

Appendix B – Comments on any further information received by the previous deadline (Deadline 7)

A12 Chelmsford to A120 Widening Scheme

1. Comments on Deadline 7 submissions

- 1.1 The following Deadline 7 responses from ECC correlate with MDC's Deadline 7 written representations **[REP7-055]**: Appendix A written submissions on oral representations made at ISH5.

- 1.2 Cllr Wagland CC **[REP7-050]** response reiterates the ECC position at ISH5 and those of other representatives including MDC.

- 1.3 MDC draws the attention of the ExA to paragraph 4. (e) **[REP7-050]** 'Monitoring and Evaluation Plan' and a mechanism for mitigation in support of MDC's concerns at maintaining the current poor level of Service D at the Duke of Wellington mini roundabout with the Applicant's confirmation of the Project causing increased queue lengths at the Maldon Road junction. The Applicant also confirms 'changing traffic patterns' at the Duke of Wellington mini roundabout resulting from the Project closing Junction 20a. MDC's concerns remain at how HGVs and LGVs, originating from or bound for the Maldon District, pass each other from the Project's new 2-way Duke of Wellington Bridge to access Maldon Road and the Applicant predicting all traffic will turn right at Maldon Road junction over the mini roundabout. The Applicant has confirmed that 12% of traffic modelled at the junction is HGVs and LGVs originating from the Maldon District.

- 1.4 MDC draws the attention of the ExA to paragraph 5. (b) **[REP-050]** 'Inclusion of a 2-lane exit from both Junction 21 southern roundabout to A12 southern slip' in support of ECC's reference to 'a future Maldon Link Road'. Further MDC comments relating to a 'Maldon Link Road' in Issues 'In Disagreement' between National Highways and MDC in the SoCG, are discussed in Section 2 below (comments on the Applicant's Closing Statement).

- 1.5 MDC draws the attention of the ExA to ‘Summary of ECC position’ **[REP7-049]** and to Requirement 14 ‘Boreham operation phase traffic mitigation measures – managing traffic on B1137 between Junction 19 and Junction 21’, page 11, (2) (iii) minor road narrowing. As highlighted in 1.3 above, the Applicant predicts most of the traffic (all modes of transport including HGVs and LGVs) will turn right at the Maldon Road junction with the Duke of Wellington mini roundabout to access Junction 21 whether travelling northbound or southbound to Junction 19. MDC maintains that the Applicant’s predictions are scientific and not the reality where all transport modes could in theory turn left from Maldon Road junction with the Duke of Wellington and travel southbound via Boreham village to connect to Junction 19. If HGVs and LGVs do turn left through Boreham village, will the ‘minor road narrowing’ impede their route? Similarly, if HGVs and LGVs leave at Junction 19 to access Maldon Road via Boreham village will the ‘minor road narrowing’ impede larger vehicles passing each other on opposite sides of the road through such a narrowed space?
- 1.6 MDC supports ‘Summary of ECC position’ **[REP7-049]** Requirement 16 ‘Operation phase local traffic modelling’, page 13, at Site 2 Maldon Road junction with the Duke of Wellington mini roundabout, especially as the Applicant has committed to such post operation modelling in other DCO schemes. In addition, MDC maintains it is the *road user* at Site 2, consisting mainly Maldon District residents, businesses and visitors according to the transport modelling, who are disadvantaged by the Project because this is the nearest A12 junction to the district’s main employment and housing growth areas at Maldon and Heybridge for all modes of transport to indirectly connect to the SRN from the LRN.
- 1.7 MDC supports ECC’s proposed changes to the dDCO at Requirement 16 as set out in **[REP7-049]** at (1), (2), (3), (4) on page 14 and the Drawing referenced: HE551497-JAC-HGN-5_S1_J21-SK-C-0011_P01, to support provision of a future Maldon Link Road.
- 1.8 MDC refer to National Highways submission **[REP7-036]** ‘8.22 List of matters not agreed where SoCG could not be finalised’. MDC notes that ECC have moved Issues 2.4 and 2.55 in their SoCG **[REP7-026]** to ‘Agreed’ on 29 June and 26 June respectively. MDC has supported these particular ECC SoCG positions as the highway authority to support MDC position in its SoCG with National Highways **[REP7-026]** with MDC ‘Comments on SoCG and SoC’ at DL7 **[REP7-052]**. ECC Issue 2.4 is ‘uncertainty

regarding traffic impact at DoW junction/Maldon Road/The Street and consideration of future requirement for a link road' is agreed as it relates to paragraph 1.7 above in support of a future Maldon Link Road. ECC issue 2.55 'design of Little Braxted Lane to deter HGVs travelling southbound' correlates with the 'agreed' position in MDC's SoCG at Issue 2.6, agreed on 31 May 2023.

1.9 ECC's Issue 2.9 'monitoring the actual impacts of the scheme in operation for an agreed period after opening remains 'in disagreement'. This ECC position supports MDC's Issues 'in disagreement' at 3.1, 3.2, 3.3, 2.2 and 2.3 and the explanations for each issue as set out in MDC's 'Comments on SoCG and SoC' **[REP7-052]** where MDC has consistently expressed that Maldon District residents, businesses and visitors are disadvantaged by the Project. These disadvantages are best addressed in Section 2 below.

2. Comments on the Applicant's Closing Statement

2.1 MDC refer to the Applicant's Closing Statement **[REP7-078]** and offer the following comments in response to highlighted paragraphs in support of MDC's written submissions and the MDC and Applicant's position in their SoCG and SoC **[REP7-026]** and **[REP-052]**.

2.2 Section 5.1 General Assessment of Scheme Alternatives, Paragraph 5.1.19 - 5.1.21, page 26 – MDC welcomes the explanation from the Applicant at this late stage for excluding a Maldon Link Road from the Project with the 'blame' appearing to be in ECC's court with the Applicant's reference to the negative findings of an '*ECC 2017 feasibility study for a Maldon Link Road*'. MDC is however bemused by this late submission. Up until now and as detailed in the SoCG between MDC and the Applicant **[REP7-026]**, the explanation has been confined to the Applicant stating: "*The assessment of the bypass options found serious challenges to feasibility, including significant carbon, land, environmental, construction and cost impacts. Accordingly, a bypass has not been included as part of the scheme.*" as if it is the Applicant that has made the judgement on the feasibility and practicality of including a Maldon Link Road as part of the Project. MDC draws the ExA attention to the SoCG between MDC and the Applicant, NH **[REP7-026]** at issues 3.1 on page 31, 3.3 on page 33, and 2.3 on

page 36 where the Applicant's response to MDC's issues is clearly explained in their statement above without any reference to a '2017 ECC Study'. MDC challenged the Applicant's response to the issue: 'Omission of Maldon Link Road/Hatfield Peverel Bypass' early in the SoCG discussions stating: '*MDC was not made aware of the 'serious challenges to feasibility, including significant carbon, land, environmental construction and cost impacts' when the options were tested for a link road before the DCO was submitted.*'

2.3 MDC has hurriedly consulted ECC on the above on the morning of 12 July 2023 as MDC has supported ECC's views as the local highway authority at all stages of the Examination. The pertinent content of the ECC response is below:

Essex Highways produced 3 reports in 2017:

- B1019 Maldon to Hatfield Peverel Route Based Strategy – Baseline Report (March 2017)
- B1019 Maldon to Hatfield Peverel Route Based Strategy – Option Appraisal and Strategy Report (April 2017)
- B1019 Maldon to Hatfield Peverel Route Based Strategy - Stage 1C Addendum (October 2017)

The Applicant is quoting from the second report which strongly recommended the B1019 bypass option for further study in the next stage of the 2017 ECC project. Although the report mentioned 'significant challenges for Deliverability, Feasibility and Affordability' in relation to the bypass, **it made it clear that the benefits of the scheme were such that that the scheme should be investigated further.**

The subsequent report (the Stage 1C Addendum) concluded that the Hatfield Peverel Bypass should be progressed to Design Stage 2. It recommended that the scheme should be worked up in more detail, including consideration of various configurations of intervention, concept design, modelling and initial environmental assessment work; as well as the preparation of an Outline Business Case

The Applicant's statement at 5.1.21 therefore that '*the disbenefits of a link road were found to outweigh the benefits*' and that '*this conclusion is similar to that reached in previous studies by Essex County Council in 2017*' **is clearly a misrepresentation of the conclusions of the studies carried out by ECC in 2017.** The 2017 studies by ECC concluded that the Hatfield Peverel Bypass [Maldon Link Road] should be

progressed through to the next stage of design and, in fact, that an Outline Business Case should be prepared for the scheme.

The Applicant appears at fault in ignoring the positive conclusions of ECC's 2017 Study to include a Maldon Link Road/Hatfield Peverel Bypass as part of the Project and has used the one negative element, basically relating to cost, for the omission/exclusion of the Maldon Link Road/Hatfield Peverel Bypass from the Project and the Applicant mis-informing MDC in the SoCG with NH **[REP7-026]**.

2.4 Section 5.2 of the Applicant's Closing Statement is headed '*Maldon Bypass*'. The section should be headed 'Hatfield Peverel Bypass' or 'Maldon Link Road'. Paragraph 5.2.3 infers that MDC cite the performance of the Duke of Wellington mini roundabout and the congestion as the sole reason for the Project providing a 'Maldon Link Road'. The ExA should note that this is not correct. MDC has challenged the Project maintaining the poor level of service D (LoS D) based on the Applicant's submitted traffic modelling numbers at AM and PM at Point 7 Duke of Wellington Bridge and Point 9, South of Church Road that originates to and from the Maldon District, via the Duke of Wellington mini roundabout. MDC has consistently challenged the Project principle of maintaining the LoS D where the Project 'increases queue lengths' and the 'changing traffic patterns' at the Maldon Road junction with the Duke of Wellington mini roundabout due to Junction 20a closing and the Duke of Wellington bridge upgraded to 2-way traffic. MDC has highlighted the lack of integration of the LRN with the SRN at the Duke of Wellington mini roundabout and that MDC residents, businesses and visitors are disadvantaged by the Project in the SoCG with the Applicant.

2.5 At paragraph 5.2.6 of the Closing Statement **[REP7-078]**, MDC feel the Applicant has misunderstood the basis of Boreham Conservation Society's reiteration of their view that '*a Maldon Link Road would encourage further traffic to use Junction 21*' **[REP6-106]**. MDC reiterates there is nothing to prohibit traffic from the Maldon District arriving at the Maldon Road junction with the Duke of Wellington mini roundabout from turning left onto The Street and joining the 'Hatfield Peverel traffic' on Main Road, Boreham, then journeying on to Junction 19 to join the A12 southbound at Boreham, and vice versa from Junction 19, into Boreham village onto Main Road and The Street, Hatfield Peverel to continue to make a right turn onto Maldon Road at the Duke of Wellington mini roundabout and thus avoiding the intended use of the all-movement Junction 21. MDC is sure this is the point Boreham Conservation Society are making that a Maldon Link

Road to and from Junction 21 would take Maldon District traffic away from the Duke of Wellington mini roundabout and mitigate the IPs concerns based on Junction 20a closing. The Applicant's reliance on Maldon District traffic at the Maldon Road junction with the Duke of Wellington mini roundabout turning right only whether travelling southbound or northbound on the SRN is highly presumptive and not guaranteed and disregards driver behaviour and local knowledge as the reality against the alternative scientific traffic modelling.

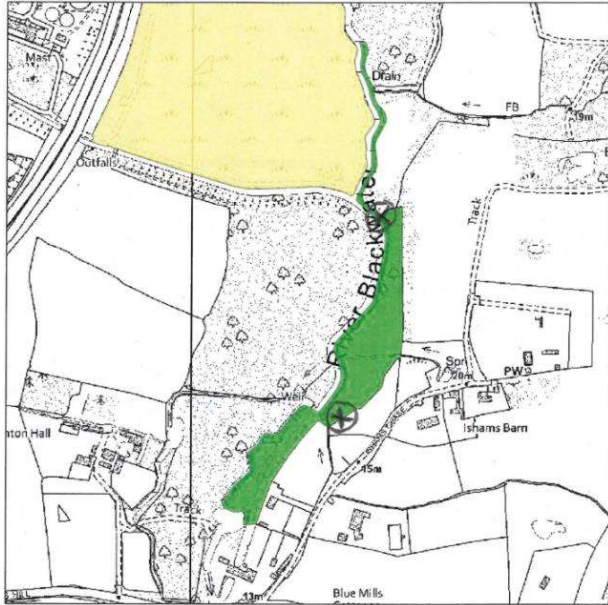
2.6 MDC note the absence of reference to Maldon District traffic in Section 5.4 Junction 20a at paragraphs 5.4.1-5.2.10 of the Applicant's Closing Statement **[REP7-078]**. MDC maintains that the Project's closure of Junction 20a on-slip and off-slip directly disadvantages Maldon District traffic, as modelled by the Applicant, arriving at the Maldon Road junction with the Duke of Wellington mini roundabout. The impacts of Maldon District traffic at Hatfield Peverel and Boreham have been set out in MDC's written submissions and as set out by other IP's and referenced at 2.4 above. An all-movement Junction 21, replacing Junctions 20a on and off-slips does not benefit Maldon District traffic with the confirmed increased queue lengths and that Maldon District traffic will still be able to travel southbound or northbound through Boreham village, ignoring Junction 21 completely.

2.7 MDC note the similar references in paragraph 2.4 above at Section 6 Duke of Wellington mini roundabout and Junction 21 at paragraphs 6.3.1 - 6.3.3 in the Applicant's Closing Statement **[REP7-078]**. MDC maintains the Project has missed a single opportunity to improve the integration of the LRN with the SRN and therefore benefit all road users and more importantly that the surrounding area is relieved of existing traffic congestion in an ever-growing area for housing and the economy.

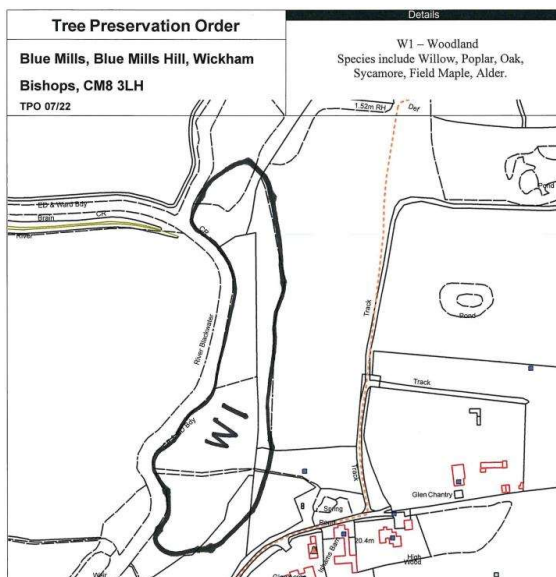
2.8 Section 7 Environmental Matters, subsection 7.6 Biodiversity, paragraph 7.6.47 of the Applicant's Closing Statement **[REP7-078]** refers to "*however it is still possible a corridor of up to 30m would be cleared through the part of the proposed LWS which does not overlap the TPO.*" Paragraph 7.6.49 also refers to a "*ride which would be created*". It is MDC's position that the section of the proposed LWS that is within the Order Limits, is also covered by TPO 07/22 in its entirety, with the exception of the riparian edges of the River Blackwater and therefore this statement is not achievable by the Applicant or Project. There are however parts of the woodland covered by TPO

07/22 which are not covered by the proposed LWS, but which are otherwise within the Order Limits. The boundaries for both are provided in the MDC Local Impact Report **[REP2-068]** and can be provided electronically to the ExA or Applicant to assist in understanding this area.

The proposed Blue Mills LWS boundary 2022:



The Tree Preservation Order boundary 07/2022:



2.9 It is noted within paragraph 7.6.53 of the Closing Statement **[REP7-078]** the Applicant states 'as per row 8 of the table, TPO 07/22 Blue Mills would only be subject to felling,

pruning and lopping of branches. No work to roots would be permitted'. However, the following paragraph 7.6.54 contradicts this in claiming *'the Applicant therefore concludes that with consideration of REAC commitment B150 there would be no pathway to effects on TPO 07/22, the potential veteran black poplar and the transitional veteran trees, impacts are therefore avoided and are therefore assessed as not significant'*. Whilst MDC welcomes the additional protections that have been afforded to the Black Poplar through additional REAC commitments, MDC is concerned by the term 'felling'. We note it is used in the context of *'felling, pruning or lopping branches'* only. MDC is not familiar with the term 'felling' used in the context of the removal of branches, MDC is only familiar with the term in relation to the removal (felling) of trees, which seems contrary to the measures to protect the roots of these trees.

2.10 In regard to the tunnelling technique to be used to install the Cadent gas main, the Applicant highlights at paragraph 7.6.60 that *'the start-up operations of the equipment can often generate the highest levels of vibration'* and that *'tunnel boring would be continuous'* to avoid the start and stop of the machine, with the possibility of *'night and/or weekend working'*. However, paragraph 7.6.63 states the tunnelling work would be undertaken over several weeks and *'would be undertaken within daylight hours'* to avoid night-time disturbance to the otters within the otter holt at the base of the Black Poplar tree. If this is the case, the statement in paragraph 7.6.60 which states tunnelling would be *'a continuous operation'* is misleading.