

A12 Chelmsford to A120 Widening Project

Deadline 6 – Comments on further
information received

12 June 2023

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1. Introduction

This document sets out Essex County Council’s (the Council) response to the draft Development Consent Order (dDCO) and details the progress that has been made between National Highways (the Applicant) and the Council since Deadline 5.

2. Response to ExA’s commentary on draft Development Consent Order [PD-014]

Ref No.	Provision	ExA’s proposed change	Comments
DCO-PC07	Art 14 – Construction and maintenance of new, altered or diverted streets and other structures.		The Council notes the Applicant continues not to agree to the inclusion of a new Requirement in relation to de-trunking as noted in Section 3 of this submission. Also, we recognise the ExA requested wording for Art 14 and will provide further updates to the ExA at ISH5 as we hope to make progress with the Applicant.
DCO-PC08	Art 15 – Classification of Roads	Insert new article 15(7) between existing articles 15(6) and 15(7), as follows: (7) The undertaker may only make a determination for the purposes of paragraph (6) with the consent of the Secretary of State, who must consult the	The Council welcomes the ExA’s proposed change.

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		local highway authority before deciding whether to give their consent.	
DCO-PC09	Art 16 – Speed Limits		A further workshop took place on 7 June 2023, however insufficient progress has been made since the last submission. Our concerns remain and we have made several suggestions to how this matter could be progressed in Section 5 of this submission.
DCO-PC10	Art 18 – Street Works	Insert new paragraph - “(3) The undertaker must not carry out works to any street under paragraph (1) for which it is not the street authority without the consent of the street authority, which may attach reasonable conditions to any consent.”	The Council welcomes the ExA's proposed change. However, it is assumed that reference to street authority is meaning reference to the Local Highway Authority.
DCO-PC11	Art 23 – Traffic Regulations		A further workshop took place on 7 June 2023, however insufficient progress has been made since the last submission. Our concerns remain and we have made several suggestions to how this matter could be progressed in Section 5 of this submission.
DCO-PC16	Req 10 – Detailed Design	10.—(1) Subject to the provisions of this Order,....	The Council welcomes the ExA's proposed changes but would like to clarify whether the 'scheme design approach and design

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		<p>Insert ;and at end of (b) and insert new (c) - (c) the design principles set out in the scheme design approach and design principles, Insert new paragraph (3) – (3) - No part of the authorised development is to commence until, for that part, a report has been submitted to, and, following consultation with the relevant local planning authority, approved by the Secretary of State, demonstrating that— (a) the undertaker has engaged with relevant stakeholders on refinements to detailed design for that part of the authorised development; (b) the undertaker has had regard to the relevant stakeholders' comments; and (c) any refinements to the detailed design for that part of the authorised development arising as a result of that engagement should accord with the scheme design approach and design principles.</p>	<p>principles' is the formal name of this document. If so, it should be capitalised, defined in the interpretation provision and become a Certified Document in Schedule 12.</p> <p>Furthermore, the Council suggests the following refinements in red text to the ExA's draft:</p> <p><i>(3) - No part of the authorised development is to commence until, for that part, a report has been submitted to, following consultation with the relevant local planning highway authority, and approved by the Secretary of State, following consultation with the relevant local highway authority, demonstrating that— (a) the undertaker has engaged with the local highway authority, the local planning authority and other relevant stakeholders on refinements to detailed design for that part of the authorised development; (b) the undertaker has had regard to the local highway authority, the local planning authority and other relevant stakeholders' comments; and (c) any refinements to the detailed design for that part of the authorised development</i></p>

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			<i>arising as a result of that engagement should accord with the scheme design approach and design principles.</i>
DCO-PC17	New R14 – Walking, cycling and horse-riding bridges		<p>The Council welcomes the inclusion of a Requirement in relation to WCH within the Applicant's dDCO [REP5-004]</p> <p>Further commentary on the progress of the Council and the Applicant regarding this matter can be found in Section 3 and Section 4 of this submission</p>
DCO-PC18	New R15 – Boreham operation phase traffic mitigation measures		<p>The Council welcomes the inclusion of a Requirement in relation to B1137 Main Road mitigation within the Applicant's dDCO [REP5-004] however differences remain on the wording of this Requirement as seen in Section 3. Our reasoning can be found in Section 4.</p>
DCO-PC19	New Req 16 – Messing mitigation		<p>The Council welcomes the inclusion of a Requirement in relation to Messing and Inworth mitigation within the Applicant's dDCO [REP5-004] however differences remain on the wording of this Requirement as seen in</p>

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			<p>Section 3. Our reasoning can be found in Section 4.</p>
DCO-PC20	New Req 17 – Operational phase monitoring		<p>The Council welcomes the inclusion of a Requirement in relation to operational phase monitoring within the Applicant's dDCO [REP5-004] however differences remain on the wording of this Requirement as seen in Section 3. Our reasoning can be found in Section 4 and in the Monitoring and Mitigation Technical Note submitted at Deadline 6.</p>
DCO-PC22	New R – Junction 21	<p>Junction 21 (1) Requirement 10 (detailed design) is to be read subject to the provisions of this requirement. (2) The detailed design for junction 21 must contain the revised design detail specified in sub-paragraph (3) of this requirement and submitted to the Secretary of State following consultation with the local highway authority. (3) Subject to sub-paragraph (5) the detailed design for junction 21 must include a two-lane exit from both the junction 21 northern roundabout to the A12 northbound slip road and from the junction 21 southern roundabout to the A12 southern slip road.</p>	<p>The Council welcomes the ExA's proposed change for a new Requirement to ensure measures outlined by the Applicant in their Letter of Intent [AS-060] in relation to Junction are secured through the DCO. It is noted the proposed wording is simply a holding position. Minor differences remain on the wording of this Requirement as seen in Section 3. Our reasoning can be found in Section 4</p>

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		<p>(4) Junction 21 must be constructed in accordance with the approved details</p> <p>(5) No application for approval of the scheme under sub-paragraph (2) may be made in respect of proposals which would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p>	
DCO-PC23	New R – De-trunking	<p>X.—(1) The consent of the Secretary of State pursuant to Article 15(7) must not be sought until written details of the proposals for the roads to be de-trunked as identified in Part 14 of Schedule 3 has been submitted and approved in writing by the Secretary of State following consultation with the relevant highway authority and relevant planning authority, such scheme to include:</p> <ul style="list-style-type: none"> a) drawings and plans showing the proposals; b) demonstrating how the proposals maintain a safe and reliable highway network; c) the provision made for non-car transport modes; d) demonstrating how existing accesses will retain access to the de-trunked road; e) demonstrating how existing utilities will be safeguarded; (f) landscaping and planting details; f) drainage details; and 	<p>The Council welcomes the ExA's proposed change for a new Requirement to address concerns about the Applicant's approach to de-trunking. It is noted the proposed wording by the Applicant is simply a holding position and doesn't provide the Council with assurance that the design will change.</p> <p>As per our comments to Art 14 - <i>Construction and maintenance of new, altered or diverted streets and other structures</i>, the Applicant and the Council continues to remain furthest apart on this matter.</p> <p>This proposed change needs to go further to request the applicant include the following</p>

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		<p>g) a timetable for implementation of the proposals.</p> <p>(2) No application for approval of the scheme under sub-paragraph (1) may be made in respect of proposals which would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>(3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker and in accordance with the approved timetable for implementation, unless otherwise agreed in writing with the Secretary of State following consultation with the relevant highway authority.</p>	<p>features as part of the de-trunking proposed scheme:</p> <ul style="list-style-type: none"> a) The conversion of one carriageway into an active travel corridor, not accessible to motorised traffic of than for access to local properties and maintenance b) Re-greening of part of this carriageway through breaking up of sections and covering them with earth/top soil, and provision of suitable planning to increase biodiversity c) Conversation of the other carriageway into a single carriageway road with one lane in each direction; and d) Measures to encourage compliance with the speed limit on the single carriageway <p>Further detail on the rationale for this request can be found in Section 4 of this response.</p>

3. Updated draft Requirement matrix

The table below provides an updated position outlining the key differences between the Applicant and the Council following meetings on 18th May and 1st June 2023. Amendments made from the previous agreed Deadline 5 version [REP5-034] are shown in **red text** and further detailed commentary from the Council on specific requirements can be found in [Section 4](#).

Topic	Requirement No.	Status of National Highways draft requirement	National Highways draft text	Essex County Council draft text	Key difference at Deadline 6
Monitoring	16	The Applicant is content for its draft requirement to be included in the draft DCO at this stage.	<p>Operation phase local traffic monitoring</p> <p>(1) No part of the authorised development is to commence until a survey to assess baseline traffic levels has been undertaken at the following locations—</p> <p>(a) B1137 Main Road, Boreham</p> <p>(b) The Street/Maldon Road (Duke of Wellington) junction, Hatfield Peverel;</p> <p>(c) Little Braxted Lane, Little Braxted;</p> <p>(d) Braxted Road/Braxted Park Road;</p> <p>(e) B1023 Kelvedon Road, Inworth;</p> <p>(f) Kelvedon Road, Messing; and</p> <p>(g) B1023 Church Road, Tiptree</p> <p>(2) No part of the authorised development is to open to traffic until details of an operation phase local traffic monitoring scheme has been submitted to and approved by the Secretary of State, following consultation with the relevant highway authority, for the locations listed in sub-paragraph (1).</p> <p>(3) The operation phase local traffic monitoring scheme to be provided under sub-paragraph (2) must include—</p> <p>(a) a survey to assess baseline traffic levels at the locations listed in sub-paragraph (1), or</p>	<p>Impact monitoring and mitigation</p> <p>X.—(1) No part of the authorised development is to commence until written details of an impact monitoring and mitigation scheme has been submitted to and approved in writing by the local highway authority.</p> <p>(2) The impact monitoring and mitigation scheme must include:</p> <p>i.a before and after survey to assess the changes in traffic;</p> <p>ii.the locations to be monitored and the methodology to be used to collect the required data;</p> <p>iii.the periods over which traffic is to be monitored;</p> <p>iv.the method of assessment of traffic data;</p> <p>v.control sites to monitor background growth;</p> <p>vi.the implementation of monitoring no less than 3 months before the implementation of traffic management on the existing A12;</p> <p>vii.agreement of baseline traffic levels;</p>	<p>The key difference is twofold.</p> <ol style="list-style-type: none"> 1. The Applicant maintains that the SoS is a suitable decision maker, the Council maintains they are the appropriate approving authority for requirements which have a direct bearing on the local highway network. 2. The Applicant maintains that there is no workable plan for mitigation to be required if monitoring provides flows that are different to those projected in the TA. The Council maintains a workable plan is possible and that if there is a change to predicted flows then there should be “a mechanism for future agreement on mitigation measures” 3. The Council maintains the monitoring locations should not be limited to the initial 7 locations identified in its Local Impact Report and must instead now accord with the sites and methodology set out in the Council’s Technical Note submitted at Deadline 6.

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			<p>confirmation that such survey has already been undertaken;</p> <p>(b) proposals for an operation traffic survey at the locations listed in sub-paragraph (1) to assess the changes in traffic from the baseline carried out —</p> <p>(i) within the first year; and</p> <p>(ii) prior to the expiry of the third year following the date on which the authorised development is fully completed and open for traffic;</p> <p>(c) details of the methodology to be used to collect the required data;</p> <p>(d) details of the periods over which operation traffic is to be monitored; and</p> <p>(e) proposals for the submission of the survey data collected and an interpretative report to be provided to the relevant local highway authority.</p> <p>(4) The scheme approved under sub-paragraph (2) must be implemented by the undertaker unless otherwise agreed in writing with the Secretary of State following consultation with the relevant highway authority.</p>	<p>viii.the submission of survey data and interpretative report to the highway authority; and</p> <p>ix.a mechanism for the future agreement of mitigation measures.</p> <p>(3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker.</p>	
Local road interventions	10 (Modified)	The Applicant is content for requirement 10 to be modified to include the words “Subject to the provisions of this Order” in the draft DCO at this stage.	<p>Detailed design</p> <p>10.—(1) Subject to the provisions of this Order, the detailed design for the authorised development must accord with:</p> <p>(a) the preliminary scheme design shown on the works plans and the engineering drawings and sections; and</p> <p>(b) the principles set out in the environmental masterplan, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and relevant highway authority on matters related to their functions, provided that the Secretary of</p>	<p>Detailed Design</p> <p>10.—(1) Subject to the provisions of this Order, the detailed design for the authorised development must accord with:</p> <p>(a) the preliminary scheme design shown on the works plans and the engineering drawings and sections; and</p> <p>(b) the principles set out in the environmental masterplan, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and relevant highway authority on matters related to their functions, provided that the Secretary of</p>	The Applicant and Council would direct the Examining Authority to their respective responses to the Examining Authority’s commentary on the Draft DCO [PD-015]

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			<p>State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>(c) the design principles as set out in the scheme design principles</p> <p>(2) Where amended details are approved by the Secretary of State under paragraph (1), those details are deemed to be substituted for the corresponding plans sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.</p>	<p>State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>(c) the design principles set out in the scheme design approach and design principles,</p> <p>(2) Where amended details are approved by the Secretary of State under paragraph (1), those details are deemed to be substituted for the corresponding plans sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.</p> <p>(3) - No part of the authorised development is to commence until, for that part, a report has been submitted to—and approved by the Secretary of State, following consultation with the relevant local highway authority, demonstrating that—</p> <p>(a) the undertaker has engaged with the local highway authority, the local planning authority and other relevant stakeholders on refinements to detailed design for that part of the authorised development;</p> <p>(b) the undertaker has had regard to the local highway authority, the local planning authority and other relevant stakeholders’ comments; and</p> <p>(c) any refinements to the detailed design for that part of the authorised development arising as a result of that engagement accord with the scheme design approach and design principles.</p>	
	14	The Applicant is content for its draft	Boreham operation phase traffic mitigation measures	B1137 Main Road mitigation	The key difference is threefold.

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		requirement to be included in the draft DCO at this stage.	<p>—(1) No part of the authorised development is to open to traffic until a scheme of operation phase traffic mitigation for the B1137 in Boreham has been submitted to and approved by the Secretary of State, following consultation with the relevant highway authority, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>(2) The operation phase traffic mitigation scheme for Boreham must include provision for the following operational phase traffic mitigation –</p> <p>(a) A new controlled pedestrian crossing on the B1137 in the vicinity of Boreham Co-op (grid reference 575330, 210021);</p> <p>(b) road safety posters in the vicinity of Orchard Cottages (grid reference 576394, 210658), Boreham Recreation Ground (grid reference 575848, 210309) and outside of the Little Hedgehogs Day nursery (grid reference 575444, 210081);</p> <p>(c) installation of average speed cameras on the B1137 (excluding ongoing operation, maintenance/calibration and enforcement) within Boreham as defined by the extent of 30mph speed limit shown between reference A.010 and A.011 on the traffic regulation measures speed limit plans; and</p> <p>(d) installation of average speed cameras (but not including provision for their ongoing operation, maintenance /calibration and enforcement) on the B1137 between Boreham and Hatfield Peverel defined by the extent of 40mph speed limit shown between reference A.011 and A.012</p>	<p>X.—(1) No part of the authorised development is to commence use until a scheme for managing traffic on the B1137 between junction 19 and junction 21 of the A12 has been submitted to and approved in writing by the local highway authority.</p> <p>(2) The B1137 traffic management scheme must be agreed by the local highway authority and unless otherwise agreed include the following measures:</p> <ul style="list-style-type: none"> i. an average speed camera system covering the stretch of the B1137 between the southern entry to Boreham Village and Hatfield Peverel; ii. a new signalised pedestrian crossing and associated road narrowing opposite the Co-op food store; iii. minor road narrowing (similar to the existing provision at the southern entry to Boreham village) at three new locations: <ul style="list-style-type: none"> a. the northern entry to Boreham village b. between the northern entry to Boreham village and Waltham Road c. In the vicinity of the pedestrian entrance to the recreation ground iv. (iv) place-making / safety signs at an additional three locations within Boreham village to 	<ol style="list-style-type: none"> 1. The Applicant maintains that the SoS is a suitable decision making, the Council believes they are the appropriate approving authority for requirements which have a direct bearing on the local highway network. 2. The Council maintain narrowing is required at a number of locations, but the Applicant does not. 3. The Applicant has proposed a new 'controlled' pedestrian crossing in the vicinity of the Boreham Co-Op. The Council agrees with the need for a crossing but maintains this should be signalised with associated road narrowing.

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			<p>on the traffic regulation measures speed limit plans.</p> <p>(3) The scheme of operation phase traffic mitigation for the B1137 in Boreham must be provided in accordance with the approved details.</p>	<p>increase awareness of the speed limit changes</p> <p>(3) No part of the authorised development is to open for public use until the approved scheme has been implemented and delivered by the undertaker.</p>	
	15	The Applicant is content for its draft requirement to be included in the draft DCO at this stage.	<p>Messing operation phase traffic mitigation measures</p> <p>—(1) No part of the authorised development is to open to traffic until a scheme of operation phase traffic mitigation for Messing has been submitted to and approved by the Secretary of State, following consultation with the relevant highway authority, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>(2) The operation phase traffic mitigation scheme must include provision for the following operational phase traffic mitigation –</p> <p>(a) gateway features for signage in accordance with Traffic Signs Manual Chapter 3: Figure 8-21, and speed limit roundels in accordance with the 2016 Regulations and Directions diagram 1065 at Lodge Road (grid reference 589938, 219356), Kelvedon Road (grid reference 589511, 218861) and Harborough Hall Road (grid reference 590233, 218566) marking the extents of the existing 30mph speed limit; and</p> <p>(b) “Unsuitable for heavy goods vehicles” signage in accordance with the 2016 Regulations and Directions diagram 820 at the junction of</p>	<p>Junction 24 mitigation</p> <p>X.—(1) No part of the authorised development is to commence until a scheme for managing traffic on the approaches to junction 24 has been submitted to and approved in writing by the local highway authority.</p> <p>(2) The scheme must include an assessment of improvements to the B1023 or another suitable corridor for walking, cycling and horse riding users, to help off-set the impacts of increased traffic on this route.</p> <p>(3) The scheme in sub-paragraph (1) must include the following measures:</p> <p>i. an average speed camera system covering the B1023 between Inworth Road roundabout and the existing 30mph terminal on the northern approach to Tiptree, and a fixed speed camera covering the southbound carriageway north of the Inworth Road roundabout;</p> <p>ii. widening of pinch points between Perrywood Garden Centre and the B1022 to a minimum carriageway width of 6.1m in line with the approach to</p>	<p>There is two in principle difference between both parties</p> <ol style="list-style-type: none"> The Applicant maintains that the SoS is a suitable decision maker, the Council maintains they are the appropriate approving authority for requirements which have a direct bearing on the local highway network. The Applicant maintains that no part of the authorised development is to open to traffic until a scheme of operation phase traffic mitigation for Messing has been submitted to and approved by the Secretary of State. The Council maintains that no part of the authorised development is to open for public use until the approved scheme has been implemented by the undertaker <p>There are several additional measures ECC would like in the requirement:</p> <ol style="list-style-type: none"> The scheme must include an assessment of improvements to the B1023 or another suitable corridor for walking, cycling and horse riding

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			<p>the B1023 and Yewtree Farm Road (grid reference 587881, 218631), the junction of Harborough Hall Road and B1022 (grid reference 590573, 218228), the junction of the B1023 and Oak Road (grid reference 588820, 217131), and the junction of the B1022 and Oak Road (grid reference 589505, 217275).</p> <p>(3) The scheme of operation phase traffic mitigation for the B1137 for Messing must be provided in accordance with the approved details.</p>	<p>other pinch point widening proposals;</p> <p>iii. widening of Hinds Bridge to provide a minimum carriageway width of 7.3m, with provision for pedestrians and cyclists;</p> <p>iv. measures to improve provision for walking, cycling and horse riding users, as identified in the assessment under sub-paragraph (2);</p> <p>v. village entry treatments at the entrance to Messing village;</p> <p>vi. 'Unsuitable for HGVs' signage on Kelvedon Road and Harborough Hall Road;</p> <p>vii. narrowing of the entries to Oak Road (both the eastern and western ends), through tightening of entry radii and appropriate landscaping.</p> <p>viii. priority narrowing measures on Oak Road; and</p> <p>ix. improved signage at either end of Oak Road to guide through traffic to the B1022/B1023 junction.</p> <p>(4) No part of the authorised development is to open for public use until the approved scheme has been implemented by the undertaker.</p>	<p>users, to help off-set the impacts of increased traffic on this route.</p> <ol style="list-style-type: none"> 2. An average speed camera system covering the B1023 between Inworth Road roundabout and the existing 30mph terminal on the northern approach to Tiptree, and a fixed speed camera covering the southbound carriageway north of the Inworth Road roundabout; 3. Widening of pinch points between Perrywood Garden Centre and the B1022 to a minimum carriageway width of 6.1m in line with the approach to other pinch point widening proposals. 4. Widening of Hinds Bridge to provide a minimum carriageway width of 7.3m, with provision for pedestrians and cyclists 5. Measures to improve provision for walking, cycling and horse riding users, as identified in the assessment under sub-paragraph (2); 6. Narrowing of the entries to Oak Road (both the eastern and western ends), through tightening of entry radii and appropriate landscaping. 7. Priority narrowing measures on Oak Road;

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De-trunking	New 19	Please see Applicant's response to the Examining Authority's commentary on the Draft DCO document	<p>De-trunking (article)</p> <p>Delete Article 15(6) as drafted and replaced with:</p> <p>(6) On a date or dates to be determined by the undertaker, the roads described in Part 14 (roads to be de-trunked) of Schedule 3 are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 10(2) of the 1980 Act specifying that date or date as the date or dates on which they were to cease to be trunk roads.</p> <p>(7) The undertaker must only make a determination for the purposes of paragraph (6) with the consent of the Secretary of State as to the date and as to whether the highway to be de-trunked is of a reasonably satisfactory standard for use as a local highway, following consultation with the relevant highway authority.</p> <p>(8) The application of paragraphs (1) to (7) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters.</p> <p>De-trunking (requirement)</p> <p>X.—(1) The consent of the Secretary of State pursuant to Article 15(7) must not be sought until written details of the proposals for the roads to be de-trunked as identified in Part 14 of Schedule 3¹ has been submitted and approved in writing by the Secretary of State following consultation with the relevant highway</p>	<p>De-trunking (article)</p> <p>Insert new article 15(7) between existing articles 15(6) and 15(7), as follows:</p> <p>"(7) The undertaker may only make a determination for the purposes of paragraph (6) with the consent of the Secretary of State, who must consult the local highway authority before deciding whether to give that consent."</p> <p>De-trunking (requirement)</p> <p>X.—(1) No part of the authorised development is to open for public use until a written scheme for the de-trunking of the A12 between Witham and Rivenhall End (east) and also between Feering and Marks Tey has been submitted to and approved in writing by the local highway authority.</p> <p>(2) The scheme approved under sub-paragraph (1) must include:</p> <ul style="list-style-type: none"> a. the conversion of one carriageway into an active travel corridor, not accessible to motorised traffic other than for access to local properties and maintenance; b. re-greening of part of this carriageway through breaking up of sections and covering them with earth/top soil, and provision of suitable planting to increase biodiversity; c. conversion of the other carriageway into a single carriageway road, with one lane in each direction; and 	There is no commonality on these requirements.

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			<p>authority and relevant planning authority, such scheme to include:</p> <p>(a) drawings and plans showing the proposals;</p> <p>(b) demonstrating how the proposals maintain a safe and reliable highway network;</p> <p>(c) the provision made for non-car transport modes;</p> <p>(d) demonstrating how existing accesses will retain access to the de-trunked road;</p> <p>(e) demonstrating how existing utilities will be safeguarded;</p> <p>(f) landscaping and planting details;</p> <p>(g) drainage details; and</p> <p>(h) a timetable for implementation of the proposals.</p> <p>(2) No application for approval of the scheme under sub-paragraph (1) may be made in respect of proposals which would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>(3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker and in accordance with the approved timetable for implementation, unless otherwise agreed in writing with the Secretary of State following consultation with the relevant highway authority.</p>	<p>d. measures to encourage compliance with the speed limit on the single carriageway road.</p> <p>(3) The undertaker shall implement and deliver the approved de-trunking scheme at its own expense within 18 months of the first opening of the authorised development for public use. or, with the written agreement of the local highway authority, shall provide sufficient funds for the local highway authority to implement and deliver the approved de-trunking scheme.</p>	

Topic	Requirement No.	Status of National Highways draft requirement	National Highways draft text	Essex County Council draft text	Key difference at Deadline 6
Walking, cycling and horse-riding	Deleted	Please see Applicant's response to the Examining Authority's commentary on the Draft DCO document	<p>Walking, Cycling and Horse-riding bridges</p> <p>—(1) Requirement 10 (detailed design) is to be read subject to the provisions of this requirement.</p> <p>(2) The detailed design for the works listed in this paragraph ("the relevant WCH bridge Works") must accord with the following design specifications (the "WCH bridge specifications") —</p> <p>(a) Work No. 5 (Paynes Lane Bridge) must be designed with minimum internal radii of 4 metres for any change in direction on its northern and southern ramps and no more than one switchback on its southern ramp;</p> <p>(b) Work No. 30 (Little Braxted Bridge) must be designed with a straightened northern ramp including provision for intermediate platforms and its southern ramp must be designed with a minimum external radius of 5 metres;</p> <p>(c) Work No. 53 (Snivellers Lane Bridge) must be designed with a minimum external radius of 5 metres for any change in direction on both its northern and southern approaches;</p> <p>(d) Work No. 100 (Potts Green Bridge) must be designed with a minimum external radius of 5 metres for any change in direction on both its northern and southern approaches; and</p> <p>(e) Work No. 112 (Marks Tey footbridge) must be designed with a 4 metre minimum internal radius for any change in direction on each ramp and on the single switchback.</p> <p>(3) The relevant WCH bridge works must accord with the WCH bridge specifications when constructed.</p>	<p>Walking, cycling and horse-riding provision</p> <p>X.—(1) No part of the authorised development is to commence until a scheme setting out written details of the provision for walkers, cyclists and horse-riders has been submitted to and approved in writing by the highway authority.</p> <p>(2) The written details under sub-paragraph (1) must include:</p> <ul style="list-style-type: none"> i.the provision for WCH users at new and existing overbridges of the A12; ii.the provision for WCH users at new and existing at-grade highway crossings that are affected by the scheme; and iii.unless otherwise agreed in writing by the local highway authority, accord with the WCH infrastructure specification as included in Appendix X of XXXXXX principles set out in the walking and cycling matrix (NOTE: ECC suggests that a simplified version of the walking and cycling matrix is created which sets out the key elements which are agreed, and that this document be certified by the DCO and referenced within this requirement). <p>(3) No part of the authorised development is to open for public use until the approved scheme has been implemented by the undertaker.</p>	<p>There are key difference between both parties:</p> <ol style="list-style-type: none"> 1. The Applicant has considered the proposed approach put forward by the Council. The Applicant has provided a table in Appendix B of the Design Principles. The Design Principles will be secured by requirement 10 and included as a certified document under Schedule 12. The Council considers the draft wording in its column to the left is still applicable to ensure WCH measures are adopted. 2. The Applicant maintains that the SoS is a suitable decision maker, the Council maintains they are the appropriate approving authority for requirements which have a direct bearing on the local highway network. 3. The Applicant's Appendix B of the design principles document provides commitments to WCH facilities. The Council's version of Appendix B "the WCH Infrastructure Specification Matrix" includes the following additional requirements: <ul style="list-style-type: none"> • 5.5m minimum width between parapets on Paynes Lane and Marks Tey WCH overbridges and associated ramps, rather 4m.

Topic	Requirement No.	Status of National Highways draft requirement	National Highways draft text	Essex County Council draft text	Key difference at Deadline 6
					<ul style="list-style-type: none"> • 5m minimum external radii at turns, rather than 4m on Gershwin Boulevard Bridge, subject to reasonable visual and physical constraints. • The Council maintains that where traffic modelling and/or optioneering plans demonstrate a shared-used single phase crossing would be overly detrimental, a separate one-stage cycle crossing should be provided in accordance with LTN1/20 para 10.4.22, rather than a shared-use two-phase non-staggered arrangement in accordance with Traffic Signs Manual Chapter 6 paragraph 11.17.4. • Rivenhall End cycle crossing to be designed to operate with a single stage, subject to reasonable visual and physical constraints • The Council maintains that existing WCH Links between Witham and Kelvedon and Feering and Marks Tey, shall be upgraded to a minimum width of 3m <p>At the new A12 Junction 24, protection of a route for a footway/cycleway shall be provided, north-south from the southern extent of the red line boundary, passing through junction 24 under the A12, to the northern extent of the red line boundary.</p>

Topic	Requirement No.	Status of National Highways draft requirement	National Highways draft text	Essex County Council draft text	Key difference at Deadline 6
Junction 21	New 18	Please see Applicant's response to the Examining Authority's commentary on the Draft DCO document	<p>(1) Requirement 10 (detailed design) is to be read subject to the provisions of this requirement._</p> <p>(2) The detailed design for junction 21 must contain the revised design detail specified in sub-paragraph (3) of this requirement and submitted to the Secretary of State following consultation with the local highway authority.</p> <p>(3) Subject to sub-paragraph (5) the detailed design for junction 21 must include a two-lane exit from both the junction 21 northern roundabout to the A12 northbound slip road and from the junction 21 southern roundabout to the A12 southern slip road.</p> <p>(4) Junction 21 must be constructed in accordance with the approved details.</p> <p>(5) No application for approval of the scheme under sub-paragraph (2) may be made in respect of proposals which would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p>	<p>Junction 21 design</p> <p>X.—(1) No part of the authorised development is to commence until an updated version of General Arrangement drawing HE551497-JAC-LDC-SCHW-DR-C-0026 showing the revised design of junction 21 has been submitted and approved in writing by the local highway authority.</p> <p>(2) The updated drawing and revised design must include a two-lane exit from both the junction 21 northern roundabout to the A12 northbound slip road and from the junction 21 southern roundabout to the A12 southern slip road.</p> <p>(3) The new junction must be constructed in accordance with the revised drawing referred to in sub-paragraph (1) from the point the authorised development is open for public use.</p>	<p>There are key difference between both parties:</p> <ol style="list-style-type: none"> 1. The Applicant maintains that the SoS is a suitable decision maker, the Council maintains they are the appropriate approving authority for requirements which have a direct bearing on the local highway network. 2. The Council maintains the inclusion of a general arrangement drawing would provide further clarity that the Applicant has fulfilled their Letter of Intent [AS060] in relation to Junction 21.

4. Commentary on updated draft Requirement matrix

Approval of Requirements (general comment)

The Council reaffirms that it is still appropriate for the Council, in its capacity as the local highway authority, to be the approving authority for requirements that have a direct impact on the local highway network, as explained in our Deadline 5 submissions [REP5-033 and REP5-034].

Furthermore, in the Applicant's targeted consultation report [AS-077], other Interested Parties expressed their desire to ensure that the Council, as the Local Highway Authority, accepts the updated design for Junction 19 and Junction 25. This aligns with the Council's stance on matters affecting the local highway.

Requirement 10 - Detailed design

The Council welcomes the Applicant's acceptance of the ExA's proposed change to add Requirement 10(1)(c) 'the design principles set out in the scheme design approach and design principles' to their dDCO. Checks must be undertaken to ensure that this is the formal name of the document, and if so, it should be capitalised, defined in the interpretation provision, and included as a Certified Document in Schedule 12.

The Council also notes that the Applicant has not accepted the ExA's remaining proposed change to include new Requirement 10(3). As a result, the Council's additional points raised in ISH2 [REP3-05] and ISH4 [REP5-033] have still not been addressed. If the Applicant accepts the ExA's proposed changes to Requirement 10, it will address the Council's concerns.

Requirement 14 – Walking, cycling and horse-riding provision

Although, the Applicant has now proposed a table within Appendix B of their Design Principles, setting out the principles it intends to follow in the design of Walking, Cycling and Horse-riding (WCH) infrastructure, the Council considers that this is not sufficient to ensure that the design of the WCH infrastructure will accord with the DfT's LTN1/20 Guidance.

Throughout the DCO process, the Council has consistently requested specific changes to the DCO design to ensure that it accords with LTN1/20. These specific requirements are clearly set out in the Council's WCH Infrastructure Specification Matrix ([Appendix B](#)). If this Matrix only becomes an appendix to the Design Principles document, it is not clear if this will be binding on the Applicant and there is a significant risk that the importance of each specific requirement will be lost during the detailed design process, and that the final design will not address the changes needed.

The Council maintains that the inclusion of a specific WCH infrastructure requirement is essential, to guarantee the delivery of each important change set out in the Council's WCH Infrastructure Specification Matrix. This would provide assurance that the design of key WCH infrastructure meets the required standards.

Requirement 15 – Boreham Mitigation

The Council recognises and acknowledges that the Applicant has included a Boreham operation phase traffic mitigation requirement within the DCO submission and is pleased to see many of the Council's recommended mitigation measures included. The Applicant has not, however, agreed to include minor road narrowing at three key locations on Main Road.

The Council maintains that the provision of average speed cameras should be in combination with other measures, to visually reinforce the need to travel at lower speeds. The proposed road narrowings are a key part of an overall package of measures and should be included within the requirement.

Requirement 16 – Messing and Inworth Mitigation

The Council recognises and acknowledges the inclusion of this new requirement for Messing and Junction 24 and confirms that it is the most appropriate decision-making body for measures having an impact on the Local Road Network.

A fundamental difference between the Council's proposed requirement and the Applicant's is around the timing of the installation of the mitigation measures. The Applicant's version of the requirement states that '*...no part of the authorised development is to open to traffic until a scheme of operation phase traffic mitigation for Messing has been submitted to and approved by the Secretary of State*'. However, to give surety that the mitigation measures are implemented before the opening of the A12 scheme, the Council maintains that the wording for this requirement should state that '*...no part of the authorised development is to open for public use until the approved scheme has been **implemented***'.

In addition, the mitigation measures proposed by the Applicant and the Council vary significantly. The Applicant has only proposed to provide two of the measures the Council has identified, and these measures alone will be insufficient for adequately mitigating the impacts of the new junction on the local road network. The Council's Inworth, Messing & Tiptree Mitigation Options Technical Note [REP3-033] provides detail reasons to why each mitigation is required. Similar to the principles applied at Boreham, it is the Council's view that these mitigations should be in combination with each other to effectively reduce the impact of traffic flow changes in the vicinity of Messing, Inworth and Tiptree

Requirement 17 – Operational phase monitoring and mitigation

Forecasting the effects of a scheme of this nature when operational is inherently difficult. It is possible that some of the actual effects will be materially different to those forecasted and in some cases the effects will have a significant detrimental impact on the performance of the local road network. For this reason the Council strongly believes a robust monitoring and mitigation process should be put in place to ensure the actual effects post-opening can be identified, and a mechanism is required for addressing material adverse unanticipated effects.

To support this key area of work the Council has prepared a Monitoring and Mitigation Plan Technical Note and submitted it to the ExA at Deadline 6. This technical note outlines the location, type and rationale for monitoring to be undertaken at 29 key sites along the extent of the scheme. It is acknowledged that when reviewing the output data gathered in the monitoring programme there will need to be:

- Thresholds at which impacts that differ from those predicted in the A12 DCO Transport Assessment require further investigation.
- Sufficient data to identify whether the A12 widening scheme is a material contributor to those impacts.

Figure 4-1 within the Monitoring and Mitigation Plan Technical Note describes in detail the process by which mitigation should be put in place if thresholds are breached.

The Technical Note represents the culmination of several meetings with the Applicant on monitoring and representations made throughout the examination hitherto; it is the Council's view based on this that a workable solution for identifying and agreeing post-opening mitigation does exist and therefore that our proposed wording for Requirement 16 is appropriate, justified and proportionate. The Council urges the Applicant and the ExA to adopt the Council's proposed wording for this requirement.

Proposed New Requirement - De-trunking

As stated throughout the examination thus far the Council, whilst supporting the overall scheme, has significant concerns about the approach currently proposed by the Applicant to the sections of the A12 which will be bypassed with new provision; namely the Rivenhall End and Feering to Marks Tey sections. This remains the aspect of the scheme on which the Council and the Applicant is furthest apart.

As noted in Section 3 of this document the Council welcomes the ExA's proposed text changes to the draft DCO as a step forward on this matter. Unfortunately the wording put forward by the Applicant only represents a holding position insofar as it provides the Council or other stakeholders with no assurance that material changes to the design of the de-trunked sections will be actually made – just that more information will be provided on the Applicant's approach in due course.

The Council has voiced concerns over the course of the examination that the current proposals do not align with policy both at national and local levels, and represent significant highway over-provision that will be an unnecessary maintenance burden for the Council as outlined in REP3-082. The final requirement needs to go further by stipulating that the following features must be included as part of the de-trunking proposed scheme:

- The conversion of one carriageway into an active travel corridor, not accessible to motorised traffic of than for access to local properties and maintenance
- Re-greening of part of this carriageway through breaking up of sections and covering them with earth/top soil, and provision of suitable planting to increase biodiversity

- Conversion of the other carriageway into a single carriageway road with one lane in each direction; and
- Measures to encourage compliance with the speed limit on the single carriageway

To reiterate the Council's position, at a national level when looking at the existing and emerging National Policy Statement for National Networks (NPSNN):

Existing NPSNN

The Council believes that the Applicant has not fully considered all reasonable opportunities to support other transport modes as required specifically:

(5.205) Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. As part of this, consistent with paragraph 3.19-3.22 the application should provide evidence that as part of the project they have used reasonable endeavours to address any existing severance issues that act as a barrier to non-motorised users.

Emerging NPSNN

The emerging National Policy Statement for National Networks also stresses the need to maximise opportunities for active and sustainable modes such that:

(5.261) Government is committed to sustainable development through facilitating a modal shift to active travel and public transport, and reducing transport emissions including through delivering the infrastructure needed to support a transition to alternative fuels including electric vehicles. The impact of construction traffic on local networks needs to be minimised, the distance travelled by construction and goods vehicles needs to be reduced, and developments need to be accessible by various modes of transport.

(...5.2.64) Applicants should seek to offer an integrated transport outcome, significantly considering opportunities to support other sustainable transport modes, as well as improving local connectivity and accessibility in developing infrastructure. The needs of pedestrian and other vulnerable road users should be considered, where appropriate, in line with the principles of the road user hierarchy.

Also, of relevance from the emerging NPSNN are the following excerpts concerning giving due consideration to impacts on local transport networks and the development of measures to mitigate any negative

(5.275) Mitigation measures may relate to the design, lay-out or operation of the scheme, or any support or funding to the immediate surrounding area of the scheme.

(5.277) The Examining Authority and the Secretary of State should give due consideration to impacts on local transport networks and policies set out in existing and emerging local plans and Local Transport Plans, during both construction and operation.

(5.280) Where a development negatively impacts on surrounding transport infrastructure including connecting transport networks, the Secretary of State should ensure that the applicant has taken reasonable steps to mitigate these impacts. This could include the applicant increasing the project's scope to avoid impacts on surrounding transport infrastructure and providing resilience on the wider network. In particular, this should recognise the importance of providing adequate lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. The applicant may increase the project's scope to avoid impacts on the surrounding transport infrastructure and improve network resilience. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should expect applicants to accept requirements and/or obligations to fund infrastructure or mitigate adverse impacts on transport networks

Given that the network in the areas of de-trunking will be significantly altered the Council firmly believes that more should be done to support the needs of vulnerable road users given that these will be the predominant mode along these routes. The Council is extremely concerned, based on the position put forward by National Highways hitherto and the limited progress that has been made on resolving this matter, that that unless the changes listed above are stipulated by the requirement they will not be incorporated in the final scheme and the Council as local highway authority will be left with assets which are not fit for purpose or in accordance with policy. The Council would remind the ExA that in the case of the former A12 running through Copdock the local highway authority (Suffolk County Council) is still trying to address issues with speeding vehicles as a result of the approach taken by the strategic highway authority several decades ago when this stretch of the A12 was de-trunked.

Proposed New Requirement - Junction 21

The drafting provided by the Council for this proposed new requirement seeks to secure the design elements National Highways has indicated it intends to include within the new junction 21 as per the Applicant's letter of intent dated 24 April 2023 [AS-060]. The requirement, including a general arrangement drawing, is requested to provide the Council assurance that the new junction will be designed in such a way that it can accommodate provision of a new link road to Maldon Road should this be delivered as a separate project at a later date.

5. Commentary on ongoing issues

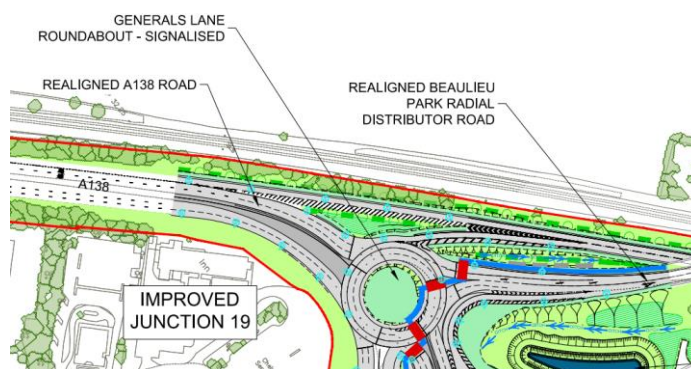
Traffic Modelling

It recently became apparent to the Council, after further discussions with the Applicant during their Targeted Consultation, that more detailed traffic modelling is still required to satisfy concerns about the some of the proposed junction designs, specifically matters relating to:

- splitter islands,
- any crossings which are incorporated into these,
- the positioning of stop lines and how this would affect vehicles queuing back into and around the circulatory systems of the junctions.

These concerns were originally noted in the Council’s Local Impact Report (LIR) [REP2-055 Paragraph 8.3.87 and 8.3.90] at various junctions along the route whilst also still an ongoing issue within the Statement of Common Ground under “Item 2.1 Traffic Modelling”.

For example, the arrangement of crossings on the northern roundabout of the main junction 19 design (as shown in AS-073 – see image below) requires pedestrians and cyclists to cross over to the central roundabout area and then cross back over the junction to reach the route over the railway line via the re-aligned Beaulieu Park distributor Road. In addition to the issues with the positioning of the stop lines for the crossing over the distributor road itself, there is also very little space on the roundabout between the two sets of signals required to control pedestrian and cycle crossings to and from the centre of the northern roundabout; vehicles stopped here will not only block the movement from the northern to the southern roundabouts, but the Council estimate that once more than 4 or 5 vehicles are queuing, this would extend across the second crossing point and potentially further around the north side of the roundabout, which could result in further delays and extension of queues on other arms of the roundabout. As mentioned above, the Council need to see from the modelling whether these queues do create disruption and to check that this does not affect wider movements around the junction – this is relevant to the Council because if wait times are made too long for pedestrians and cyclists in order to keep traffic moving, this risks people trying to cross inappropriately. It is notable that the southern roundabout at junction 19 takes a different design approach and moves the whole cycle crossing away from the roundabout entry to the southbound on-slip, with a separate pedestrian crossing on the western side of the junction which is able to take up less space as it does not need to also accommodate cyclists.



To progress this matter, the Council would like to be provided with the VISSIM Models for the junctions so we can look at each area of concern and make a judgement as to what specific impacts the current design will have in relation to the issues identified. If the Applicant is unwilling to provide the requested junction models, the Council requests the following information:

- Any and all outputs which can be provided which show the queuing and delay at internal stoplines
- Confirmation of which ped/cycle crossings are programmed into the models and how often they are called
- Confirmation of the signal timings (i.e. which arms run in each stage so that we can see where the current splits in the staggered crossings are being used to increase overall capacity, or reduce queuing elsewhere in the model

This issue further emphasises the importance of local highway authority being fully consulted as part of detailed design prior to any next of works.

Speed Limits

The Council is disappointed to report insufficient progress has been made by the Applicant around Article 16 Speed Limits since our concerns were first raised at Issue Specific Hearing 2 [REP3-035] and further detailed in our Deadline 4 submission [REP4-075]. The lack of detailed rationale and justification places the Council in a difficult position as we would have wished to assist the ExA at Deadline 6 by presenting specific agreed mitigations and speed limits that would have resolve our concerns.

A speed limit workshop took place on 5 May 2023 as mentioned by the Applicant in REP5-002 Page 37, however, the matters and actions that arose from that workshop were only addressed by the Applicant in writing on 8 June following the Council's requests for a further meeting, which took place on June 7, 2023. Unfortunately, we still did not agree that the Applicant's proposed speed limit changes is in accordance with the Council's Speed Management Strategy (SMS), or the Department for Transport's guidance Circular 01/2013 (Setting local speed limits) despite what the Applicant stated in REP5-002. The Council's concern is about the level of compliance with the posted speed limit without enforcement measures and the scheme's inconsistent approach to setting speed limits with the rest of the County.

The Council's SMS is largely based upon Circular 01/2013 which states the underlying aim should be to achieve a 'safe' distribution of speeds. The key factors that should be taken into account in any decisions on local speed limits are:

- history of collisions
- road geometry and engineering
- road function
- composition of road users (including existing and potential levels of vulnerable road users)
- existing traffic speeds
- road environment

While these factors need to be considered for all road types, they may be weighted differently in urban or rural areas. The impact on community and environmental outcomes should also be considered. The minimum length of a speed limit should generally be not less than 600 metres to avoid too many changes of speed limit along the route. Speed limits should not be used to attempt to solve the problem of isolated hazards, such as a single road junction or reduced forward visibility, for example, at a bend.

The Council has not been provided with the requested details, made during the 5th May 2023 workshop, to ascertain why the road geometry has been set to fit the proposed speed limits, and considers that a number of the speed limits could be more appropriate with a different design ethos. The environment of most of the County Council roads approaching the scheme is rural with little frontage development and national speed limits, the roads to be provided to the Council by the Applicant have a similar environmental character and objectively “better” design however significantly lower speed limits. The Applicant displays an inconsistent approach to similar roads across the scheme with proposed speed limits varying up to 30mph. Isolated hazards such as signal controlled junctions or roundabouts have lower speed limits proposed in direct contradiction of 01/2013.

To progress matters at this of the examination, and in the absence of the above-mentioned information, the Council has listed some changes that we would find acceptable. This can be found in [Appendix A](#). Alternative mitigations, although less desirable, includes National Highways demonstrating compliance as part of Requirement 10 Detailed Design and, monitoring and mitigating speed flows as part of Requirement 17.

Construction Impacts

Drafting has been provided by the Council in our Deadline 5 submission [REP5-033] and repeated below to address our concerns associated with the construction impact of this scheme, which is anticipated to take 3+ years. This means it is vitally important to agree a framework to continually reduce adverse impacts on local communities and keep the highway network safe; any agreement must be in place prior to the start of construction.

To ensure safety and operational performance of the local road network remains acceptable during construction, the Council needs roles and responsibilities to be clarified and confirmed when the Applicant begins to undertake works affecting the local highway network. Furthermore, pre and post condition surveys of the local roads must be carried out where the Applicant has proposed to use them as construction traffic route or diversion routes. It is common that construction traffic, for large infrastructure projects, will cause local roads to deteriorate faster than normal hence a specification of the condition in which the local highway will be returned after the occupation has finished should be agreed prior to construction work commencing.

In recent discussions, the Council welcomes the Applicant’s acceptance to the principle of entering into a Detailed Local Operating Agreement (DLOA), undertaking pre and post condition surveys of the local roads and giving us access to their site. However, the details to

how these items will be implemented hasn't been agreed hence why the Council remains of the view that these needs to be new Requirements.

Proposed new requirement: Detailed Local Operating Agreement

Suggested wording taken from A303 Sparkford to Ilchester Dualling Development DCO Schedule 8 (Protective provisions) Part 4 for the protection of the local highway authority regarding vehicular highways at para 32 is as follows:

(1) Before commencing the construction of, or the carrying out of any work authorised by this Order which involves interference with a local highway (including interference with the use by the public of a local highway and temporary or permanent stopping up of any part of a local highway), the undertaker must use reasonable endeavours to agree with the local highway authority a Detailed Local Operating Agreement covering the following—

- (a) communications and customer care: communication with stakeholders and identification of which party is responsible for each activity;*
- (b) operational areas – scheme operational areas: definitions and scheme extents for the works areas, zone of influence and Free Recovery Area; 94*
- (c) asset handover: describing the scheme existing assets and activities to be undertaken to enable commencement and completion of Works, and the party responsible for each;*
- (d) asset inspection;*
- (e) routine maintenance and repair;*
- (f) winter maintenance and severe weather;*
- (g) continuity of technology;*
- (h) occupancy management;*
- (i) incidents;*
- (j) traffic management: provides the key activities to be undertaken with regard to the design, installation, maintenance and removal of Traffic Management; and*
- (k) claims made by and against the undertaker.*

(2) Any agreement completed under sub-paragraph (1) must continue in force until the completion of the Works or the removal of the undertaker from all local highways, whichever is the earlier.

(3) Where agreement cannot be reached under sub-paragraph (1), the terms of the detailed local operating agreement will be resolved by arbitration under article 45 (arbitration).

Proposed new requirement: Pre- and post-construction surveys of local diversion routes during construction to allow a proper assessment on impacts on diversion routes

Suggested wording taken from A303 Sparkford to Ilchester Dualling Development DCO Schedule 8 (Protective provisions) Part 4 for the protection of the local highway authority regarding vehicular highways at para 33 is as follows:

1. *Before commencing the construction of, or the carrying out of any Works the undertaker must provide to the local highway authority the Design Detailing and the Other Detailed Information relating to those Works.*
2. *The undertaker must not commence construction of, or the carrying out of the Works in question until approval has been given by the local highway authority to the Other Detailed Information or the Other Detailed Information has otherwise been agreed in writing between the undertaker and the local highway authority.*
3. *The Works must not be constructed except in accordance with the Other Detailed Information as may be approved or agreed in accordance with sub-paragraph (2). (4) If within 28 days after the Other Detailed Information has been submitted the local highway authority has not approved or disapproved it or it has not been otherwise agreed, the local highway authority is deemed to have approved it as submitted.*

And from the definitions in para 30:

“Other Detailed Information” relating to any Works, means—

- a. a schedule of timings for the Works, including dates and durations of any closures of any part of a local highway;*
- b. traffic management proposals, including any diversionary routes and any Detailed Local Operating Agreement;*
- c. a schedule of condition of the affected local highway within the Order limits; and*
- d. where the local highway is occupied under this Order in connection with the Works but Works are not undertaken on, to or under the local highway, a specification of the condition in which the local highway will be returned after the occupation has finished;*

Proposed new requirement: Power for ECC to inspect works that affect its local highway network during construction

Suggested wording taken from A303 Sparkford to Ilchester Dualling Development DCO Schedule 8 (Protective provisions) Part 4 for the protection of the local highway authority regarding vehicular highways at para 35 is as follows:

(1) Any officer of the local highway authority duly appointed for the purpose may at all reasonable times, subject to any necessary and reasonable health and safety restrictions imposed by the undertaker, enter upon and inspect any part of the authorised development which—

- (a) is in, over, under or adjacent to any local highway, or*
- (b) may affect any local highway or any property of the local highway authority, during the carrying out of the Works, and the undertaker must give to such officer all reasonable facilities for such inspection.*

(2) The testing of materials used in any Works affecting local highways must be carried out at the expense of the undertaker in accordance with the Manual of Contract Documents for Highway Works Appendix 1/5 (Specification for Highway Works). The local highway authority must receive copies of all test certificates and results which have been requested by it in writing as soon as reasonably practicable. Notwithstanding the foregoing, the local highway

authority has full power to test all or any materials used or proposed to be used in any work to the local highway at its own expense and the undertaker must provide such information and materials as is reasonably necessary to facilitate such testing.

(3) The undertaker must not alter, disturb or in any way interfere with any property of the local highway authority on or under any local highway, or the access thereto (except to the extent authorised under the powers conferred by this Order), without the prior written consent of the local highway authority.

Road Safety Audit

Safety concerns raised during the A12 DCO examination have highlighted to the Council the importance of the Road Safety Audit (RSA) process. According to the NNNPS, the Applicant 'should undertake an objective assessment of the impact of the proposed development on safety' and 'put in place arrangements for undertaking the road safety audit process' (paragraphs 4.61 and 4.62). The Applicant utilises the RSA process as outlined in the GG119 Design Manual for Roads and Bridges (DRMB). However, this design standard does not mandate the inclusion of the local highway authority in the RSA team. It is crucial for the Council to be part of the RSA team, especially considering that the A12 design will have an impact on the local highway network, and that any safety concerns should be addressed appropriately. A requirement is needed to ensure that the Council is allowed to contribute to all parts of the RSA process, including reviewing the RSA briefs, and any recommended works identified within an RSA report are appropriately discussed with the relevant stakeholders.

Proposed new requirement: Road Safety Audit

Suggested wording taken from A303 Sparkford to Ilchester Dualling Development DCO Schedule 8 (Protective provisions) Part 4 for the protection of the local highway authority regarding vehicular highways at para 36 is as follows:

(1) The undertaker must procure that an appropriately qualified safety auditor undertakes road safety audit stages 3 and 4 on the Works including any Works to local highways in accordance with the Design Manual for Roads and Bridges ("DMRB") Volume 5 Section 2 Part 2 (GG 119) or any replacement or modification of that standard and must provide copies of the reports of such audits to the local highway authority.

(2) The local highway authority must be invited to participate in the stage 2, 3 and 4 road safety audits conducted under sub-paragraph (1).

(3) Where the report of the stage 3 road safety audit identifies any recommended works to the local highway, the undertaker must use reasonable endeavours to agree with the local highway authority which works or alternative proposals require to be implemented, provided that no works may be implemented which would give rise to any new or materially different environmental effects in comparison with those identified in the Environmental Statement.

(4) Where the report of the stage 4 road safety audit identifies any recommended works to the local highway, the undertaker must use reasonable endeavours to agree with the local highway authority which works or alternative proposals require to be implemented.

(5) Any works which the undertaker considers are required to be carried out to the local highway in accordance with the report of the stage 3 or stage 4 road safety audit, which works may not give rise to any new or materially different environmental effects in comparison with those identified in the Environmental Statement, must be undertaken by and at the expense of the undertaker to the reasonable satisfaction of the local highway authority.

(6) The undertaker must use reasonable endeavours to agree with the local highway authority a programme for any works to be carried out under sub-paragraph (5), which programme must include timing of any closures of any part of the highway, traffic management arrangements, signage and diversion routes where required.

(7) The carrying out of works under sub-paragraph (5) are to be taken to be works carried under this Order.

(8) Where, agreement cannot be reached under this paragraph, the terms of the Detailed Local Operating Agreement will be resolved by arbitration under article 45 (arbitration).

Appendix A - ECC Deadline 6 Speed Limit Proposals

This table sets out the Council’s initial proposals to what is required to demonstrate compliance with the Council’s Speed Management Strategy. This proposal was made based on the limited information received from the Applicant and may change if new information becomes available.

Road	From	To	Applicant’s Proposed change	Design Standard	REP4-075 Comments	ECC Deadline 6 Proposal
B1137	Generals Farm roundabout	Boreham village	National Speed Limit (NSL) to 40mph	DMRB (2/18-2/20) remainder unaltered	The 40mph for Boreham interchange has been extended to the east side of Boreham House due to sign clutter +Boreham House being listed (no good speed limit policy reasons). Remainder of road to Boreham Village unaltered yet proposed reduction to 40mph from national speed limit without change in environment, current speeds well above police intervention levels for 40mph.	Ensure that design of B1137 encourages adherence to 40mph speed limit by widening the shared use footway/cycleway into the general carriageway, between Paynes Lane and Boreham village.
B1137	Boreham village		40mph to 30mph		ECC is concerned that merely changing the speed limit will not be sufficient and the nature of the road is such that additional measures (including average speed cameras and traffic calming) are required to encourage compliance with the new speed limit	Include average speed cameras and road narrowings to ensure that 30mph feels more natural, rather than inappropriately slow.

Road	From	To	Applicant's Proposed change	Design Standard	REP4-075 Comments	ECC Deadline 6 Proposal
B1137	Boreham village	Hatfield Peverel	NSL and 50mph to 40mph	DMRB (4/3-5/1)	As above. It should be noted that the current 50mph stretch is in place because of a collision issue at J20a Junction 20a. As this junction is being removed, the speed limit here could be increased to NSL. A 20mph reduction from NSL to 40mph represents a significant reduction without appropriate measures in place to support this. An inconsistent message to drivers & creates expectation elsewhere in the County of 20mph speed limit reductions with no apparent justification.	Include average speed cameras to enforce lower speed limit
HP Link Road to J21			Restricted Road	MfS	Single access from junction with The Street (The Vineyards), nothing about the environment suggests 30mph is the appropriate speed limit. Change in environment is on the approach the The Street not at The Vineyards	Change speed limit to 40mph, between Vineyards and new Jn 21, and design accordingly.
J21 Roundabouts			Restricted Road	MfS	Approaches from A12 are national speed limit, new junction with nothing to suggest that 30mph is appropriate.	Increase speed limit to National, at Jn21 roundabouts, and design accordingly

Road	From	To	Applicant's Proposed change	Design Standard	REP4-075 Comments	ECC Deadline 6 Proposal
Colchester Road, Witham from J21 northbound			40mph	DMRB	This is designed to DMRB yet approaches to roundabout designed to MfS and links into Witham.	Amend roundabout approach from Witham to be compliant with DMRB standards for 40mph (if not already designed to DMRB 40mph)
Realigned Kennel Access			30mph speed limit	MfS	An improved cul de sac with no accesses along it and some properties at the end, not suitable for 30mph	Change proposed speed limit to National
J22 & all non A12 approaches			40mph	DMRB	The northern side of this junction is the old A12 dual carriageway, whilst there is a new roundabout the road remains straight & dual carriageway in part, why reduce the speed limit by 30mph. The section of Little Braxted Lane proposed to be 40mph is the improved section, yet the rest of the road is national speed limit	Increase proposed speed limit to 50mph, between Jn 22 and Rivenhall End. Increase proposed speed limit to National, on Little Braxted Lane Approach to Jn 21, and design accordingly.
Braxted Road			Restricted Road		New road construction, realigned away from frontage development, national on approach to a 40 currently for a junction that no longer exists/with vastly reduced traffic flows & 30mph for an overbridge to a roundabout. Not compliant with national guidance	Increase proposed speed limit to 50mph (minimum), between Jn 22 and Rivenhall End, and design accordingly

Road	From	To	Applicant's Proposed change	Design Standard	REP4-075 Comments	ECC Deadline 6 Proposal
Detrunked A12	Sheet 11		40	DMRB	Not compliant with national guidance, Remaining a dual carriageway with no accesses/frontage development to indicate why the speed limit should be reduced to 40mph	Redesign proposals for de-trunked A12 to ensure that nature of road encourages travel at 40mph (as per ECC's alternative de-trunking proposals).
B1024 Link Road			40	DMRB	New construction with no acceses or frontages, not complaint with national guidance, little to sugges to drivers that 40mph is appropriate	Redesign proposals for B1024 Link Road to ensure that nature of road encourages travel at 40mph
Link to Fire & Rescue			Restricted Road	MfS	Extends the current restricted road at Kelvedon to an area with no frontages or acceses currently the southbound on slip & A12 Southbound carriageway at NSL, no frontages or acceses, not compliant with 1/13	Increase proposed speed limit to National and design accordingly
J24 Roundabouts & Link to Inworth Road			40	DMRB	All approaches national so why 40? No reason for link road to be 40	Increase proposed speed limit to National and design accordingly

Road	From	To	Applicant's Proposed change	Design Standard	REP4-075 Comments	ECC Deadline 6 Proposal
Realigne d North Inworth Road			30	MfS	Short distance of 50 between this section & 30 for Feering, speeds currently in excess of 45mph	Extend 30mph speed limit from Feering to new Inworth Road roundabout. Amend design of Inworth Road (north) to ensure that 30mph feels more natural, rather than inappropriately slow. Include fixed speed camera on approach to new Inworth Road Roundabout from north.
B1023	Inworth village	Brick Kiln Farm	50mph to 30mph	MfS	ECC is concerned that the rural nature of this road is such that a reduction to 30mph is not appropriate unless additional measures are implemented (including speed cameras) to encourage compliance with the new speed limit. Speed surveys indicate speeds well in excess of 40mph & non-compliance with existing 30mph (which is not intuitive). If this is "correct" to be 30mph then Inworth to Tiptree should be 30mph too, this does not meet the consistent messages suggested by 1/13	Amend design of Inworth Road (south) to ensure that 30mph feels more natural, rather than inappropriately slow. Install average speed cameras on this section of highway.
Realigne d Feering Road & Feering East Roundab out			30	MfS	Currently national, roundabout added, need detail to determine if 30mph appropriate as no accesses or frontages	No change to DCO proposal

Road	From	To	Applicant's Proposed change	Design Standard	REP4-075 Comments	ECC Deadline 6 Proposal
Prested Hall/Thre shelfords Access			National	MfS	These are realigned private accesses although proposed to be ECC unclassified roads, inconsistent with Fire & Rescue Access (restricted road) or Kennel access (30mph)	No change to DCO proposal
Detrunke d A12			40 then 50	DMRB	Dual carriageway retained, straight road with few accesses, 40mph then changes to 50mph with no change in environment, this does not comply with 1/13	Redesign proposals for de-trunked A12 to ensure that nature of road encourages travel at 40mph (as per ECC's alternative de-trunking proposals).
Wishing well Bridge +Easthor pe Farm Access			National	DMRB	These are realigned private accesses although proposed to be ECC unclassified roads, inconsistent with Fire & Rescue Access (restricted road) or Kennel access (30mph)	No change to DCO proposal
London Road Roundab out			Restricted Road	DMRB	A12 national, de-trunked A12 50mph, this roundabout is not the gateway to a built up area but to a number of signalised junctions & further roundabouts. Speed will be controlled by the signals/congestion the 30mph is not intuitive as it's a set of improvements.	Increase speed limit to 50mph, at London Road Roundabout, and design accordingly
New London Road			Restricted Road	DMRB	Link between a roundabout & a signalised junction, no accesses or frontages, 30mph appears too low a speed limit	Increase speed limit to 50mph, at London Road Roundabout, and design accordingly

Road	From	To	Applicant's Proposed change	Design Standard	REP4-075 Comments	ECC Deadline 6 Proposal
Marks Tey Bridge			Restricted Road	DMRB	Currently 40mph,	No change to DCO proposal

Appendix B – WCH Infrastructure Specification matrix

This table sets out the Council’s proposed changes to the latest version of the Applicant’s WCH Infrastructure Specification matrix Appendix B of the Design Principle document as outlined in Section 3 and explained in Section 4. Proposed deletions to the Applicant’s version are shown as ~~struck through~~ and with proposed additions shown in **red text**.

WCH element	Location	Design intent
Overbridges (including bridge decks and approach ramps)	Paynes Lane	<ul style="list-style-type: none"> • Minimum internal radii of 4 metres for any change in direction on its northern and southern ramps, including entry and exit to ramps • no more than one switchback on its southern and northern ramps • a maximum longitudinal gradient of 5% (with max length of 5% gradient being 30m) for each ramp • Segregation between the walking and cycling facilities • 5.5m minimum width between parapets
	Marks Tey	<ul style="list-style-type: none"> • Minimum internal radii of 4 metres for any change in direction on its northern and southern ramps, including entry and exit to ramps • no more than one switchback on its southern and northern ramps • a maximum longitudinal gradient of 5% (with max length of 5% gradient being 30m) for each ramp • Segregation between the walking and cycling facilities • 5.5m minimum width between parapets
	Little Braxted Lane	<ul style="list-style-type: none"> • 4m minimum width between parapets • the lowest number of switchbacks possible, subject to reasonable visual and physical constraints • 5m minimum external radii at turns (including entry and exit to ramps), providing a 4m actual turning radii in one direction • a maximum longitudinal gradient of 5% (with max length of 5% gradient being 30m) for each ramp
	Snivellers Lane	<ul style="list-style-type: none"> • 4m minimum width between parapets

WCH element	Location	Design intent
		<ul style="list-style-type: none"> the lowest number of switchbacks possible, subject to reasonable visual and physical constraints 5m minimum external radii at turns (including entry and exit to ramps), providing a 4m actual turning radii in one direction a maximum longitudinal gradient of 5% (with max length of 5% gradient being 30m) for each ramp
	Potts Green	<ul style="list-style-type: none"> 4m minimum width between parapets the lowest number of switchbacks possible, subject to reasonable visual and physical constraints 5m minimum external radii at turns (including entry and exit to ramps), providing a 4m actual turning radii in one direction a maximum longitudinal gradient of 5% (with max length of 5% gradient being 30m) for each ramp
	Gershwin Boulevard	<ul style="list-style-type: none"> 4m minimum width between parapets the lowest number of switchbacks possible, subject to reasonable visual and physical constraints a maximum longitudinal gradient of 5% (with max length of 5% gradient being 30m) for each ramp 5m minimum external radii at turns (including entry and exit to ramps), subject to reasonable visual and physical constraints
At grade crossings	<ul style="list-style-type: none"> Eastways/Colchester Road Henry Dixon Road/ Braxted Road A120 Coggeshall Road (on approach to Old Rectory Junction) New London Road (on approach to Old Rectory Junction) A120 Dumbbell Link (A12 Jn 25) 	<ul style="list-style-type: none"> At each location listed the toucan signalised cycle crossing shall operate with a single stage, or where not single stage, in a non-staggered arrangement with central island width in accordance with Traffic Signs Manual Chapter 6 paragraph 11.17.4 At each location listed, the signalised cycle crossing shall operate with a single stage (as per LTN1/20 para. 10.4.22), unless: <ul style="list-style-type: none"> Traffic modelling provided by NH and approved by ECC confirms that a single-stage cycle crossing would be overly detrimental to the traffic capacity of the junction; and/or Design optioneering plans provided by NH and approved by ECC confirm that there are safety, operational or environmental reasons why a single-

WCH element	Location	Design intent
		<p>stage cycle crossing cannot be accommodated within the parameters of the consent.</p> <ul style="list-style-type: none"> • If two-stage cycle crossings are confirmed as being required, the cycle crossing will accord with LTN1/20 para 10.4.22 and include: <ul style="list-style-type: none"> ○ a straight or angled alignment at the refuge for cyclists, even if the associated pedestrian crossing is staggered ○ 4m minimum external radii turns for cyclists on any refuge
	<ul style="list-style-type: none"> • Junction 19 (Generals Lane splitter island) 	<ul style="list-style-type: none"> • The splitter island will provide at least 4m external radii turns for cyclists
	<ul style="list-style-type: none"> • Wellington Bridge parallel crossing 	<ul style="list-style-type: none"> • A new controlled pedestrian and cycle crossing on the new Hatfield Peverel Link Road will be provided between the replacement Wellington Bridge and the Duke of Wellington Roundabout (grid reference 579439, 211988);
	<ul style="list-style-type: none"> • Rivenhall End cycle crossing 	<ul style="list-style-type: none"> • The cycle crossing of the de-trunked A12 within Rivenhall End will be designed to operate with a single stage, as per LTN1/20 para. 10.4.22, subject to reasonable visual and physical constraints. If design optioneering plans confirm that a single-stage cycle crossing cannot be reasonably accommodated, 4m minimum external radii turns will be provided for cyclists on any refuge.
WCH Links	<ul style="list-style-type: none"> • Between Witham and Kelvedon • Between Feering and Marks Tey 	<ul style="list-style-type: none"> • The proposed shared use walking/cycling facilities (as defined on the Proposed Scheme's Streets, Rights of Way and Access Plans) in the locations listed will be installed to a minimum width of 3m. • The existing shared use walking/cycling facilities in the locations listed will be installed or upgraded to a minimum width of 3m
	<ul style="list-style-type: none"> • New A12 Junction 24 	<ul style="list-style-type: none"> • Protection of a route for a footway/cycleway shall be provided, north-south from the southern extent of the red line boundary, passing through junction 24 under the A12, to the northern extent of the red line boundary.

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