflects poor interaction between parties.

Replacement Land South of Witham:

B1023 Flood Mitigation and Drainage:

B1023 Roundabout Design:

Junction 25:

Further Comments: I have made a number of requests to Braintree District Council (BDC) for their latest AQ monitoring results which I understand have been submitted to DEFRA. BDC seem unwilling to release the results. The NPPF Annex 2 states that Air quality management areas ; Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines. At the last Inquiry session KC representing NH appears to acknowledge that interim targets will not be met. Given this acknowledgement it is irrational not to treat significant parts of Hatfield Peverel as a AQMA zone.



## **A12 Chelmsford to A120 Widening Scheme**

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

Reference; TR010060/Change Application Letter

Response date; 17<sup>th</sup> April, 2023

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

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

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

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

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

The relevant issues from the list of 6 are;

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

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

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

further states that this re-design removes the largely redundant Segregated Left Turn Lane (SLTL), which did not comply with Design Manual for Roads and Bridges standards in any case.

There is also a variation in the geometry of the Inworth Road north approach arm. The centreline horizontal radius of 67.5 m has been increased to 75.0 m compared to the design submitted in the DCO application.

Where is the notification of this change made apparent?

Visibility; the Applicant has previously stated that Inworth Road Roundabout arms (except the new link to Junction 24), have been designed to Manual for Street Standards (MfSS), with regard to horizontal radii and stopping sight distance (SSD). The reason given for this is in order to give road users the impression that they are entering a village environment and will therefore drive more cautiously. are of the view that MfS standards are not appropriate for roundabout approach roads in this rural location where there are open fields, and with no built frontage that would give road users the impression of being in a village.

Essex Highways are also of the view that the Design Manual for Roads and Bridges (DMRB) is the appropriate standard to be used for the roundabout approach road designs in this case.

It is expected that Essex Highways will adopt this roundabout (except the link road to Junction 24), and therefore the correct design standards to be used should be those of The Essex Design Guide. The Essex Design Guide refers to other design standards, including MfS and DMRB. There are however some supplemental requirements in The Essex Design Guide which modify the requirements of the other documents referenced. One of these requirements relates to the use of the Table 7.1 "Derived SSDs for Streets" from MfS. Due to the very short lengths of SSD given by Table 7.1, The Essex Design Guide states that for any layout promoting these values they should be accompanied by appropriate speed restraint measures.

No such speed restraint measures appear to have been proposed in the Applicant design for Inworth Road Roundabout.

are concerned about the low values of SSD on the approach to and exit from the roundabout. The arm connecting to Inworth Road north of the roundabout is of particular concern and do not feel confident that even the value of 43m SSD has been achieved for this arm. In fact, the proposed back of verge and earthworks appear to encroach into the Park Farm boundary.

Inadequate SSD checks carried out by the Applicant only continue as far as the tie in of the new works with the existing Inworth Road. This does not show the full effect of the new works on SSD.

If SSD checks are continued further along Inworth Road a 43m SSD line would be obscured by the existing brick wall on the boundary of Park Farm. Over this length, visibility values at 5m intervals were measured, the results were as follows: 40.5m, 37.2m, 34.2m, 32.3m, 33.2m.

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

What makes this even more worrying for [REDACTED] is that there is an entrance to Park Farm immediately following this reduction in available visibility. This would make access and egress extremely hazardous for residents of Park Farm when vehicles approaching after leaving the roundabout will have very little forward visibility.

Exit visibility for Kelvedon Road, the eastern arm of the roundabout, does not seem to have been considered at all. In this case, values of SSD would fall to as low as 26m, with the 43m long visibility line crossing the DCO boundary into the adjacent property.

Oddly for approach roads that are supposedly designed to MfS standards for visibility, the Applicant have shown what at first sight appear to be DMRB standard forward visibility lines on the approach to the give way lines. Forward visibility lines of approximately 70m length (suitable for a 50kph design speed), have been shown for the Inworth Road arms to the north and south of the roundabout and for the Kelvedon Road approach.

This degree of visibility would not be compliant with DMRB standards.

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

Even this length of forward visibility would not be available from 1.5 x SSD distance in advance of the give way lines for these arms, as required by CD 109 paragraph 2.13 (6) (DMRB).

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

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

#### **Drainage works associated with B1023 Kelvedon Road at Inworth;**

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

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

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

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

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

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

█████ also wishes the Applicant to clarify why the original dDCO was submitted with such wildly inaccurate and misleading statistics.

\*\*

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

\*\*

Consultation documents specifically addressed in the proposed changes letter.

#### **Map Book 4. Flood Mitigation and Damage;**

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

#### **Flood Mitigation and Drainage Technical Note;**

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

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

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

The design remains fatally flawed.

#### **Map Book 5: B1023 Roundabout;**

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

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

**B1023 Roundabout Technical Note;**

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

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

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

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

**Prepared by** ██████

Submitted to the Examining Authority

Sent to national Highways 'The Applicant'.

[REDACTED]

Junction 19 Slip Road: As it is stated that there are no WCH changes, [REDACTED] has no comment to make.

Anglian Water Pumping Station: On the basis that the proposed change does not appear to affect any publicly accessible land, [REDACTED] has no comment to make

Replacement Land South of Witham: This would appear to refer to Open Space Area 8 in the "Replacement Land Statement" document included as one of the consultation documents. Paragraph 2.1.24 includes... "The proposed scheme will provide Replacement Land at Whetmead". The replacement land is not actually at Whetmead but in an adjacent currently arable field which National Highways are proposing to take for a drainage pond etc. The land would be adjacent to the slightly diverted Witham PROW 101 - which is not shown on the plans. It would be helpful if PROWs, cycleways and other publicly accessible open space were shown on the replacement land plans. [REDACTED] request confirmation that the proposed replacement land will be publicly accessible. Assuming that the replacement land IS publicly accessible then it could be more usefully located between Howbridge Hall Road and Witham PROW 95 / existing proposed replacement land parcels 8/33g, 8/33i, 8/1d, 8/17b, 8/1n, 8/19b & 8/41b on Plate 2.6 Open Space Area 8 - River Brain in the April 2023 updated Replacement Land Statement. [Note: Parcel 8/33f seems to have disappeared]. Adding the replacement parcel at this location would provide a continuous publicly accessible link between Howbridge Hall Road, a public highway, Witham PROW 95 and Maldon Road. Does the current draft DCO with these proposed changes, provide sufficient land & replacement land, to allow for the new Gershwin Boulevard WCH bridge to be moved slightly west as per representations made at the DCO hearings and in written submissions?

B1023 Flood Mitigation and Drainage: [REDACTED] has no comment to make provided that the proposed changes do not negatively affect any PROWs - specifically Messing-cum-Inworth PROW 15 - or other publicly accessible land or the width proposed to be available for pedestrians and cyclists along Inworth Road.

B1023 Roundabout Design: [REDACTED] would like to see detailed clarification as to how vehicles, including farm shop delivery vehicles, will enter & leave the properties on the east side of Inworth Road (Rowan Lodge, Hillside & Stonefields Farm shop & farm). Are vehicles, including delivery & farm vehicles, expected to drive along shared cycle/ footway? Also how the the existing bus stops by and opposite Hillside will be integrated - I wished to attach an annotated snip from the Essex Highways Interactive map but this does not seem to be possible with this consultation form .

Junction 25: [REDACTED] has no comment to make provided that the proposed changes do not negatively affect (e.g. make longer & more tortuous) any PROWs or other publicly accessible land.

Further Comments: It would be helpful if existing PROWs, cycleways and other publicly accessible land were shown on the plans, especially on the replacement land plans (e.g. on EP4-002 2.5 Updated Special Category Land Plans rev2 (April 23)). [REDACTED] request confirmation that the proposed replacement land will be publicly accessible.





Junction 19 Slip Road: No comment

Anglian Water Pumping Station: No comment

Replacement Land South of Witham: No comment

B1023 Flood Mitigation and Drainage: No comment

B1023 Roundabout Design: No comment

Junction 25: No comment

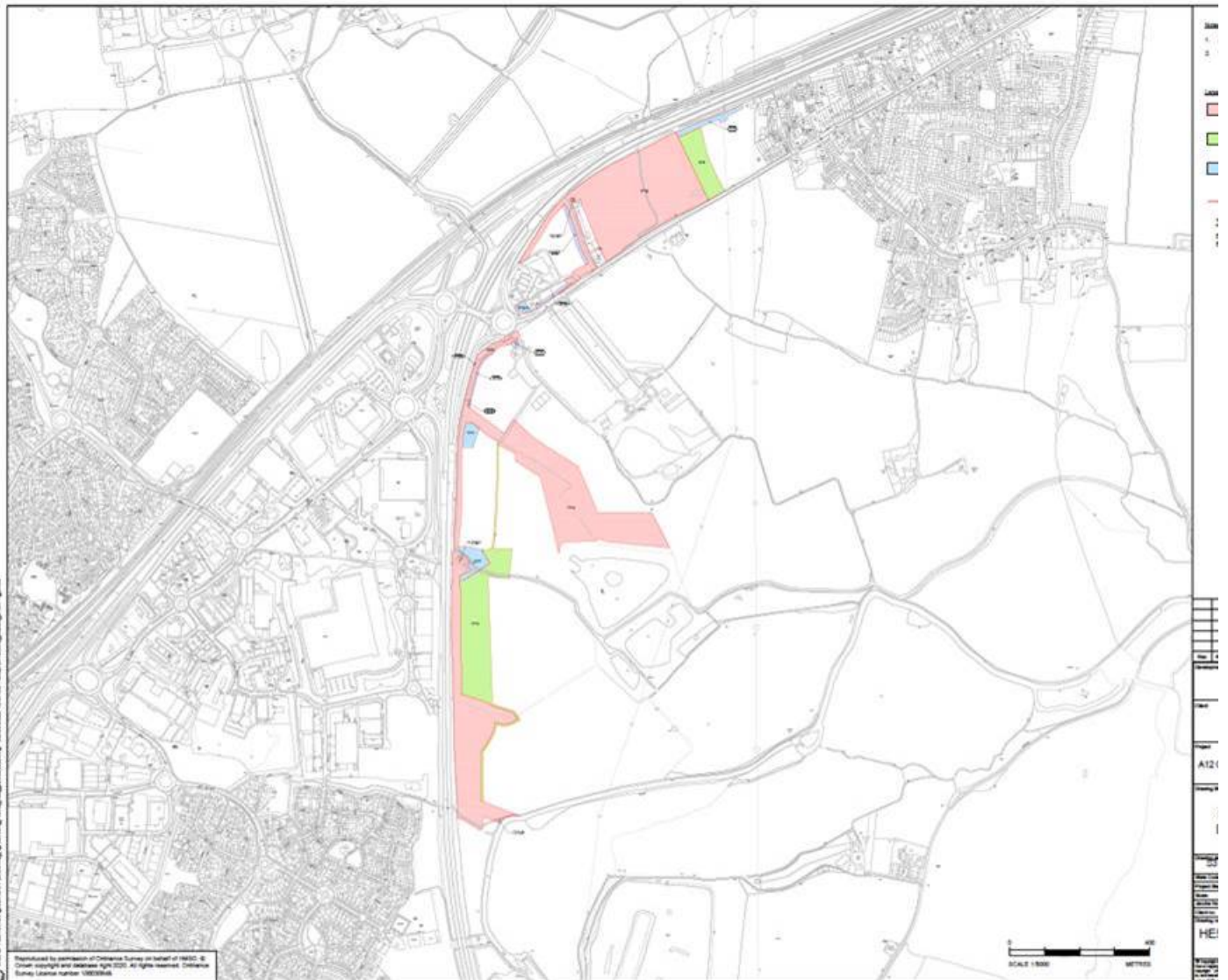
Further Comments: The [REDACTED] has continuing concerns as to the traffic management plans through the Terling Settlement and surrounding roads which have been detailed in our previous submissions to the Examining Authority. These country roads presently have a 60mph speed limit, apart from through the Terling village where it is 30 mph. At a recent webinar, NH advised it was continuing to work with Essex County Council (ECC) Highways on traffic management plan and consideration of speed restrictions during the reconstruction of the Station Road bridge in Hatfield Peverel. We have yet to any proposals by NH or ECC Highways. We would welcome early sight of these proposals for commentary; may we again stress this is an agricultural area with farm vehicles and associated servicing needed to have continued and unimpeded vehicular access to farms, fields and storage premises. This is ever more important at harvest times. The burden of increased traffic on these constricted roads will inevitably cause damage and destruction to road pavements at the edges, leading to failure of these surfaces and an increase in pot holes. We would encourage a condition survey of the roads being promoted for temporary diversion to have a CCTV condition survey prior to implementation of the temporary diversion(s). We continue to request the Examining Authority places a condition(s) relating to speed on the roads previously identified in any approval granted to the DCO application.

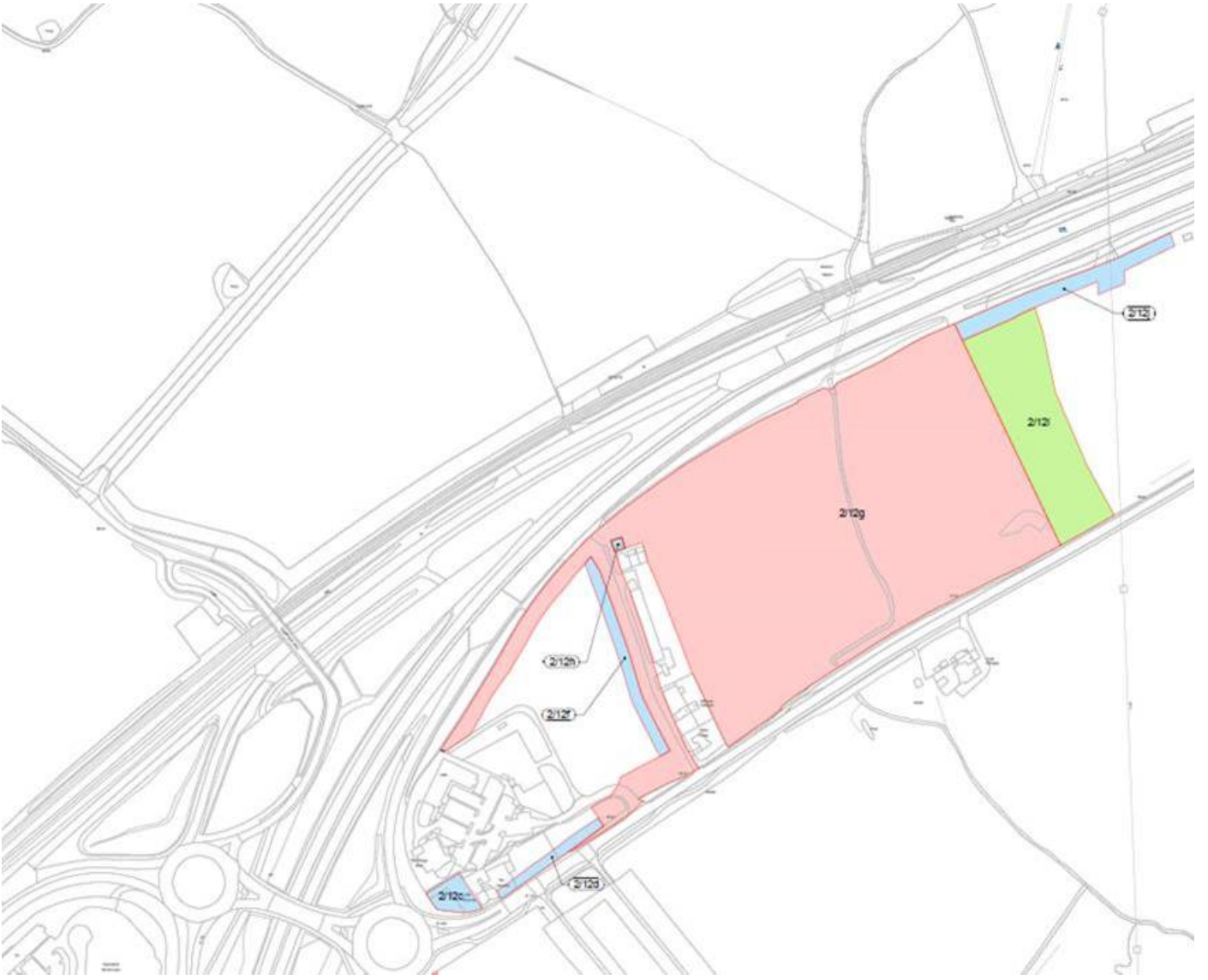
Informatives The [REDACTED] has made representations to the Examining Authority with these references:-  
Interested Party Ref RR 020; Deadline 2 submissions Reps 2-119,2-120, 2-121, 2-122

**From:** [Redacted] <[Redacted]@StruttAndParker.com>  
**Sent:** 12 May 2023 09:38  
**To:** A12 Chelmsford A120 wide  
**Subject:** A12 targeted consultation spring 2023 - feedback  
**Categories:** [Redacted] Tracked To Dynamics 365

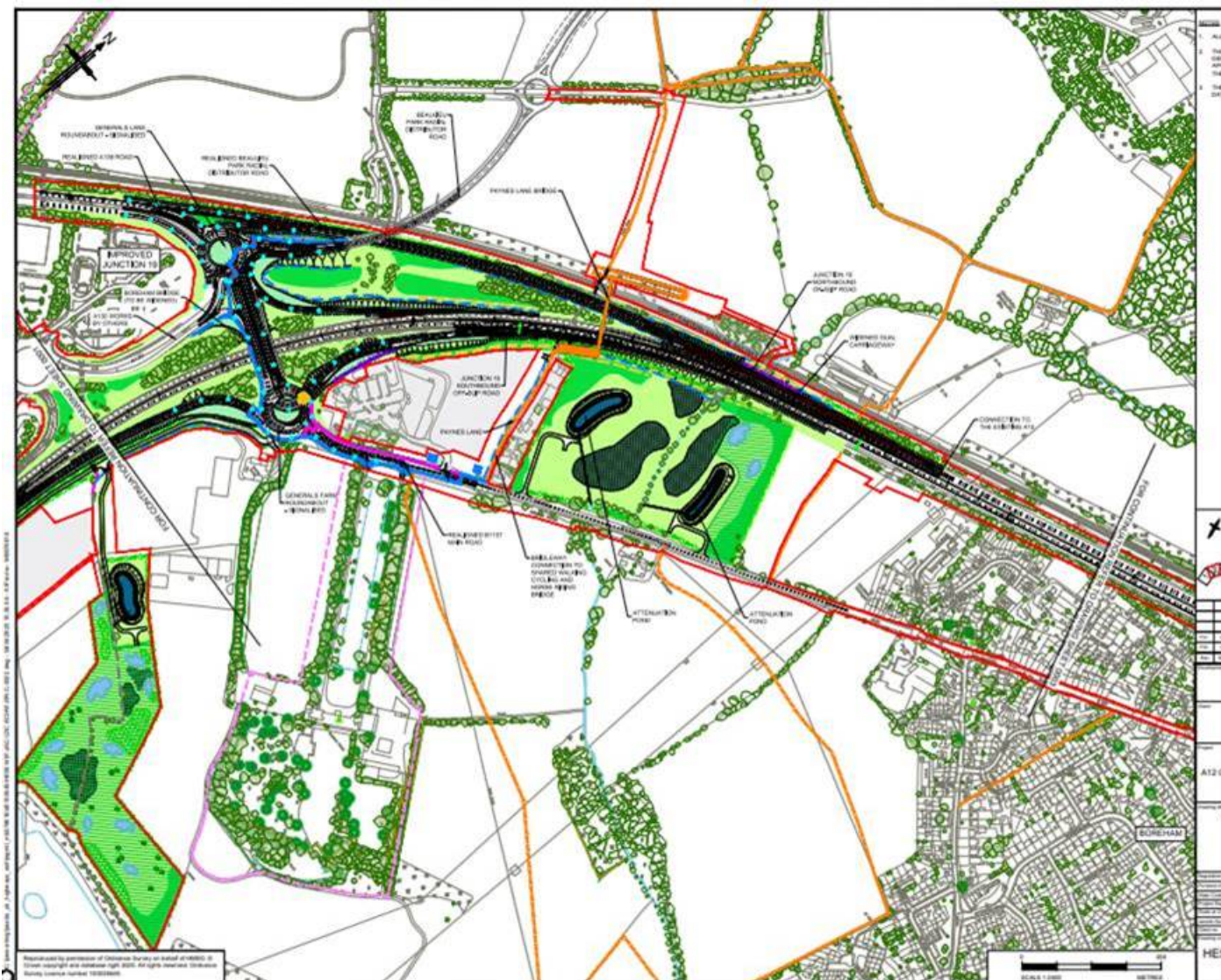
I am writing in response to the proposed Junction 19 slip road changes on behalf of [Redacted] landowners of [Redacted] Farm comprising land and property to the immediate south & east of junction 19 (Generals Roundabout). Approx. shown on the insert plan below.

Land Rights/Acquisition Plans as per [Redacted] Ownership





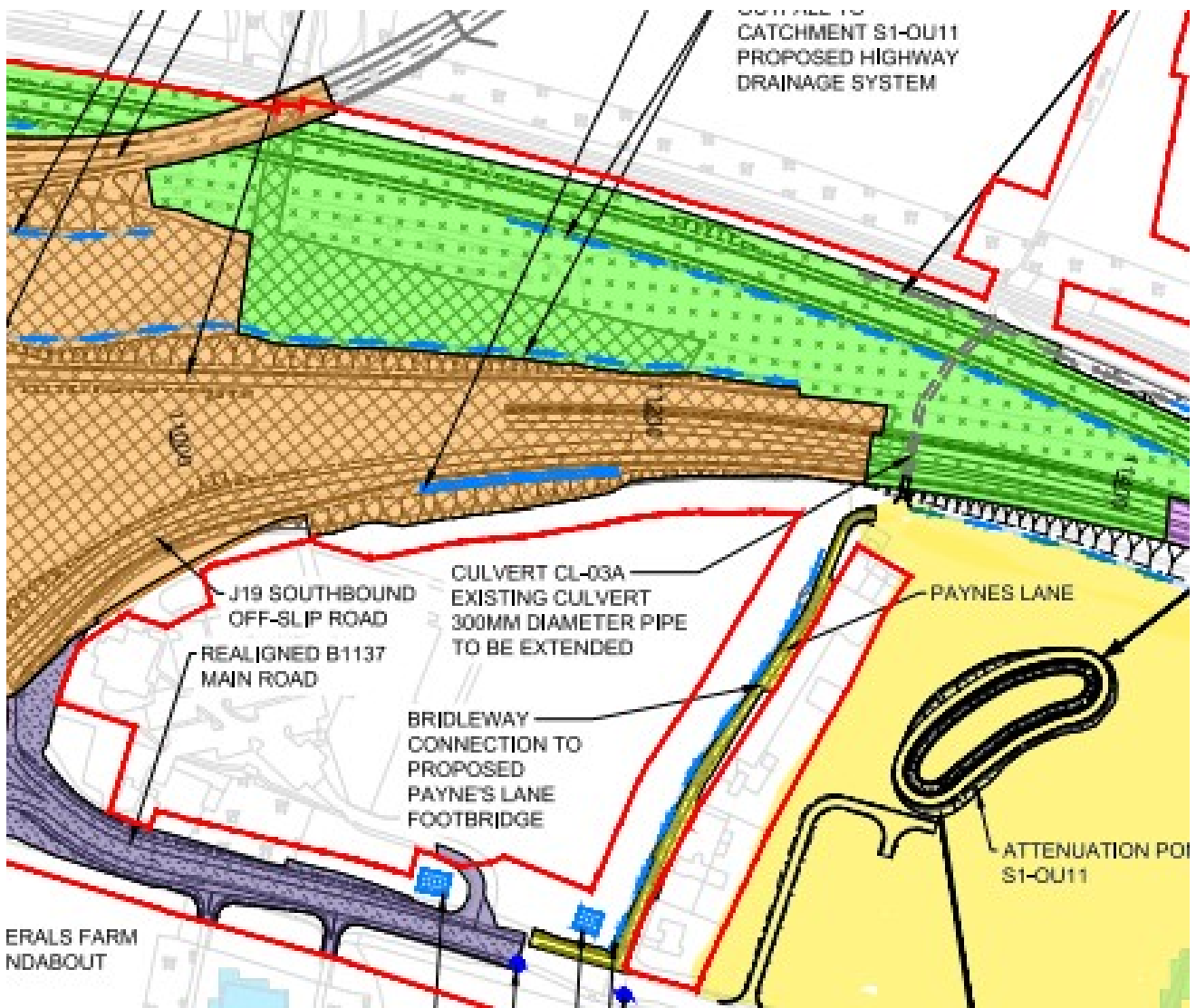
General Arrangement Plan Sheet 2 of 21



Our client has previously set out an objection to the Scheme based on the extent of land acquisition and allocation of ecological mitigation (not limited solely to these grounds).

Our question now is does the variation to Junction 19 slip road affect the extent of land take currently identified for my client land to the north of Boreham Road? Specifically it is my understanding that this change may alter drainage requirements and the need for attenuation pond ref S1-OU11 (as approx. highlighted yellow below). In turn if not required would this further reduce the land take and non-essential mitigation identified over this area. Our client would welcome this reduced land take as a result of this alteration.

Reduced Land Take further to drainage design from Junction 19 slip road changes



We would be grateful if the potential for this revised drainage plan and subsequent reduction in land take could be considered in your revised design.

This consultation response is without prejudice to our clients current objection to the scheme DCO submission.

Yours sincerely

**MRICS FAAV**

Director

Strutt & Parker, Coval Hall, Rainsford Road, Chelmsford, CM1 2QF

Direct: [REDACTED] Mobile: [REDACTED]

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For further details of Strutt & Parker please visit our web site

[REDACTED]

[REDACTED]

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**From:** [REDACTED] <[REDACTED]@yahoo.com>  
**Sent:** 13 May 2023 20:21  
**To:** A12 Chelmsford A120 wide  
**Subject:** JCT 20

**Categories:** [REDACTED]

Hello,

Letting you know of an issues near Boreham.

Came to know that jct 20 (southbound) is still proposed to be removed. As there are many housing developments at Maldon, It is more likely that traffic will increase from there and as it cannot go east from Maldon, it has to go west and likely onto the A12 . As proposals stand, it will come through Boreham towards an increasingly multi-road junction 19. In order to prevent a complete overload at jct 19, jct 20 (southbound) needs to remain in place. In order to prevent additional land purchase, a set of traffic lights could be used to allow traffic from Hatfield Peverel to cross the B1137 to access the A12 southbound (broadly as it is now). No more land from Crix House is needed. Boreham does not need additional traffic to join the soon to be mega busy jct 19 just before the A12 becomes a dual carriageway again.

Kindly consider these issues when planning the road closure.

Regards

[REDACTED]



Junction 19 Slip Road:

Anglian Water Pumping Station:

Replacement Land South of Witham:

B1023 Flood Mitigation and Drainage:

B1023 Roundabout Design:

Junction 25:

Further Comments: Will there be ready access to Maldon from Springfield while the A12 junctions are being altered? Or will there need to be a lengthy route through Chelmsford via the Army & Navy roundabout and the A414?



[REDACTED]

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**From:** [REDACTED] <[REDACTED]>  
**Sent:** 09 May 2023 23:12  
**To:** A12 Chelmsford A120 wide  
**Subject:** A12 / Gershwin Blvd bridge  
**Categories:** [REDACTED] Tracked To Dynamics 365

Dear Sirs

Further to my previous email:

I was reading one of the recent documents filed TR010060/EXAM/9.41 and was concerned at some of the comments:

It was confirmed by the applicant that in seeking to link 2 sections of footpath 121\_95 to the path to the left of the entrance of Olivers garden centre, there would be 200m or so that would be on the road. This section of road has 3 90 degree bends and the traffic zips along . It would be dangerous to walk this road. The applicant seemingly says it is not their problem as anyone walking it now already has that safety issue.

What the applicant fails to recognise is that there is no real pedestrian use of it at present. I have cycled that route and even that doesn't feel very safe. There is no way I would walk it, and to think that children may venture over the bridge and then decide to walk to the garden centre (to use the summer fun field / buy snacks - there being no other shops nearby, etc) on that stretch of road doesn't bear thinking about.

If the applicant is insistent on building a bridge in their proposed location they should only do so if it will not put users at risk during their onward journey.

They have alternatively said that walkers could link up with the old rail trail, but this would mean crossing Maldon Road near Blue Mills Hill. That also, is an unsafe place to cross unless a crossing is installed - which would cause more delays for traffic.

These plans are not thought through and not in the safety interests of users. Words cannot sufficiently demonstrate the safety issues, and the Inspectorate really should view the layout on the ground in person before exposing local residents to risk.

The applicant has said that the alternative route would present similar problems. What they fail to recognise however is that the sections of road at the end of Howbridge Hall Rd [HHR], are straight for sufficient distance and so visibility is much better. The bend is an open bend whereas on the original route 2 bends are blind bends. The verges may well present a similar problem, but at least with the much improved long distance visibility, it would be safer to cross Maldon Road there.

Personally, I do not see the benefit in reinstating this footpath (& presenting an opportunity for thoughtless children and adults from the Gershwin Blvd housing area to drop objects onto traffic on the A12), but if it is to be done in our name and with huge amounts of public money, it should at least present a safer onward route for its users. The applicant is completely wrong in saying the visibility at the end of HHR is just as bad as the original route. That is either a complete misunderstanding of the 2 sites or is a deliberately inaccurate statement. They seek to minimise

the safety problems they will cause with the original route and suggest the alternative route is as unsafe. Both of these points are just wrong.


It is said that the visual impacts on houses in Olivers Drive can be mitigated. However the applicant's own statements say that it will still be a moderate impact after 15 years i.e. once new trees have grown. That is not true mitigation. The plans suggest that the bridge will be higher than the rooftops of the very nearby houses (the A12 being on an embankment at that point). How can they possibly mitigate against that size of structure - both to Olivers Drive and to Halfacres?

The alternative site at least moves the bridge much further away from the closest housing, sites it off the estate spine road rather than a quiet cul de sac, as well as providing a safer onward route on the other side. If there is an absolute need for the bridge I commend the alternative site/route to the Inspectorate.

Yours faithfully

Mrs [REDACTED]

[REDACTED]



## A12 widening – Gershwin Boulevard bridge

The Inspectorate seem to have decided that the alternative route (route 2) for the foot/cycle bridge over the A12 has no benefits over the original proposed route (route 1) across the green space at the end of Olivers Drive.

We should have a right of reply to that supposed decision that should be taken into account by the Inspectorate.

1. The current route of the footpath as it leaves Howbridge Hall Lane (HHL) is a diversion from its original route. It now goes through 2 residential streets and if it would link up with a bridge at route 1 it would mean that users have to cross 2 roads between HHL & the bridge
2. If the path were rerouted up the link path (which is wide enough to include a cycle path too) to Gershwin Boulevard and then run down to the bend in Gershwin to link up with a bridge there, it would be a safer and more sensible route. When you think of families with young children using the route it makes much more sense not to have to cross roads – particularly Olivers Drive where it has a blind bend.
3. The path was rerouted once (when the houses in Olivers were built) and so there is a precedent as well as a common sense approach to reroute it to link up with Gershwin, now.
4. The green space at route one is an amenity open space for lots of residents in the wider Maltings Lane area. It is used at all times of the day for dog walkers where it forms one of the few areas unbounded by roads for its majority, that can be used to exercise dogs in the whole of South Witham. It is regularly used by children for sport and exercise, and is a safe space for local children to play, again away from roads. To lose any of that amenity space will be a very real loss in an area that does not have a park nearby, apart from the safety hazard of people being able to access that play area from the other side of the A12, making the space much less safe for children.
5. Were the bridge at route 2, all the amenity space at route 1 would be retained for the benefit of Witham south residents, whereas the land that would be taken up by route 2 is of little use at present and would be no great loss if it were built on. I understand that it has not been purchased as yet but that surely is easily resolved. If, we the public, are going to have *our* money spent on something that is not currently deemed necessary by the majority, then at least spend the money sensibly and not ruin a very loved and used area at present.
6. Route 1 links to an area the other side of A12 that presumably is intended to link up to the footpath down the side of Olivers Garden Centre on the other side of Maldon Road. However, to do so would mean walking along and across a dangerous road and crossing it by a notorious blind bend where traffic often whips round. It is an accident waiting to happen unless a further bridge is built to cross that road.
7. Route 2 would link to the existing Howbridge Hall Road (HHR) which is a track linking 1 farm to Maldon Road. The point at which it, and therefore the new path, would meet Maldon Road is at the open bend where you get a long view in both directions. It is a much safer

place to cross than at the blind bend further up Maldon Road. The owner of the garden centre has said he would allow a permissive path at the HHR end of his land and which would have the benefit that the path could be run up to James Cooke Wood which is woodland operated by Witham Town Council for the benefit of all residents. It currently is not safely accessible on foot from Witham, and only has a car park for 4/5 vehicles. Building a bridge at route 2 and working with the owner of Olivers would actually open up the wood for use by many more users who could then walk to get there.

8. Mention has been made that impact on residents would be the same for both schemes but this seems to be a complete misunderstanding. Route 1 would be directly by the local houses and would also mean that the trees that to some degree screen the A12, would be removed and so the residents of Olivers Drive and would have the triple whammy of the sight of the bridge, the removal of the green space and the increased visibility & noise from the A12 due to the gap in the bank of trees. A bridge at Route 2 would be more remote from the closest houses, and if sited behind the pumping station some of it would be partly obscured in any case and would be easier to screen with trees there. Gershwin Blvd is the spine road for the estate through which traffic is directed to get to /from the A12. It has a 40mph speed limit along much of its length, It is a route designed to carry much traffic. Residents who purchased houses by it knew that when they purchased them. The residents of Olivers & Halfacres however, purchased houses in very low traffic cul de sacs bordering onto the green space. If a bridge has to be built anywhere, why build it by the cul de sacs than the area where it is already has a through route, a wider road and is not directly by the houses. There has been mention that the houses right over the other side of the lake would be affected, but that is much much further away – whereas the location of route 1 is very close to the houses. The comment seems to completely misunderstand the local geography and frankly is completely wrong.
9. We were advised in writing by the project team a few years ago that the Eastern half of grass area running from Ashby Close and down past Halfacres to Olivers Drive was classified under the project as a Noise Important Area and that trees would be retained to mitigate the increased road noise and pollution. Now it seems a large swathe of those trees will be removed, which will give a direct view of the A12 (as well as a substantial bridge) from that Eastern end, increase the audible traffic noise and reduce the effect the trees have on the air pollution. We were told there would be no noise barrier installed and now we are told there will be a large gap in the trees. All because the Inspectorate are unwilling to properly consider the alternative route from Gershwin Boulevard (which is quite ironic since it is being referred to as the Gershwin Blvd Bridge!) and seem to have dismissed it largely out of hand. What mitigation will be introduced to reduce the noise of traffic to the Noise Important Area?
10. The documents seem to admit that the visible impact of a bridge at route 1 will be very significant for 15 years and even then only reduce to moderate. Fifteen years! And that only if the trees are properly maintained (will the project team replant any that fail or are vandalised) and even then at the cost of a large part of the amenity space having been lost and the use of what is left, spoilt by the increased noise.

The officials making these decisions which will have long term detriment to local residents should remember they are public officials and should be acting in the interests of all the public, and not

treat the public like they are irrelevant and to be ignored, and be swayed by facts like the alternative land has not yet been purchased.

Inspectors should visit the site again – on both sides of the A12 – and meet with local residents. This is not something that can be done properly looking at maps.

This whole idea of building a bridge seems to be so that a tick can be put in a box of reinstating lost footpaths, but the way it is being considered is in danger of creating a very expensive bridge to nowhere, and at worst presents a significant risk of death and critical injuries to those who follow the path and then decide to try and cross Maldon Road where it really is not safe to do so. If huge amounts of public money are being spent on something that someone in an office has decided is necessary then the least you can do is let the local public decide where it makes most sense to build it, not foist a dangerous path & bridge in a location that is more obtrusive & disruptive to local residents and open space users. A footpath needs to lead somewhere otherwise it serves no purpose. Clearly paths can be rerouted as this one was when houses were built blocking off HHL. It makes sense now to reroute it again to cross the A12 slightly further along from near the bend in Gershwin Blvd and link to HHR on the other side and then on to a much safer point to cross Maldon Road. There is no point, ticking the box of reinstating a path if by doing so you reduce current amenity space at a time when children and all of us are being encouraged to get more active and need open space to do that – so solving one problem and causing another, let alone the increased pollution caused which will be a problem needing to be addressed in the future.

Yours faithfully

Mrs 

[Redacted]

**From:** [Redacted] <[Redacted]@hotmail.com>  
**Sent:** 13 April 2023 23:20  
**To:** A12 Chelmsford A120 wide  
**Subject:** Boreham A12 Widening your ref : TRO 10060

**Categories:** [Redacted]

Dear all,  
I have just received notification of a few fairly minor amendments to the above scheme. I have no issue with them.  
I do have an issue in that jct 20 (southbound) is still proposed to be removed. Given the housing developments at Maldon, it seems that it is more than likely that traffic will increase from there and as it cannot go east from Maldon, it has to go west and likely onto the A12 at some point. We cannot assume traffic headed London bound will head in the wrong direction to come back on itself so as proposals stand, it will come through Boreham towards an increasingly multi-road junction 19 (or via back roads/protected lanes of Boreham to jct 18).  
In order to prevent a complete overload at jct 19, jct 20 (southbound) needs to remain in place. In order to prevent additional land purchase, a set of traffic lights could be used to allow traffic from Hatfield Peverel to cross the B1137 to access the A12 southbound (broadly as it is now). No more land from Crix House is needed. Boreham does not need additional traffic to join the soon to be mega busy jct 19 just before the A12 becomes a dual carriageway again.

Kind regards,

[Redacted Signature]