

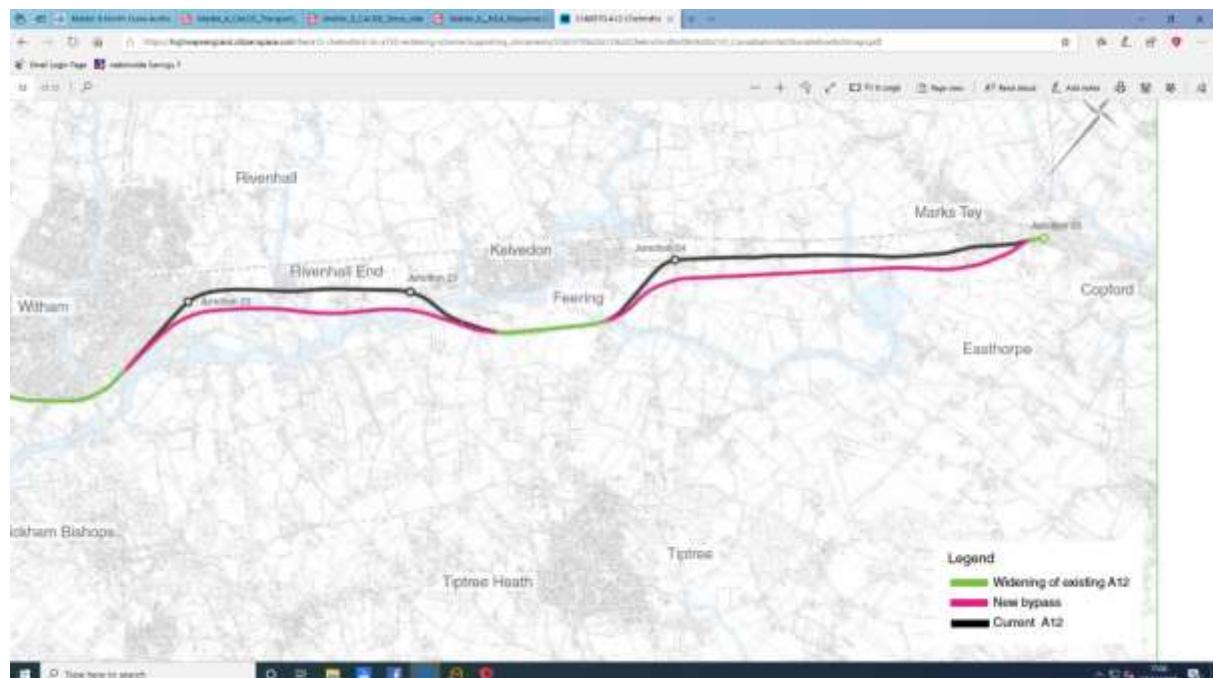
Hearing Matter 6 Hearing Statements as published by the NEAs, Anglian Water and Crest Nicholson, RF West, Livelands & Sherwood.

Responses by Neil Gilbranch

1. Hearing Statement by the NEAs

I am submitting this response to the NEAs Hearing statement because in my opinion, they have provided new information which wasn't clear in the evidence, previously available. I have highlighted in yellow where these new points have been made by the NEAs.

Inspector's Question 3(c): Is the proposed alignment of the A12 between Feering and Marks Tey in route options 2 and 4 of the Highways England consultation (January – March 2017) [EXD/066] the same as the alignment shown in Figure 15 of the AECOM Infrastructure Planning, Phasing and Delivery [IPPD] document [EB/088]?



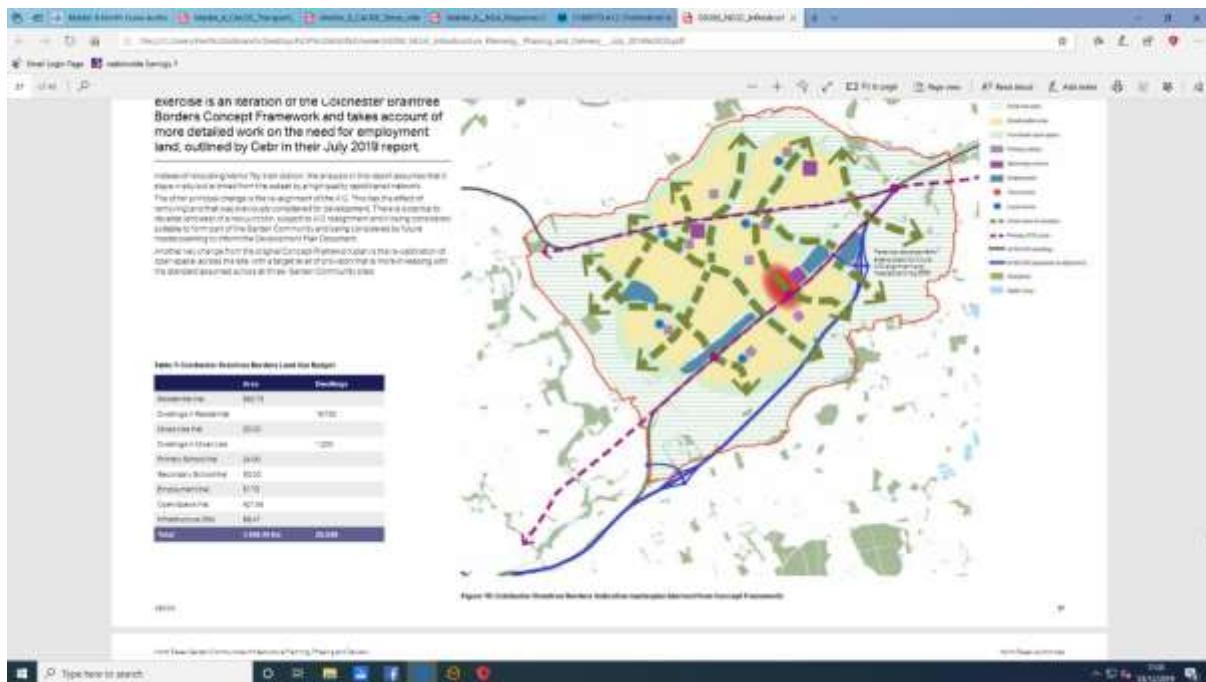


Figure 15 of the AECOM Infrastructure Planning, Phasing and Delivery [IPPD] document [EB/088]

The NEAs response to the Inspector's question is as follows:

*6.3c.1 Indicative alignments set out in the AECOM Infrastructure Planning, Phasing and Delivery Report (EB/088) are broadly similar to the route options which have been considered in the consultation undertaken by HE.*

*6.3c.2 However it should be noted that the AECOM report and Concept frameworks were based on broad indicative routes which would be subject to detailed planning in consultation with the highway authorities and taken forward as part of the DPD and master planning process.*

I think it is plain to see from the two images provided that these two routes are not the same which is what the Inspector actually asked and this is an important issue, due to the uncertainties of funding and timescales.

This is also why Highways England have rushed through the further non-statutory consultation on four additional options between junctions 24 and 25 during Oct and Nov 2019 with two new alignments (options A and C) which are similar to Figure 15 (except that Fig 15 shows two new junctions but Highways England only show indicative locations) but also including two further alignments (B and D) which would have a serious adverse impact on the villages of Easthorpe, Copford and part of Marks Tey. For this reason alone, it is dismissive and inconsiderate to claim that they are "broadly similar"

Furthermore, the NEAs go to great lengths in their response to the Inspector's question 3(b) (in 6.3b.7 to 10 inclusive), to describe these four new alignments (in 670 words) and they state as follows:

*6.3b.11 These four amended options are not currently funded through the RIS1 allocation and are subject to an ongoing HIF bid. If the HIF bid is successful it would fund the southern realignment*

*between junctions 23 – 25, and facilitate the delivery of the Colchester Braintree Borders GC, including a direct connection at Junction 25.*

in response to the Inspector's question 4(a) they also say:

*6.4a.1 ECC supported by the NEA's, NEGc and others submitted a HIF bid for a more southerly alignment of the A12 between junctions 23 and 25, together with a new junction to serve the development and an increase of 4 lanes to a section of the A12 between junctions 23 and 24. It should be clearly highlighted that contrary to the implication of several of the responses to the NEAs summer 2019 consultation that this bid has not been rejected and the government is still actively considering the bid. The timetable for the outcome of the bidding process is not known as it has been affected by the current national government pre-election period. Nevertheless it should be worth noting that HE gained approval from government to undertake a further non statutory consultation at considerable time and expense on four revised options between junctions 23 and 25 (as set out in the response to question 3b ) which should provide some comfort to the Inspector as to how seriously the bid is being taken.*

*6.4a.3 If the HIF bid is not successful then the route between junctions 23 and 25 will be based on the HE 2017 consultation. Although this would result in fewer homes being delivered it would not affect the viability of deliverability of the Colchester Braintree Borders GC.*

So, to summarise:

the new routes are more southerly (in fact by 0.7km);  
not currently funded through RIS1; might be funded with a HIF bid;  
might facilitate the delivery of CBBGC;  
might include a direct connection at J25; might need 4 lanes between J23 and 24;  
not critical to the viability of CBBGC;  
have cost considerable time and expense to consult on.

Although the NEAs are suggesting the Inspector should "take some comfort from how seriously the HIF bid is being taken by government" it is a simple statement of fact that these DIFFERENT routes have been introduced after the evidence was submitted and are subject to funding decisions.

Hopefully the government will take into account the fact that the NEAs themselves don't consider the HIF bid to be critical and the Inspector can also make an informed decision on that basis.

## 2. Hearing Statement by Anglian Water Services

The comments made by the water authority in their hearing statement and also the joint statement of common ground with the Environment Agency appear to be a generic assurance that solutions will be found in order to supply water and treat wastewater. It seems to be “business as normal” and “we are in it together with the NEAs”. They do not answer serious questions about deliverability due to the unusual scale of the developments proposed. The concern remains that “normal strategies” and “fair charging mechanisms” may not be sufficient due to the magnitude of largely untested water saving measures required. It would be helpful if Anglian Water could answer the following questions which have been raised with them directly since the Inspectors questions were published:

Now that the hearing statements have been issued, the various documents referred to show inconsistencies in assumed consumption and waste water flow rates:

EB/015 (NEGC IWMS)

For CBBGC, Potable and Non potable consumption from 24000 homes and 1002 jobs 9.64 ML/d  
Total Grey and Black Water 9641 m3/d

CBC/0048 (CBC Water Cycle Study)

AWS S. Essex Resources Zone consumption 138L/h/d  
Wastewater 150 L/h/d (stated that OFWAT require this higher figure in planning)

AWS Water Recycling Long Term Plan

assumed 90% of per capita consumption (PCC) plus non-household domestic consumption is returned for recycling (per capita flow or pcf).  
pcf forecast to reduce from 152 in 2013 to 122 in 2044)  
This suggests pcf might be an average of 137 over the 30-year period giving PCC = 137/0.9 = 152L/h/d.

None of this seems to tie up exactly to give a confident level of consumption and treatment flows and none of it assumes any reductions due to grey water recycling.

For example, from EB/015:

Let's assume household occupancy of 2.3 (a figure used in other evidence) x 24,000 homes plus 1,002 jobs that's 56202 people which equates to a PCC of 172 L/h/d (unless jobs are assessed differently to household). What are the correct flow rates to be used?

Following on from this and trying to arrive at a reasonable estimate of both the peak and mean flows for the two pipelines currently proposed by the NEAs for the West and East Colchester GCs (TCBGC and CBBGC) to get an idea of the design requirements for those pumped sewers and also the total amount which the Colchester WRC is expected to treat. What are AWS's estimates?

It is understood that the above peak and mean flows will be Dry Weather Flow (DWF) which is regularly exceeded in wet weather causing risk of untreated overflow to the river. How would the Colchester WRC be configured to cope with the full peak (wet weather) hydraulic flow when both these pipelines are running at full capacity? (or is it assumed that there will be untreated overflows to the river)

I believe the above items need to be addressed in order for the Inspector to be able to make a decision on whether the plan is sound.

### 3. Hearing Statement by Crest Nicholson, RF West, Livelands & Sherwood.

I am submitting this response to the Hearing statement published by the Landowners in order to respond to the comments made which would have significant impact on the existing communities of Easthope, Copford and Marks Tey and who were not given the opportunity to respond to those comments.

The comments made by the landowners appear to be contradictory as they object to the NEA's Infrastructure Planning, Phasing and Delivery Plan (EB/088) but in their appended response to the latest A12 consultation, they strongly support Options B and D.

In supporting the A12 Options they are effectively supporting the plan for the Colchester Braintree Borders Garden Community (CBBGC) because the options are only required if CBBGC goes ahead (as confirmed by Highways England and the NEAs). A large number of residents of Copford, Easthorpe and Marks Tey (supported by Copford with Easthorpe Parish Council and Borough Councillors for Marks Tey & Layer Ward) have responded to the A12 consultation and opposed all four options for this reason. See Appendix 1 for details of the "local communities' response" to the consultation.

The landowners also claim that Options D or B would be beneficial to Marks Tey and Copford. The landowner's representatives have been invited on numerous occasions to meet with the Copford & Easthope Neighbourhood Plan group, but have declined that offer, citing the need for clarity on the A12 before being able to discuss their plans and despite having previously presented plans to a similar group in Marks Tey which are published on the Marks Tey Parish website.

Two meetings were held by Ward councillors during November 2019 in Copford and Marks Tey where the "local community response" to the A12 consultation was widely supported. At Marks Tey the following polls were conducted:

Marks Tey Village Hall November 30th 11am.

Purpose of meeting:

to discuss the Consultation on the new A12 Options and NEGC Garden Community Plan.

Attended by:

3 Borough Councillors (Marks Tey & Layer Ward).

1 Parish Councillor (Marks Tey Parish Council)

115 Marks Tey residents.

A show of hands was requested on two questions with the result as follows:

1. Do you support the Parish Council choice for the A12 consultation; option D?

Support 2 (1 other person changed their mind during discussion)   Against 113.

2. Do you support the NEGC'S Garden Community?

Support 0   Against 115

It is evident, therefore, that the landowner's comments are in conflict with the views of local residents, who do not support the garden community in its current form, or see the need to move the A12 in order to support housing developments. These views have also been evident at consultation events held recently by Highways England and NEGC Ltd.

Whether a HIF bid is approved for moving the A12 and whether a plan for a Garden Community is found sound, in whatever form, it is vital that decisions on the A12 alignment, which will inevitably come first, are such that money is spent in the most cost-effective way and avoids unnecessary adverse impacts on existing communities and the environment, which is what the NPPF requires.

## Appendix 1.

### A12 Chelmsford to A120 Widening Junctions 23-25 (non-statutory public consultation)

#### LOCAL COMMUNITIES RESPONSE

##### **Comments on the consultation process (section 10):**

This additional consultation only exists to support the plan to build a New Town at 'West Tey'. It was published after the Local Plan consultation closed and is different to evidence supplied in that consultation. The options as published would not support alternative development / sites which the Planning Inspector requested be assessed. All four options substantially reduce the land available to the south of the existing A12, reducing opportunities that may be considered by the Inspector as an alternative to the 'Garden Communities' proposal.

There is insufficient data provided to understand the impact on existing properties and the local environment. Consequently, it is impossible to comment on these options objectively. Asking for comments on four options with significantly differing scope is potentially divisive as they affect different localities for different reasons. It looks like a popularity contest between localities.

'Option 2' from 2017 was selected by a large majority of people, and this would provide a suitable route to widen the A12, so how is the extra cost in preparing these routes and the delay to this project justified?

Various statements in the brochure are misleading, contradictory or not justified with sufficient data. For example, it seems disingenuous to state that 'Noise along the A12 could improve' as there will be additional traffic flow and new roads where none currently exist. The impact of these routes on people and communities is definite, not 'likely'. Mitigation measures would not provide sufficient barriers to noise, vibration or air pollution due to proximity. The impact on landscapes is likely to be greater than suggested with three routes having significant effects on Copford with Easthorpe.

Options A and C are stated as 'likely to have greater disruption on properties and residents of Marks Tey'. These two routes run within the parish of Marks Tey for approximately 1km and at a greater distance from all properties in Marks Tey than the current A12 line so it is difficult to understand this statement. Options B and D will cause serious harm to residents of Easthorpe, Copford and parts of Marks Tey.

There is no clear quantifiable benefit to balance the obvious additional cost and harm to existing localities from these four route options. It is simply stated that they may be necessary to support the 'Garden Community', which exists only in concept.

Retaining the A12 route on or close to the existing line can be considered equally or more beneficial than moving it further south because it would maintain a compact, combined transport corridor including the existing railway. Any new junction access would be located closer to the centre of the area of potential development.

The concept of planning smaller developments either side of a combined main transport corridor is seen by many as preferable to a large New Town.

Junctions (and routes) are shown as 'indicative'. As junctions require large areas of land, consume a large proportion of cost and have potentially the greatest impact on people and the environment, more details should be provided to enable comment.

We therefore STRONGLY OBJECT to all four Options A, B, C and D and request that the routes are based on the 2017 consultation.

## A12 Chelmsford to A120 Widening Junctions 23-25 (non-statutory public consultation)

### LOCAL COMMUNITIES RESPONSE

#### Comments on the options (sections 6-9 inclusive):

##### Landscape, Biodiversity, Geology and Soils

- Insufficient information is provided about impact on listed buildings and their setting in the landscapes.
- What surveys have been completed on potential archaeological remains along any route? The options alongside and at the intersection of two known Roman roads urgently require surveying prior to considering route suitability.
- Habitat loss will cause significant changes in biodiversity and none of the options prevent this. No information is provided about species affected, or consideration of 'wildlife corridors' which allow species to move from and within habitats.
- Loss of high-grade agricultural land and areas of mineral potential are concerning. The mention of contaminated land is significant. Presumably initial surveys have been undertaken to identify the nature and scale of the risk and the cost of remediation. Why aren't these available?
- Options which extend new routes beyond Junction 25 would destroy existing mature woodland with a loss of significant environmental benefits, including a well-established barrier to the existing traffic flow.

##### People and Communities, Noise and Vibration

- An initial close analysis of the new options shows at least 150 houses within 200m of the centreline of route options B and D.
- The comment in the consultation brochure regarding Air Quality is not supported by any figures. Increased traffic flow will increase airborne pollution. The proximity to Copford School (less than 500m) is of grave concern.
- No details on airborne and ground vibration are provided, given the proximity of a large number of houses to some of the options.
- The indicative new junction prior to Junction 25 would have a significant impact on Easthorpe and Copford as new access roads would be needed across existing high value land with impacts on noise, vibration, air quality and traffic management.

##### Walkers, cyclists, horse riders and public rights of way

- There are no identifiable improvements to access for walkers, cyclists, horse-riders and to Public Rights of Way.

##### Safety, Traffic Flows and Journey time savings

- Traffic flow will multiply between 14 and 15 times in Easthorpe Road under any of the four options. Given the narrow width of the road, its winding nature and proximity to homes, there would be a significant detriment in air quality, increases in noise pollution and accident

potential, and financial loss to residents. There is no suggestion of any road improvement scheme here.

- Forecast traffic volumes do not suggest a figure for the traffic flow along each of the four proposed A12 routes, which would have provided a clear comparison with the existing A12. The assumed reduction in traffic flow for the A120 seems overstated since none of the proposed routes relieve the existing A120.

#### **Costs and other issues**

- All four options will cost more than the 2017 widening options. The additional developed lengths of dual carriageway construction over and above the 2017 offline route vary between 0.6km (+10%) for Option A to 2.5km (+45%) for Option D. The extra length required to extend to the east of J25 (Options B and D) is 1.5km (+27%).
- Given that Colchester Borough Council has declared a ‘Climate Emergency’, any increase in length of the A12 is not compatible with environmental policies.