

A12 Chelmsford to A120 widening scheme TR010060

6.1 ENVIRONMENTAL STATEMENT CHAPTER 4 CONSULTATION

APFP Regulation 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

Volume 6

August 2022

Infrastructure Planning

Planning Act 2008

A12 Chelmsford to A120 widening scheme Development Consent Order 202[]

ENVIRONMENTAL STATEMENT CHAPTER 4 CONSULTATION

Regulation Reference	Regulation 5(2)(a)
Planning Inspectorate Scheme Reference	TR010060
Application Document Reference	TR010060/APP/6.1
Author	A12 Project Team & National Highways

Version	Date	Status of Version
Rev 1	August 2022	DCO Application

CONTENTS

4 Consultation2

4.1 Introduction2

4.2 Statutory consultation2

4.3 Supplementary consultation.....3

4.4 Non-statutory consultation5

4.5 References.....9

LIST OF TABLES

Table 4.1 Key consultation responses during the options appraisal6

4 Consultation

4.1 Introduction

- 4.1.1 The Planning Act 2008 requires National Highways to undertake consultation on the proposed scheme before submitting its Development Consent Order (DCO) application. Section 37(3)(c) of the Planning Act 2008 requires the Applicant to submit a consultation report as part of its application.
- 4.1.2 The Consultation Report [TR010060/APP/5.1] and its associated annexes [TR010060/APP/5.2] are included in Volume 5 of the DCO application. These set out National Highways' approach to stakeholder engagement and public consultation on the proposed scheme and explain how National Highways has complied with the pre-application consultation requirements set out in the Planning Act 2008, the Infrastructure Planning (Application: Prescribed Forms and Procedure) Regulations 2009 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- 4.1.3 This chapter summarises the consultation that has occurred, which includes the following:
- Statutory consultation, in accordance with the requirements of Section 42 of the Planning Act 2008
 - Supplementary consultation, for design changes that occurred after the statutory consultation
 - Non-statutory consultation that informed the options development and selection process
 - Technical consultation with stakeholders to inform the EIA process

4.2 Statutory consultation

- 4.2.1 The proposed scheme held a period of statutory consultation between 22 June to 16 August 2021. During this period, National Highways (formerly Highways England Company Limited) consulted with prescribed consultees in accordance with the requirements of Section 42 of the Planning Act 2008. The consultees included Natural England, the Environment Agency, Historic England, relevant planning authorities, and interested parties (e.g. landowners and tenants).
- 4.2.2 Local communities and the wider public were also consulted on the proposed scheme via the statutory consultation programme in accordance with Sections 47 and 48 of the Planning Act 2008.
- 4.2.3 The statutory consultation included a virtual exhibition, webinars (online events where technical experts were available to talk through the design proposals and answer any questions) and publication of brochures, reports and other information made available in local community facilities and online. The statutory consultation was also complemented by public events, which adhered to Government COVID-19 guidelines at the time and were agreed with the local

planning authorities as per the Statement of Community Consultation (a copy of which is included in Annex F of the Consultation Report [TR010060/APP/5.2]).

- 4.2.4 A Preliminary Environmental Information Report (PEIR) was produced to support the consultation (Highways England, 2021). The PEIR included environmental information to enable consultees to understand the likely significant environmental effects of the proposed scheme, and measures proposed to mitigate such effects, to help inform their consultation responses.
- 4.2.5 The Environmental Statement builds upon the information presented in the PEIR with additional design and assessment work, taking on board comments raised by stakeholders during the statutory consultation.
- 4.2.6 A Consultation Report has been produced and submitted as part of the DCO application [TR010060/APP/5.1]. Annex N of the Consultation Report [TR010060/APP/5.2] summarises the feedback received during the consultation as well as how the project team have considered this feedback in the proposed scheme design. The Consultation Report demonstrates how National Highways has complied with the consultation requirements of the Planning Act 2008.
- 4.2.7 Key themes of feedback from the statutory consultation included:
- increased congestion on local roads
 - noise, air and light pollution
 - impact on the local environment, including wildlife
 - impact on local villages and communities from traffic
 - access issues for local communities
 - permanent and temporary land acquisition
 - impact of congestion on walkers, cyclists and horse riders
 - impacts from construction and construction traffic on local communities
- 4.2.8 Key feedback from the statutory consultation in relation to the environmental assessment, along with National Highway's responses, is summarised in the individual aspect chapters of the Environmental Statement (Chapters 6 to 16 [TR010060/APP/6.1]).

4.3 Supplementary consultation

- 4.3.1 Further design work was undertaken following the statutory consultation. This was part of the ongoing design development process, taking into consideration further information on construction and utility diversion requirements, as well as stakeholder feedback that was received from the statutory consultation. The main areas where the design changed, or was updated, following the statutory consultation and which could affect the environment (and were classed as category 1 changes in the consultation materials) were as follows:
- Closing Easthorpe Road to traffic accessing the existing A12, which would be de-trunked as part of the proposed scheme

- Widening Inworth Road where there are existing pinch points and providing suitable drainage and flood risk mitigation
- Diverting a high-pressure gas main operated by Cadent Gas Limited (Cadent) – five options were presented for diverting this gas main, as described in Chapter 3: Assessment of alternatives, of the Environmental Statement [TR010060/APP/6.1]
- Using Wellington Bridge as a northern link road to junction 21 instead of The Street as a southern link road to junction 21
- Removing a proposed noise barrier through Hatfield Peverel and using road surfacing with better noise reducing properties than a conventional low noise road surface instead
- Temporary removal of an existing noise barrier at Market Lane to allow construction of a retaining wall

4.3.2 There were additional minor design changes following the statutory consultation (which were classed as category 2 and 3 changes in the consultation materials); however, these resulted in no material change to the environmental assessment conclusions reported in the PEIR at the statutory consultation.

4.3.3 A supplementary consultation was held between 9 November and 19 December 2021 to inform stakeholders of the above design changes, and to gain feedback.

4.3.4 An Environmental Report was produced to support the supplementary consultation (National Highways, 2021a). The Environmental Report documented the potential significant environmental effects from these category 1 design changes, as well as the mitigation that would be required to mitigate any significant adverse effects.

4.3.5 A summary of the environmental impacts of the design changes can be found in Chapter 3: Assessment of alternatives, of the Environmental Statement [TR010060/APP/6.1].

4.3.6 Annex N of the Consultation Report [TR010060/APP/5.2] summarises the feedback received during the consultation as well as how the project team have considered this feedback in the proposed scheme design.

Targeted consultation

4.3.7 As a result of a modification to the proposed scheme's development boundary, additional land interests were identified. These parties were consulted under Section 42(1)(d) of the Planning Act 2008 between 11 February 2022 and 18 March 2022.

4.3.8 In addition, 372 residents were identified across the proposed scheme as being affected by a change to how noise effects were assessed, resulting in more residents experiencing significant effects. As part of this targeted consultation, these 372 residents received a letter to inform them of what this proposed change would be and how, if possible, this would be mitigated.

- 4.3.9 Annex N of the consultation report [TR010060/APP/5.2] includes the responses to comments received during the targeted consultation.

4.4 Non-statutory consultation

Public engagement

- 4.4.1 A public consultation was held for Options 1-4 between 23 January and 3 March 2017 (see Chapter 3: Assessment of alternatives [TR010060/APP/6.1] for further information on the options considered). The consultation included seven public information events held in communities along the A12 corridor. The consultation received 907 responses, of which 824 were positive, 757 expressed a preference for one of the four options, and 67 had no preference. The most popular option was Option 2 (bypass between junctions 22 and 23, and a bypass between junctions 24 and 25), with 49% of respondents stating this as their preferred option. A considerable amount of support for this came from the local councils and local communities, who felt that Option 2 would have the least impact on residents of Rivenhall End. Additional reasons for support of Option 2 included:
- it would be the most future proof
 - it would cause the least disruption during construction
 - it would be the most resilient
 - it would have the least impact on local residents
- 4.4.2 The second most popular option was Option 1 (online widening), with 28% of respondents stating this as their preferred option. Although there was support for this option due to the reduced impact on ecology, landscape and archaeology, there were also concerns that it would not be as resilient, and if it would be feasible to construct (given the disruption anticipated from online construction).
- 4.4.3 The consultation also asked whether respondents felt improvements were needed at each junction along the length of the proposed scheme. All junctions received a majority of support for improvements, with many respondents citing poor visibility, unclear signage and dangerous slip roads. In particular, there was support from both the public and local authorities for rationalising junctions 20a and 20b (Hatfield Peverel), providing a new junction serving traffic travelling both northbound and southbound. Junction 23 received the least amount of support for improvement, but still a majority, with 51% feeling improvements were needed. For those who did support the need for improvements, the primary concern was the existing junction arrangement which respondents suggested led to congestion in the village of Kelvedon.
- 4.4.4 Options A-D were presented at a second public consultation between 21 October and 1 December 2019 to gain views from stakeholders on the options proposed to accommodate the Colchester Braintree Borders Garden Community (CBBGC) (see Chapter 3: Assessment of alternatives [TR010060/APP/6.1] for further information on the options considered). The

feedback received was independently analysed and published alongside the Preferred Route Announcement for junctions 23-25. A total of 822 responses were received. The majority of respondents commented that they strongly opposed all routes on the basis that they were against the proposed CBBGC, or that they preferred the routes presented in 2017. However, as the CBBGC was not taken forward by the North Essex Authorities in their draft Local Plan, these options were not considered further.

- 4.4.5 As described in Chapter 3: Assessment of alternatives [TR010060/APP/6.1]), the non-statutory consultation feedback was a key factor leading to the Preferred Route Announcement of Option 2. This Option 2 design was further developed through improvements to design and environmental outcomes to arrive at the proposed scheme published at the statutory consultation stage described above.
- 4.4.6 Further information on the previous consultation results and the Preferred Route Announcements can be viewed on the National Highways (2021b) webpage and are included in Chapter 2 of the Consultation Report [TR010060/APP/5.1].

Technical engagement

- 4.4.7 In addition to the public consultation events, a detailed programme of engagement has been developed and implemented throughout the option identification/selection and design development stages. This engagement included forums and workshops with a wide range of relevant stakeholders, including statutory environmental bodies and local/county authority environmental officers. The purpose of these forums and workshops was to communicate key messages about the proposed scheme, and to gather feedback about the proposed scheme from stakeholders to influence the options selection process and preferred route development.
- 4.4.8 Table 4.1 highlights key responses from statutory environmental bodies during the options appraisal.

Table 4.1 Key consultation responses during the options appraisal

Stakeholder	Consultation response
Environment Agency	<p>In their 2017 consultation response, the Environment Agency did not wish to state a preferred option but reiterated general principles that should be considered as the proposed scheme progresses:</p> <ul style="list-style-type: none"> • The proposed scheme presents an opportunity to provide improvements to the water environment along the route. • The Flood Risk Assessment will need to demonstrate that the proposed scheme would result in no impediment to flows or net loss of floodplain for all events up to and including the 1 in 100-year fluvial event inclusive of climate change. • The proposed scheme must not cause deterioration in a water body's status or prevent its achievement of good ecological status/potential in the future, to be compliant with the Water Framework Directive. • The proposed scheme will need robust pollution prevention measures and a high level of treatment for surface water runoff to protect water bodies.

Stakeholder	Consultation response
Natural England	<p>In their 2017 consultation response, Natural England did not wish to state a preferred option but reiterated general principles that should be considered as the proposed scheme progresses:</p> <ul style="list-style-type: none"> • Habitat along and adjacent to roadsides is often used by a wide range of species, such as bats, birds and reptiles, and there may be licensing requirements. • Natural England welcomed the enhancement of existing habitat where possible and creation of new habitat where current areas are lost through the proposed scheme. They would wish to see plans which seek to achieve a net increase in biodiversity.
Historic England	<p>In their 2017 consultation response, Historic England had concerns regarding Option 2 and Option 3, and to a lesser degree Option 4, with respect to appropriate preservation of the historic environment. Option 1 should be given great consideration as it would be within an existing highway corridor, as opposed to creating a new corridor (leading to further urbanisation). In addition, they provided the following feedback:</p> <ul style="list-style-type: none"> • The A12 corridor has a high archaeological importance and sensitivity. Previous applications for quarrying in the area have been refused due to the impacts to cultural heritage. The Rivenhall End section is particularly sensitive given the number of known assets within the area. These contribute to a wider Palaeolithic landscape. • There is currently one scheduled monument, but the area has not been subject to detailed assessment. The appreciation of the value of the historic environment should not rely solely on an appreciation of the location of designated heritage assets but consider the interactions with the wider landscape. There is significant potential for further nationally important sites to be discovered along this section. • Historic England asked why a bypass was required along the Marks Tey section and whether the Applicant had considered providing a local access road to allow private accesses to be removed instead, as this would have less impact than the dual carriageway. They also noted that the Marks Tey section has very few records, but this should be treated as an absence of information, due to lack of surveys, rather than an absence of archaeology. It is likely to be a high-risk area for archaeology as there are often strings of settlements and villas that follow the line of Roman roads. <p>A meeting was held with Historic England, Essex County Council (county archaeologist) and Colchester Borough Council (archaeological advisor) in October 2019. This was to discuss the concerns around the offline section of Option 2 at Rivenhall End and the refined alignment to reduce the length of this offline section, thereby moving the alignment away from the Rivenhall Long Mortuary Enclosure scheduled monument. There was general agreement in the meeting that the revised alignment would be acceptable, subject to further investigations and assessments for unknown archaeology.</p>

- 4.4.9 Subsequent meetings have been held with stakeholders throughout the preliminary design to progress the development of the preferred option. In addition to the statutory environmental bodies detailed in Table 4.1, other stakeholders have been consulted, including local and county authority environmental officers, Public Health England and Essex Wildlife Trust. Stakeholder feedback relevant to the environmental assessment is provided in the individual aspect chapters of the Environmental Statement (Chapters 6 to 16 [TR010060/APP/6.1]).

Landowner engagement

- 4.4.10 Landowners affected by the proposed scheme have been extensively consulted throughout the development of the scheme design. Details of this consultation are included in the Consultation Report [TR010060/APP/5.1]. Discussions with landowners regarding the location of proposed biodiversity mitigation are relevant to the EIA process, and are detailed in Chapter 3: Assessment of alternatives, of the Environmental Statement [TR010060/APP/6.1].

4.5 References

Highways England (2021). A12 Chelmsford to A120 widening scheme Preliminary Environmental Information Report. Available at:

[REDACTED]
[REDACTED] Accessed March 2022.

National Highways (2021a). A12 Chelmsford to A120 widening scheme Supplementary Consultation: Environmental Report. Available at:

[REDACTED]
[REDACTED] Accessed March 2022.

National Highways (2021b). A12 Chelmsford to A120 widening scheme. Available at:

[REDACTED]
[REDACTED] Accessed March 2022.