

A12 Chelmsford to A120 widening scheme

TR010060

9.66 Gershwin Boulevard Issue Summary Note

Rule 8(1)(k)

Planning Act 2008
Infrastructure Planning (Examination Procedure)
Regulations 2010

Volume 9

June 2023

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning
(Examination Procedure) Rules 2010

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

Gershwin Boulevard Issue Summary Note

Regulation Number	Rule 8(1)(k)
Planning Inspectorate Scheme Reference	TR010060
Application Document Reference	TR010060/EXAM/9.66
Author	A12 Project Team and National Highways

Version	Date	Status of Version
Rev 1	12 June 2023	Final for Deadline 6

CONTENTS

1 Introduction1

2 Background1

2.1 Scheme design of the bridge1

2.2 Consultation process2

3 Investigation of alternative design4

3.1 Alternative Design.....4

3.2 Land and access assessment.....4

3.3 Highway and public right of way assessment5

3.4 Environmental assessment6

Landscape and Visual6

Ecology6

Noise7

Air Quality.....7

4 Summary of local authority position9

4.1 Essex County Council.....9

4.2 Braintree District Council9

5 Summary of areas of objection and Applicant position10

5.2 Adequacy of consultation.....10

5.3 Use of existing footpath10

5.4 Classification of bridge upon opening11

5.5 Location of bridge11

5.6 Removal of trees (visual impact).....11

5.7 Noise and air quality12

5.8 Loss of amenity land.....13

5.9 Disruption during construction13

5.10 Emergency services.....13

5.11 Anti-social behaviour.....14

5.12 Onwards connectivity.....14

6 Opportunities and benefits15

6.2 Connectivity to replacement land15

6.3 Connection to Olivers Nurseries and James Cooke Woods15

7 Conclusion.....17

LIST OF PLATES

Plate 2.1 Applicant’s proposal for Gershwin Boulevard bridge2
Plate 3.1 Alternative location for Gershwin Boulevard bridge4
Plate 3.2 Land plans within vicinity of Gershwin Boulevard Drive5

1 Introduction

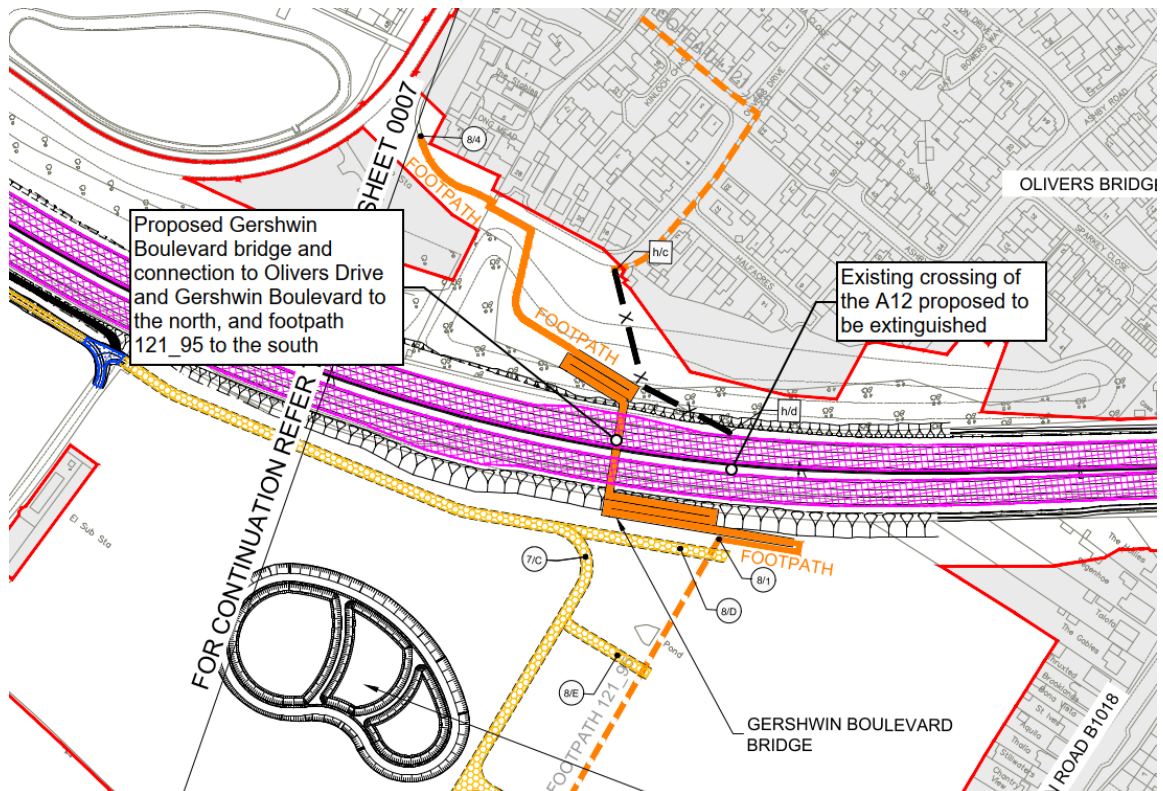
- 1.1.1 This technical note has been prepared to document the matters raised during the examination period in relation to Gershwin Boulevard bridge and outline the Applicant's position on each matter.
- 1.1.2 This note should be read in conjunction with technical note Gershwin Boulevard Bridge [REP3-011].

2 Background

2.1 Scheme design of the bridge

- 2.1.1 The proposed Gershwin Boulevard bridge's primary purpose is to reconnect the existing footpath 121_95 north and south of the A12 which was in effect severed by the construction of the Witham bypass section of the A12. Although an informal gap within the central reserve safety barrier of the A12, and steps allowing pedestrians to access the A12 main carriageway currently exists, as part of the proposed scheme's operational regime pedestrians will be banned from the A12 in this section. Taking Section 136 of the Planning Act 2008 into account, the Applicant is proposing that an alternative public right of way will be provided by this new bridge due to the legal severance of footpath 121_95. Although shown to be designated as footpath on the relevant plans due to the classification of footpath 121_95 on either side, the proposed Gershwin Boulevard bridge would be designed to allow its reclassification to cycle track or bridleway in the future should the surrounding network be upgraded by the Local Highway Authority. The bridge proposal is shown on Plate 2.1.

Plate 2.1 Applicant's proposal for Gershwin Boulevard bridge



- 2.1.2 Footpath 121_95 continues south and merges with Maldon Road for a short length in the vicinity of a number of premises and residences, and then past James Cooke Wood and footpath 268_7 which runs parallel to the River Blackwater.
- 2.1.3 Replacement land approximately 2.1ha in area is proposed south of the A12 at Gershwin Boulevard bridge, which would also provide a connection to Maldon Road near to Olivers bridge, via the open space to be provided.
- 2.1.4 To the north of the existing A12, footpath 121_95 runs along Olivers Drive to provide local connectivity. A 3m wide path would be provided between Olivers Drive and the new Gershwin Boulevard bridge to provide a connection between the existing footway along Gershwin Boulevard and footpath 121_95 south of the A12.

2.2 Consultation process

- 2.2.1 The statutory consultation on the proposed scheme ran from Tuesday 22 June to Monday 16 August 2021, a period of 55 days. This consultation included six public events, including two in Witham, and six online webinars. An extensive letter drop took place, advertising the consultation to over 33,000 households in the area, this included residents of Gershwin Boulevard, Olivers Drive, Maldon Road and the surrounding area.
- 2.2.2 Press releases were issued to local and national news outlets and notices were published in both local and national newspapers across two weeks. A virtual events space was set-up on the National Highways website where stakeholders

could view consultation material and provide comment 24 hours a day during the consultation period.

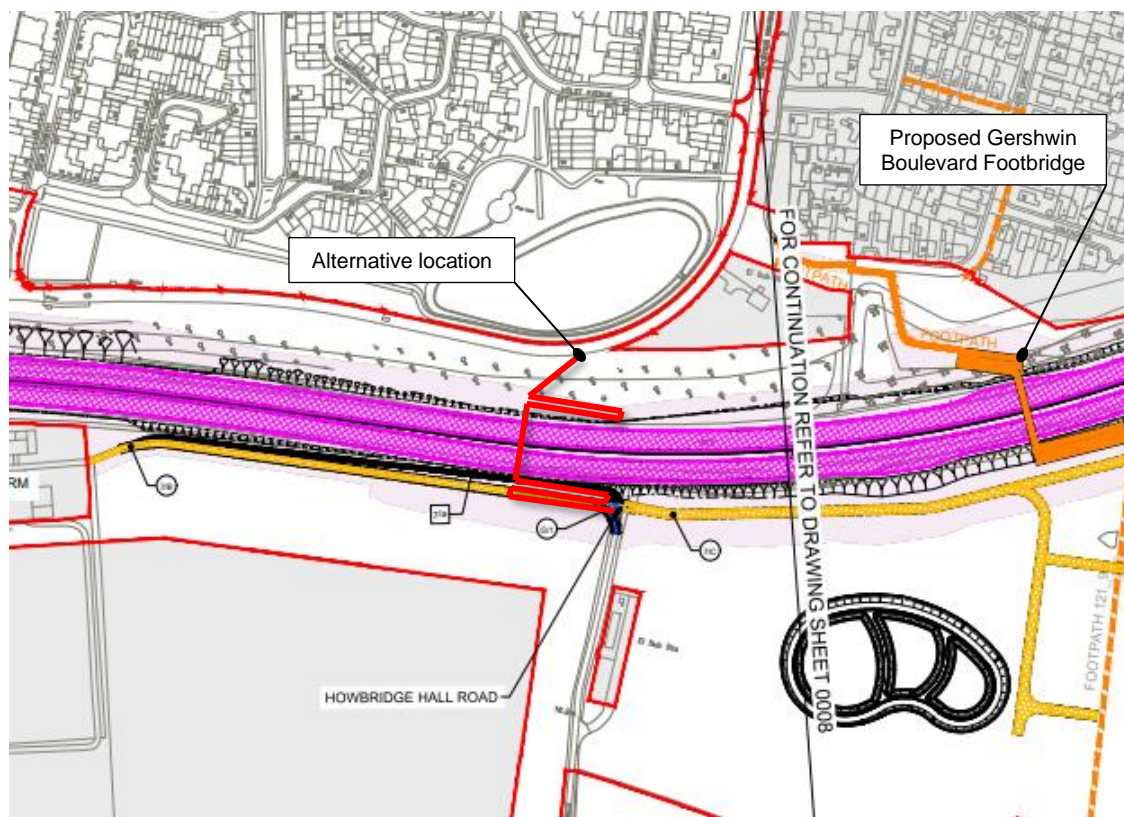
- 2.2.3 As part of the statutory consultation, the proposed Gershwin Boulevard bridge was shown on the plans illustrating the proposals in map books, which were available on the scheme website and at the 14 pick-up points along the route, including Witham Library. Consultation brochures, response forms and technical documents, such as map books, were available on USB memory sticks at these locations. The indicative proposals for Gershwin Boulevard bridge were shown in a flyover video, which was available on the scheme website.
- 2.2.4 A supplementary consultation on the proposed scheme ran from Tuesday 9 November to Sunday 19 December 2021, a period of 41 days. This consultation included three public events, including one in Witham, and three online webinars. An extensive letter drop took place, advertising the consultation to over 33,000 households in the area, this included residents of Gershwin Boulevard, Olivers Drive, Maldon Road and the surrounding area.
- 2.2.5 Press releases were issued to local and national news outlets and notices were published in both local and national newspapers. A virtual events space was set-up on the National Highways website where stakeholders could view consultation material and provide comment 24 hours a day during the consultation period.
- 2.2.6 As part of the supplementary consultation, the proposals for Gershwin Boulevard bridge were included in the updated General Arrangement Plans and it was noted as one of the Category 3 changes annotated within these plans, due to a more developed ramp geometry being shown. These plans were available through the consultation scheme website and from 15 pick-up points along the route, including Witham Library.

3 Investigation of alternative design

3.1 Alternative Design

- 3.1.1 An alternative location for the new bridge has been suggested by Interested Parties. The suggested alternative location for the bridge is approximately 300 metres to the west of the proposed location, crossing the A12 from the south-eastern corner of the Maltings Lane development between Gershwin Boulevard to the north of the A12 and Howbridge Hall Road to the south of the A12.
- 3.1.2 The suggested alternative location for the new footbridge suggested by Interested Parties is annotated on Plate 3.1.

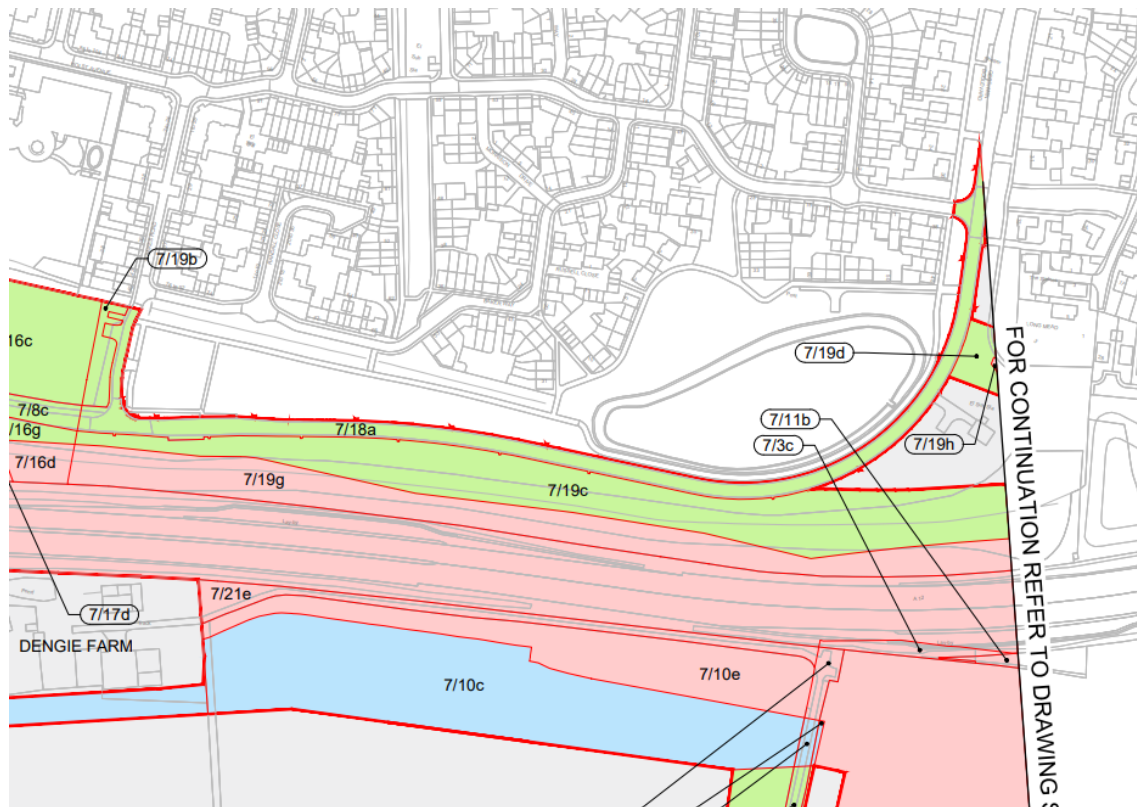
Plate 3.1 Alternative location for Gershwin Boulevard bridge



3.2 Land and access assessment

- 3.2.1 The alternative location for the new bridge is proposed to connect to Gershwin Boulevard south of an existing pond. This section of the proposed design is not within the proposed scheme's permanent land take as shown in Plate 3.2 (see plot 7/19c and 7/18a on sheet 7 of the Land Plans [REP4-005] for further details).

Plate 3.2 Land plans within vicinity of Gershwin Boulevard Drive



- 3.2.2 The proposed northern ramp would land within a group of semi mature trees which includes highway planting and trees for the screening of development, with no existing crossing. To implement a crossing at this location, land to the north of Gershwin Boulevard would be required which is outside of the proposed scheme's permanent acquisition.

3.3 Highway and public right of way assessment

- 3.3.1 As part of the improvement works, the proposed scheme is designed to exclude pedestrians from the A12 between junctions 21 and 25. There is an existing public right of way 121_95 which approaches the A12 in the vicinity of the proposed Gershwin Boulevard bridge and then continues to Olivers Drive; this arrangement is shown on Plate 2.1 above and the Streets, Rights of Way and Access Plans [AS-027 and AS-028]. The proposed bridge connects the existing public right of way as an alternative, safe crossing as it would no longer be possible to cross the A12 at grade here once the proposed scheme is complete.
- 3.3.2 The alternative proposal relocates the crossing 300m west, and whilst the Applicant sees potential merit in the creation of a new footpath west of the proposed bridge, 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, with no clear onward facility, and would not be considered by the Applicant to provide enhancement to the existing local Public Right of Way

network. Additionally, relocating the proposed bridge to the alternative location would result in a further 550m to 600m of diversion to the existing Public Rights of Way.

3.4 Environmental assessment

Landscape and Visual

- 3.4.1 Appendix 8.4 Arboricultural Impact Assessment [APP-122] identifies the vegetation in the vicinity of both bridge locations, between the A12 and the southern edge of Witham, as a linear group of semi mature trees which includes highway planting and trees for the screening of development. The group is assessed as category B, trees of moderate quality and value. None of the vegetation at either location is designated.
- 3.4.2 Key visual receptors of Gershwin Boulevard bridge comprise: users of PRow (footpath 121_95) which runs north and south of the A12; residents within private properties; users of the publicly accessible amenity land on the southern edge of Witham, north of the A12; and residents along Maldon Road, south of the A12.
- 3.4.3 Key visual receptors that would be affected by a footbridge at the suggested alternative location would comprise residents on the southern edge of Witham, primarily north of Gershwin Boulevard where it runs parallel with the A12 and at the southern end of Howbridge Hall Road.
- 3.4.4 Whether the proposed Gershwin Boulevard bridge is provided in the proposed location or at the suggested alternative location, a similar amount of vegetation that screens the A12 would need to be removed. At the suggested alternative location, due to the presence of the Gershwin Boulevard and a lake north of it, there would be limited opportunity to replace lost vegetation and mitigate open views across the lake that would be experienced by residents in this area (refer to photograph from illustrative viewpoint GB-VPB in Figure 2 [REP3-011]). 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.
- 3.4.5 Although there are fewer visual receptors south of the A12 at the suggested alternative location when compared with at the Applicant's proposed location, the visual effects on visual receptors to the north of the A12 would be similar. 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.

Ecology

- 3.4.6 The proposed alternative location of Gershwin Boulevard bridge 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]. Active ecology receptors have been identified in proximity to

both the proposed option and alternative option, therefore there is no change in the assessment.

- 3.4.7 It is considered likely that changing the location of Gershwin Boulevard bridge to the alternative location proposed would result in a small decrease in the amount of hawthorn scrub lost, but this would not change the effects reported in the Environmental Statement. It is also likely that there would be a decrease in the number of trees lost to enable construction of the bridge at the alternative location. However, as the original location was not associated with barn owl or bat roost features, this does not change the assessment within the Environmental Statement Chapter 9: Biodiversity [APP-076].
- 3.4.8 No new effects on sensitive receptors have been identified from the proposed alternative location of Gershwin Boulevard bridge, and as such there are no changes to the mitigation proposed within Section 9.10 of Environmental Statement Chapter 9: Biodiversity [APP-076].
- 3.4.9 Given the potential impact from the alternative location of Gershwin Boulevard bridge 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].

Noise

- 3.4.10 The proposed alternative location of Gershwin Boulevard bridge would not change the assessment of effects with respect to noise sensitive receptors assessed within Environmental Statement Chapter 12: Noise and vibration [APP-079].
- 3.4.11 There were no adverse effects predicted during the construction of Gershwin Boulevard bridge, and with the proposed alternative location of Gershwin Boulevard bridge this would remain the same.
- 3.4.12 During operation there were significant beneficial effects predicted in this area and these are shown on Environmental Statement Figure 12.5: Operational noise significant effects (mitigated scheme) [APP-232]. These significant beneficial effects would be unchanged with the proposed alternative location of Gershwin Boulevard bridge.
- 3.4.13 The level of noise experienced within Defra Noise Important Area 5415 would be unchanged between the two locations.
- 3.4.14 Since no new effects on sensitive receptors have been identified from the proposed alternative location of Gershwin Boulevard bridge, there would be no changes to the mitigation proposed within Section 12.10 of Environmental Statement Chapter 12: Noise and vibration [APP-079].

Air Quality

- 3.4.15 The proposed alternative location of Gershwin Boulevard bridge would not change the assessment of effects with respect to air quality sensitive receptors assessed within Environmental Statement Chapter 6: Air Quality [APP-073].

- 3.4.16 Modelling of the air pollution at the closest human health receptor R57 indicated that the annual mean NO₂ would be 18.7 µg/m³ in the peak construction year 2025. This result is less than 50% of the annual mean standard of 40 µg/m³. This outcome was predicted during the construction of the Gershwin Boulevard bridge. The same outcome is anticipated with the proposed alternative. The full set of air quality results are provided in the Environmental Statement Appendix 6.5: Air Quality Modelling Results [APP-104]

4 Summary of local authority position

4.1 Essex County Council

4.1.1 At Deadline 5, Essex County Council expressed that it had no objection to the Applicant's proposed location for Gershwin Boulevard bridge [REP5-033]. The council is supportive of a cycle connection from Gershwin Boulevard bridge to Howbridge Hall Road to provide access to cycle routes south of the A12.

4.2 Braintree District Council

4.2.1 Braintree District Council stated in their response to Issue Specific Hearing 3 [REP5-026] that they are supportive of a link to reconnect footpath 121_95 as, post-construction, it would allow increased opportunities for residents to access the open countryside and undertake circular walks with related health and green infrastructure benefits for the local population. Braintree District Council has reviewed the Applicant's proposed location and the alternative proposed location and has expressed a neutral position on the location of the bridge.

5 Summary of areas of objection and Applicant position

5.1.1 The Applicant has summarised the objections received throughout the examination process regarding Gershwin Boulevard bridge and provided a statement to confirm the Applicant's position on these objections.

5.2 Adequacy of consultation

5.2.1 A number of Interested Parties have commented that they were not aware of the Applicant's proposal for the Gershwin Boulevard bridge prior to the submission of the DCO application and commencement of the examination period.

5.2.2 The Applicant has provided details of the extensive consultation that was undertaken in 2021 in Section 2.2 of this note. Residents of Gershwin Boulevard, Olivers Drive, Maldon Road and the surrounding area were included in this consultation, the proposals for Gershwin Boulevard bridge were demonstrated in the consultation documents and responses were received from some residents in these locations.

5.3 Use of existing footpath

5.3.1 Interested Parties have raised that the existing public right of way 121_95 crossing of the A12 has not been useable since the opening of the A12 Witham bypass in the 1960's. The Interested Parties have raised that during the 60 years from when the crossing was severed to present day, a replacement crossing of the A12 has not been requested or desired by the residents, therefore it should not be required now.

5.3.2 As outlined in Section 2.1, the Applicant is proposing to divert the right of way for pedestrians between footpath 121_95 either side of the A12 with the new bridge providing a safe location to cross and allowing for the stopping up of the existing crossing of the A12 on the level. To facilitate the widening of the A12 in this location, the existing steps and central reserve barrier gap are proposed to be removed and a length of footpath 121_95 would need to be stopped up. Owing to the nature of the proposed scheme, the standards for its design require that pedestrians are prohibited from the altered A12. This would effectively confirm the current practical severance of the existing right of way owing to the volume of traffic and the safety concerns for pedestrians along with other classes of road user as described in DMRB GD300 who try to use the current legally permissible route. While this prohibition is primarily related to preventing pedestrians walking alongside the A12, it would also have the effect of prohibiting use of the current crossing of the A12 via the provided steps and central reserve barrier gap.

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

diversion route in accordance with paragraphs 2.9 and 5.205 of the National Policy Statement for National Networks (NNNPS). The proposed Gershwin Boulevard bridge removes the current barrier to non-motorised users wishing to cross the A12 and provides a safe, enhanced connection to undertake journeys from Witham to areas south of the A12. The Applicant therefore considers that the Planning Act 2008 and NNNPS policy tests are met.

5.4 Classification of bridge upon opening

- 5.4.1 There has been some confusion around the classification of the Gershwin Boulevard bridge upon opening that has led to Interested Parties raising concerns about this being a shared use walking, cycling and horse riding bridge.
- 5.4.2 The concern is that cyclists and horse riders will use residential streets to access the bridge.
- 5.4.3 Public right of way 121_95 is currently classified as a footpath and the nearby onward routes 121_107, 121_124 and 121_90 north of the A12 through Witham, and 121_96 south of the A12 are also classified as footpaths. As there are no onward cycling or horse riding routes in this area, the Applicant has proposed that the new Gershwin Boulevard bridge be dedicated for pedestrian and wheelchair use only.
- 5.4.4 The bridge has been designed to accommodate cyclists and horse riders in the future, however the Applicant is not proposing to designate this as a shared use bridge. If in the future the local authority plans were to include additional cycle/bridleways in the area, the proposed bridge would facilitate a route here. As the bridge has a design life of 120 years and the only difference between a walking bridge and an equestrian bridge is the parapet height, the Applicant agreed with Essex County Council that designing the bridge to accommodate equestrian use in the future would be an appropriate future-proofing solution.

5.5 Location of bridge

- 5.5.1 The location of the bridge has been questioned by Interested Parties and as described in Section 3, an alternative location has been proposed to cross the A12 in the vicinity of Howbridge Hall Road.
- 5.5.2 The Applicant has undertaken an assessment of this alternative location to understand the visual and ecological impact of the alternative location compared to the Applicant's proposed location.
- 5.5.3 As explained in Section 3, the alternative proposal does not resolve the concerns raised by the community but instead relocates the impacts on the receptors while increasing the diversion length of the public right of way that is being diverted.

5.6 Removal of trees (visual impact)

- 5.6.1 Some vegetation loss would be required to construct the proposed Gershwin Boulevard bridge as illustrated on Sheet 8 of the Retained and Removed Vegetation Plans [APP-035]. Interested Parties have raised concerns about the

loss of trees in the vicinity of the bridge and the visual impact this might have on nearby residents. 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.

- 5.6.2 The Applicant has assessed the visual impact of the proposed Gershwin Boulevard bridge location in the Gershwin Boulevard Technical Note submitted at Deadline 3 [REP3-011].
- 5.6.3 The Applicant has made a commitment in LV4 of the Register of Environmental Actions and Commitments [REP4-023] to retain as far as reasonably practicable existing vegetation, in particular mature vegetation, within the Order Limits including temporary works areas. Mitigation planting is shown on Figure 2.1 Environmental Masterplan Part 1 Sheet 8 [APP-086] and Figure 2.2 Illustrative Cross Sections Part 1 Sheet 5 Section D-D [APP-089] of the Environmental Statement. Illustrative Cross Section D-D shows the relationship between residential properties in Witham and the proposed Gershwin Boulevard bridge and proposed planting. During detailed design the inclusion of evergreen species, larger stock and fast-growing species would be considered to provide early establishment and screening.
- 5.6.4 As explained in paragraph 3.4.5, although there are fewer visual receptors south of the A12 at the suggested alternative location when compared with the Applicant's proposed location, the visual effects on visual receptors to the north of the A12 would be similar. 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.

5.7 Noise and air quality

- 5.7.1 Some Interested Parties are concerned that the removal of trees to facilitate the construction of the Gershwin Boulevard bridge will result in an increase in air pollution and noise that would affect properties within the vicinity of the bridge.
- 5.7.2 While the Applicant acknowledges the importance of trees and vegetation for their visual and landscaping effects, the assessment of air quality does not consider trees and vegetation to have beneficial effects. The benefits of trees as a method for reducing air quality concentrations from sources such as roads is limited. This is because air and pollutants can still flow through the trees (ie a permeable barrier) unlike solid barriers. As such trees are not typically considered as an air quality mitigation measure.
- 5.7.3 Similarly, the Applicant does not consider that the removal of some of the trees to accommodate the proposed Gershwin Boulevard footbridge would change the propagation of noise. The use of shrubs or trees to reduce noise has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation. This is not the case for the majority of the vegetation between the dwellings and the A12 at Witham.
- 5.7.4 The proposed location of the Gershwin Boulevard bridge is within a Defra Noise Important Area, and concerns have been raised that noise within this area will increase with the current design. Given that the location of the bridge will not

change the generation or propagation of noise, there will be no change to the level of noise experienced within Defra Noise Important Area.

- 5.7.5 Further details on the environmental assessments undertaken regarding air quality and noise are included in Section 3.4.

5.8 Loss of amenity land

- 5.8.1 There is concern from Interested Parties around the loss of amenity land as a result of the new bridge during construction and operation. The green space is currently used by members of the public for recreational purposes.
- 5.8.2 The Applicant has considered the loss of open space, including north of the proposed Gershwin Boulevard bridge, in the Replacement Land Statement [APP-279]. For each of the open space areas being lost to the proposed scheme, Replacement Land is being offered. The open space north of the proposed Gershwin Boulevard bridge is described as Areas 2-4 within the Replacement Land Statement [APP-279]. Whilst this small area of land (approximately 0.35ha) is required to construct and mitigate the proposed bridge, replacement land for Areas 2-4 is situated south of the A12 at the proposed Gershwin Boulevard bridge, and this land would also provide a connection to Maldon Road via a much larger area of open space (approximately 2.1ha).
- 5.8.3 The proposed replacement land provides an opportunity to create a cohesive active travel network and to link into existing routes such as Witham River Walk, the Witham Rail Trail via Blue Mills Hill, Whetmead Nature Reserve and onwards to Little Braxted Lane.

5.9 Disruption during construction

- 5.9.1 Some Interested Parties expressed concerns regarding disruption to the area during construction of the bridge.
- 5.9.2 The construction area for the bridge would be secured with suitable fencing and signage. The Applicant would keep the footprint of the works on the green to a practical minimum to safely access and deliver each stage of the works. The majority of the green would still be available for enjoyment by members of the public during construction.

5.10 Emergency services

- 5.10.1 A concern was also raised regarding the recent use of this space by an Air Ambulance in an emergency situation.
- 5.10.2 The Applicant is engaged with the emergency services to identify and manage operational issues during construction and in the operational phase of the proposed scheme. The ambulance service has confirmed that this green space is not a designated landing zone for the Air Ambulance and the decision on where to land is risk assessed by the pilot to land as near to the incident as safely as possible. It is expected that the area of land to remain as public space adjacent to the bridge will be large enough for the Air Ambulance to land safely.

5.11 Anti-social behaviour

- 5.11.1 A concern has been raised regarding anti-social behaviour in the vicinity of the bridge, such as the use of motorcycles to cross the bridge and the nearby fields to connect to Maldon Road.
- 5.11.2 The status of the existing footpath south of the A12 and west of Maldon Road is proposed to remain, and unlawful vehicular access would remain unchanged from the current situation. The Applicant does not agree that the proposed bridge will increase the likelihood of unlawful motorised vehicle access to the field previously described. Due to the need to facilitate mobility scooters, etc. physical measures to prevent unlawful use of the bridge remain challenging. However, the Applicant will continue to discuss best practice to strike this balance with ECC's Public Right of Way officers.

5.12 Onwards connectivity

- 5.12.1 Interested Parties have raised concerns about the onwards connectivity to Maldon Road south of the A12 with regards to the safety of using Maldon Road as an onward route.
- 5.12.2 As described in paragraph 5.8.3, the Applicant's proposal for the Gershwin Boulevard bridge provides an opportunity to connect Witham to onward circular routes south of the A12 such as the Witham River Walk and Witham Rail Trail via footpath 121_95 and Maldon Road.
- 5.12.3 The alternative proposal submitted by some Interested Parties connects to Howbridge Hall Road south of the A12 rather than footpath 121_95. The Interested Parties have suggested this route along Howbridge Hall Road would provide better connectivity to Maldon Road and the James Cooke Woods.
- 5.12.4 The Applicant does not consider the suggested location at Howbridge Hall Road to provide enhancement to the existing local Public Right of Way network as it would connect to a section of Maldon Road remote from any built up area with no clear onward facility that offers no benefit to users compared to footpath 121_95.
- 5.12.5 Regarding the safety of Maldon Road, the Applicant notes that this is an existing link between footpath 121_95 north and south of Olivers Farm and it is not proposed to be changed by the scheme. There are no options that avoid users having to walk on or cross Maldon 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 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 to acquire the land as the issue is an existing one and is not required mitigation for the proposed scheme.
- 5.12.6 The Applicant also has concerns that, without the removal of existing hedgerow, it may not be possible to establish a safe crossing point of Maldon Road for

pedestrians crossing Maldon Road at its junction with Howbridge Hall Road heading south to north should the alternative location be adopted.

6 Opportunities and benefits

6.1.1 The Applicant believes that Gershwin Boulevard bridge as proposed in the DCO application provides a number of opportunities and benefits to the community as summarised below.

6.2 Connectivity to replacement land

6.2.1 As explained in Section 5.8, the Applicant has proposed replacement land south of the A12 adjacent to the proposed Gershwin Boulevard bridge approximately 2.1ha in area. This land is a replacement for the area lost between the A12 and Olivers Drive to accommodate the bridge and the proposed planting and screening as shown on the Environmental Statement Figure 2.1: Environmental Masterplan Sheet 8 [APP-087]. The bridge footprint is not proposed to occupy the entire space between the A12 and Olivers Drive, and an area of land will still be available for public use in the vicinity of the bridge. The footpath proposed from Olivers Drive to Gershwin Boulevard will provide access to this space.

6.2.2 The Applicant has intentionally connected this much larger area of replacement land to Maldon Road near to Olivers Bridge so it both replaces the lost open space and also facilitates ongoing journeys. Ongoing journeys could either return to the north of the A12, or onwards via Blue Mills Hill to the Rail Trail, via the Essex County Council replacement land to the River Walk or into the Whetmead Nature Reserve.

6.3 Connection to Olivers Nurseries and James Cooke Woods

6.3.1 The Applicant's proposal provides a connection from Witham to Olivers Nurseries via footpath 121_95 and Maldon Road. This connects onwards to footpath 121_96 adjacent to James Cooke Woods. The Applicant understands that there is currently no access to the woods from footpath 121_96, and the Applicant can see a benefit of linking the footpaths to the woods.

6.3.2 Interested Parties have proposed that a permissive path could be created from the junction of Howbridge Hall Road and Maldon Road, adjacent to the eastern verge of Maldon Road, running south to the James Cooke Woods. A meeting was held on Friday 21 April 2023 with the landowner of Olivers Nurseries (over which the suggested permissive path might run). The landowner stated they would consider a permissive path but did not say that they would accept one. Works would need to be carried out to facilitate this which are outside of the Order limits.

6.3.3 The Applicant has not carried out an assessment of this route, but is initially concerned that, without the removal of existing hedgerow which would increase the extent of vegetation loss locally and potentially exacerbate landscape effects, it may not be possible to establish a safe pedestrian crossing point of

Maldon Road for pedestrians crossing Maldon Road at its junction with Howbridge Hall road heading south to north.

- 6.3.4 As part of the discussions that the Applicant is having with Essex County Council and also with Braintree District Council relating to the parcel of replacement land for Braintree District Council and access thereto, the Applicant will consider whether public access can be facilitated between Howbridge Hall Road and the replacement land along the pond access track. This would need to be agreed with the party that ultimately owns and maintains the track.

7 Conclusion

- 7.1.1 The Applicant has proposed the Gershwin Boulevard bridge to provide a safe and direct crossing of the A12 to reconnect the existing footpath 121_95 which has been severed by the A12.
- 7.1.2 The Applicant acknowledges the concerns raised by Interested Parties relating to the location of the bridge and the potential visual and ecological impacts throughout the examination process and has considered each concern in detail to look for ways to improve the proposed scheme where possible.
- 7.1.3 The Applicant has assessed the alternative proposal presented by the Interested Parties and found that the alternative proposal does not resolve the concerns raised by some of the Interested Parties and does not provide a significant improvement to the visual or ecological impacts, it simply relocates the impacts on the receptors to a different area.
- 7.1.4 Regarding the location of the Gershwin Boulevard bridge, the Applicant firmly believes that the most appropriate location for the bridge is that presented in the DCO application. This provides minimal diversion to the existing footpath 121_95 across the A12 and provides onwards connections north into Witham or south towards footpaths 121_96 and James Cooke Woods and east to Blue Mills Hill and the Rail Trail and beyond.
- 7.1.5 The Applicant's proposed Replacement Land increases public space in the vicinity of the bridge from 0.35ha lost to the bridge footprint to 2.1ha of new green space. The proposed Gershwin Boulevard bridge provides connections to this open space and facilitates onwards journeys to Witham River Walk, the Witham Rail Trail via Blue Mills Hill, Whetmead Nature Reserve and onwards to Little Braxted Lane.
- 7.1.6 In summary, the Applicant does not believe the alternative proposal should be taken forward because:
- it does not create a route to the proposed Replacement Land south of the A12 and the wider rights of way network;
 - the land required to deliver the bridge in the alternative location is outside of the current permanent land take required and would change the Special Category Land and Replacement Land proposed; and
 - it further increases the diversion of the public right of way in the range of 550m to 600m by relocating the crossing approximately 300m west of its current position.