

## Appendix B - Comments on draft Statements of Common Ground & Statement of Commonality

The following paragraph numbers, headings and references relate to those in the 12 June 2023 version of the SoCG between the Applicant, National Highways and Maldon District Council (MDC). At paragraphs 3.1 and 3.7 the heading text in brackets has been added by MDC for clarity of Issue.

### Table 4.3 -Issues 'under discussion'

#### 2.9 Cadent Gas Main (Tree and Vegetation Loss)

No further comment has been made by National Highways since 24 April 2023. The Council have been awaiting arboricultural advice regarding the protections that should be afforded to the Black Poplar and issued a letter on the 28 June 2023 outlining that advice and willingness to move the matter into agreement at the very least by Deadline 8 if further assurances can be provided.

### Table 4.4 -Issues 'in disagreement'

Since the submission of the SoCG at deadline 6 the issues listed below (2.2-2.4) have moved into the 'in disagreement' table. At a SoCG meeting held with National Highways on the 21 June 2023 it was suggested by National Highways that some of the topics and their issues relating to the Principal Issue of Traffic and Transport within the 'in disagreement' table could be amalgamated as it was considered by them that the issues listed below in relation to the Duke of Wellington mini-roundabout, Maldon Road and the Duke of Wellington Bridge were similar. MDC disagrees with this view as each issue has its own discrete element of 'issue' within a particular 'topic' area. Therefore, MDC does not agree these topics and issues should be compounded for the appearance of the number of topics/issues 'in disagreement' and summary tables in their content. This view is echoed by MDC at ISH5 when the Applicant, at Agenda Item 4, referenced the 'issues in disagreement' as being 3 'issues' when in reality there are 7 separate 'issues' relating to Traffic and Transport topic

areas in the Project's proposals. Please refer to Appendix A, Deadline 7 Written Submissions.

## 2.2 Junction 21 / Local Road Network – Duke of Wellington mini roundabout

The Applicant has not addressed MDC's concerns (in support of ECC's same concerns) that the traffic modelling predicts a road user will turn right at the Maldon Road junction with the Duke of Wellington mini roundabout to the new Junction 21 whether travelling north bound or south bound. This is all because the Project closes Junction 20a (left turn at Maldon Road junction with the Duke of Wellington mini roundabout). Traffic modelling is scientific and cannot forecast driver behaviour or represent local knowledge.

## 2.3 Local road network / Omission of Maldon Link Road/Hatfield Peverel Bypass

No further comment has been added by National Highways at deadline 6 but MDC wishes to re-emphasise that they were not made aware at Pre-application Stage of the '*serious challenges to feasibility, including significant, carbon, land, environmental construction and cost impacts*' when the options were tested for a Maldon Link Road before the DCO was submitted.

## 2.4 Duke of Wellington mini-roundabout / Design of mini-roundabout

The specifics of this disagreement is based on the ability of an existing mini roundabout (painted circle on the tarmac) to safely and efficiently deal with traffic flows to and from the SRN on the LRN. The current Level of Service D is representative of traffic flows in 2019. This is why MDC, in support of ECC as the Highway Authority, insist on monitoring of this junction at commencement of the Project.

## 2.5 Duke of Wellington Bridge / 2-way traffic and operation of Duke of Wellington mini-roundabout

MDC's response to NH deadline 6 – '*Appendix OFH1A – Explanation of Traffic Model Changes of Applicant's Response to Open Floor Hearing 1 in the Applicant's Response to Open Floor Hearing 1 [REP1-009], details any changes made to the traffic model from Statutory Consultation*'. MDC has consistently stated from the Applicant's own statements that the upgrade of the Duke of Wellington bridge to 2-way traffic will impact on the operation of the Duke of Wellington mini roundabout with '*changing traffic patterns*' and '*increased queues lengths*' at the Maldon Road junction. The Project requires all traffic to turn right over

the 2-way Duke of Wellington bridge whether they are travelling north bound or south bound. MDC insists the integration of the Duke of Wellington mini roundabout with the upgraded 2-way Duke of Wellington bridge is an important consideration of the Project and should be detailed in the DCO.

Since Deadline 5 the issues below have remained within the 'in disagreement' table with little change:

### 3.1 Maldon Road / Options for Maldon Link Road

As detailed at MDC's deadline 6:

*MDC maintains a Hatfield Peverel Bypass/Maldon Link Road would relieve the Duke of Wellington mini roundabout, on the LRN, of its capacity issues and poor level of service for all transport modes to connect to the SRN. Most of the traffic causing the overcapacity issues and the modes of transport navigating the mini roundabout, originate from the Maldon District as detailed in the Applicant's Transport Assessment [APP-253-APP-260]. There remains a level of uncertainty if the Duke of Wellington mini roundabout can maintain its poor level of service in the short term. It is uncertain if the Applicant's predictions and assumptions within the Transport Assessment modelling will influence driver behaviour to turn right only at the Maldon Road junction with the Duke of Wellington mini roundabout. The Applicant is supportive of a Hatfield Peverel Bypass/Maldon Link Road and has designed Junction 21 to facilitate its connection in the future. MDC maintains the Maldon Link Road should be part of the Project.*

National Highways have responded at Deadline 6 with:

*'As also noted in the Applicant's response to ExQ2 2.17.3 in the Deadline 4 Submission - Applicant's Responses to ExQ2 - Rev 2 [REP4-055], the uncertainties discussed are common to all traffic model forecasts as highlighted in the Department for Transport's Transport Analysis Guidance Unit M4. While acknowledging the inherent uncertainty within forecasting the future, the Applicant's core traffic model represents the 'most likely' predictions of future traffic levels'.*

MDC does not feel the National Highways deadline 6 response is adequate. On the one hand, NH states in 'acknowledging the inherent uncertainty within forecasting the future' but relies on this forecasting wholeheartedly as the most likely predictions for not pursuing their options for a Maldon Link Road within the Project.

### 3.2 Junction 20b / Duke of Wellington mini roundabout

As detailed at MDC's deadline 6:

Junction 20b is closing both on and off slips. The Preliminary Design Stage (June 2021) designed the new Junction 21 with a northern arm and southern arm. The southern arm was removed at Supplemental Design Stage (November 2021) as a Category 1 change. This caused the significant design change to the Duke of Wellington Bridge becoming 2-way to take all traffic modes on a northern arm only to the new Junction 21. MDC maintains, with such a significant change to the design of Junction 21, that impacts on access to and from the SRN via the Duke of Wellington mini roundabout, should have been considered before the DCO was submitted. The Applicant has recognised the pattern of traffic flows will change with increased traffic across the new 2-way Duke of Wellington Bridge and increased queue lengths at the Maldon Road junction with the Duke of Wellington mini roundabout. MDC maintains that the poor level of service at the Duke of Wellington mini roundabout cannot be maintained especially with the Applicant's reliance on driver behaviour and 'encouraging' driver behaviour to turn right whether journeying northbound or southbound on the SRN.

National Highways have responded at Deadline 6 with:

*'As also noted in the Applicant's response to ExQ2 2.17.3 in the Deadline 4 Submission - Applicant's Responses to ExQ2 - Rev 2 [REP4-055], the uncertainties discussed are common to all traffic model forecasts as highlighted in the Department for Transport's Transport Analysis Guidance Unit M4. While acknowledging the inherent uncertainty within forecasting the future, the Applicant's core traffic model represents the 'most likely' predictions of future traffic levels.'*

MDC does not feel the National Highways deadline 6 response is adequate. On the one hand, NH states in 'acknowledging the inherent uncertainty within forecasting the future' but relies on this forecasting wholeheartedly as the most likely predictions that all traffic will turn right at the Maldon Road junction whether travelling north bound or south bound. There is nothing proposed in the Project to prohibit a left turn.

### 3.3 LRN traffic modelling / Level of service at Duke of Wellington mini roundabout

MDC acknowledges NH has not responded further at deadline 6. MDC maintains it's deadline 6 submission:

*'MDC maintains the traffic modelling does not account for accelerated housing growth since 2019. The 722 jobs forecasted for employment growth only considers 'additional car trips*

*associated with these additional jobs' whereas HGVs and LGVs account for 12% of the modelled traffic at the Maldon Road junction with the Duke of Wellington mini roundabout. MDC has referenced in written submissions the types of employment sites where HGVs, LGVs, vans and cars are typical modes of transport to support employment land uses (MDC LIR [REP2-068]). HGVs and LGVs take up more space in a queue than a car. It was witnessed by the ExA at the ASI at the Duke of Wellington mini roundabout, that HGVs and LGVs cannot easily navigate the mini roundabout or pass each other, causing further delays through oncoming traffic giving way to them.'*

The traffic modelling does not account for increases in HGV's, LGV's or vans (only car trips associated with employment growth). HGV's, LGV's and vans take up more space in a queue (as stated by NH queues at Maldon Road junction to increase) and cannot easily navigate the Duke of Wellington mini roundabout, i.e., a painted circle on the tarmac and pass each other at the same time.

### 3.7 Cadent Gas Main (Biodiversity)

It is noted NH had nothing further to add at deadline 6. MDC reiterates the two female Black Poplars at Blue Mills Nature Reserve are considered by Essex Wildlife Trust to be the only female Black poplars remaining in Essex and are considered as potential a veteran tree by NH own surveys. MDC welcomes the treatment of the Blue Mills Nature Reserve as if it were a designated Local Wildlife Site (LoWS). However, MDC still considers further discussion is required regarding the limitations of the Black Poplar trees in relation to provisions of works to protected trees within the DCO.

As previously noted, the powers of the DCO would allow for root pruning of protected trees. MDC have sought further information from its Arboriculturist as to the impacts of the Cadent Gas Main construction on the Black Poplar tree and its future health and have provided this in a separate document to both NH and the ExA.

## **Statement of Commonality**

The Statement of Commonality (SoC) issued by the Applicant aims to capture all the topics raised by the host authorities, consultees and interested parties with which the Applicant has a SoCG. A table has been produced highlighting the topics of concern for each authority/organisation. As previously stated at deadline 6, it is noted that air quality has not been shown to be of concern to MDC, however whilst there is no separate air quality section within MDC's SoCG, concerns regarding air quality feature throughout MDC's SoCG in

relation to the traffic and transport Principal Issue, as well representations into the Examining Authority.

Whilst the SoC is brief, simply listing the topics of interest for each party, it shows areas of joint concern on Environmental Matters between MDC and ECC under the Principal Issue of Traffic and Transport. Another area of concern is the consequence of the Cadent Gas Main construction, under Environmental Matters, on the ecological value of Blue Mills Nature Reserve and biodiversity.

A draft SoCG was shared with MDC on 12 June 2023. A meeting was organised with MDC to go through the draft SoCG on 21 June 2023. The key issue remaining under discussion at this stage is:

- Cadent Gas Main (tree and vegetation loss)

The issues 'in disagreement' are:

- Cadent Gas Main (biodiversity)
- Junction 21 – LRN to Duke of Wellington mini roundabout
- LRN Maldon Link Road – Omission of Maldon Link Road
- Duke of Wellington mini roundabout – Design of mini roundabout
- Duke of Wellington bridge – 2-way traffic and operation of Duke of Wellington mini roundabout
- Maldon Road – Option for Maldon Link Road
- Junction 20b – Duke of Wellington mini roundabout