



Our ref: AE/2022/127507/13-L01 & Interested Party Ref: 20033155
Your ref: TR010060

Date: 3 July 2023

Submitted via portal

APPLICATION BY NATIONAL HIGHWAYS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A12 CHELMSFORD TO A120 WIDENING

Please find below Deadline 7 comments from the Environment Agency in response to document **9.38 Biodiversity net gain metric 3.0 - Rev 2 [REP6-083]**

Biodiversity Net Gain is considered in addition to existing wildlife sites and species legislation, and to the mitigation hierarchy. We recognise it is not yet a legal requirement for NSIPs.

The Applicant has used the overall results from the Biodiversity Net Gain assessment submitted in part of the A12 application as a justification to show that impacts of culverting are fully mitigated for. We have grave reservations about this approach as the mitigation hierarchy of avoiding any significant effect should be the primary step in design of a scheme. This application appears to be one where the approach has been to design and then mitigate for damaging choices made during that initial process without seeking to avoid unnecessary harm in the first instance. The proposed culverts are an avoidable impact with significant effects on the water environment.

Any BNG calculations need to be led by a detailed on-site River Condition Assessment (RCA). The Applicant has confirmed within the Biodiversity Net Gain Report [APP-138] that some of the sites were not visited for the BNG assessment and watercourses were assessed from aerial photos and other second-hand information.

Whilst the mitigation proposed to enhance the watercourses is welcome and will go some way to undoing some of the historic river damage done by the original A12 road scheme, it does not justify, nor fully mitigate for, the significant effects of the new culverted sections. The new culverts will cause additional and serious long-term

harm on the waterbodies and the wildlife supported by them. We would support the replacement of them with less damaging options which avoid harm to the river, spanning right across the natural banks and retaining a wide buffer strip of natural habitat in the riparian zone.