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Highways England A12 Consultation 2019

A12 Chelmsford to A120 Widening: CAUSE Consultation response

30 November 2019

This is a consultation for an unnecessary and environmentally damaging re-route of the A12. A trunk road should not be moved to 'unlock' a specific development, yet this is exactly what this seeks to do. This consultation wastes tax-payers' money unnecessarily and should never have seen the light of day.

Premature

The consultation is premature and indicates a closed-minds approach, because it has only one purpose: to support a Local Plan (Section 1) with the suggestion being that it is the only way of 'unlocking' extra houses at West Tey. The plan has many problems, not least viability, infrastructure provision and Sustainability Appraisal, and which must be re-examined. The new routes are delaying infrastructure, when West Tey was intended to bring forward infrastructure. A consultation on online routes has already been held, in 2017.

No need

There is no evidence to support the need for the road to be moved.

From a planning perspective, other options could be: no West Tey, a smaller West Tey or development both sides of the A12 – none of these have been considered. Even if a re-routed A12 was justified by evidence for West Tey, the Plan is yet to be found sound and the Housing Infrastructure Fund (HIF) bid may be refused.

State Aid

These latest routes support a HIF bid which cannot represent value for money to the tax-payer^[1] and may breach State Aid rules. A trunk road should not be re-routed for the benefit of a state-backed master-developer (NEGC Ltd).

Inadequate Consultation

We have already referred to the legal requirement for effective consultation in our submission^[2] to the Section 1 Planning Inspector this summer. Specifically, we remind that the Gunning Principles, widely recognised in law as the benchmark, require 'sufficient' information to give intelligent consideration.

We have asked for the all the traffic modelling data, the air quality data, the detailed maps and the cost data which presumably backs-up the 'brochure' for consultation. The maps in the brochure are inadequate and unclear. Villages not marked; noise impact zones not marked, likely air quality impact not mapped, heritage sites not mapped, priority habitat not mapped.

The first reply to the email stated that we could expect a reply within fifteen working days: well into the six week consultation period and clearly unreasonable. Given that the information we have



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requested is complex, this would have left only four weeks to analyse data which should, as with the excellent A120 Study, have been released to support the consultation.

The second reply to the email[3], on 29 October stated that our request is being treated as a Freedom of Information request and will be responded to by 18 November, only two weeks before the end of the consultation and after all but one of the public drop-in events! Why is information which was freely provided (as it should be) during the A120 consultation, being withheld in this way? This cannot allow members of the public to have sufficient information or time to consider it. We have questioned the decision and received the standard response that we can expect a reply within fifteen days.

The third reply denied us the information we require, except for maps*.

In the absence of detailed background information, the public cannot be expected to make a decision. The brochure does not present sufficient information for an informed choice to be made.

The consultation response form directs route choice towards the new routes. It does not present a 'none of the above' option nor does it allow the public to say they wish for 2017 Consultation Routes instead.

Legal precedent.

We refer to:

Greenpeace v Secretary for Trade & Industry in which the consultation process was procedurally flawed & therefore decision was deemed unlawful. Consultees were not given enough information to make an intelligent response;

Medway v Secretary of State in which it was determined that fairness requires that interested persons be consulted not only 2017 previous options but also upon arguable yet discarded alternative options. We believe that the 2017 previous options should have been included, for comparison, on the maps and in the tables of this consultation brochure

Comparison of Key environmental factors

The brochure does not tell the public which regulations the environmental factors will be assessed against. Nor does it assess the cumulative impacts of building a new road only 1-2km from what is stated to become a detrunked, but two lane, local road. It represents a doubling up of environmental problems, due to the fact that there will be two roads in close proximity, yet with an area of countryside and scattered housing (including Prested Hall and Marks Tey Hall) sandwiched in between. In addition there will be a doubling of the well-known problem of induced demand[4]. None of this has been adequately addressed in the consultation 'brochure'.

We make the following comments:

Air quality

The brochure devotes only three lines to air quality, making bland statements which appear not to be backed up by evidence. This is clearly inadequate.

CAUSE has submitted a detailed paper[5] by Professor Peckham of the University of Kent about the assessment of air quality impacts in the making of the Section 1 Plan to the Inspector. Given that the route options presented in this consultation have only one purpose: to support a larger West Tey,



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then we believe that the impacts of the route must be assessed in the same way as should be done for the Local Plan as a whole.

Professor Peckham states: “The NPPF, environmental guidance and recent National Institute for Health Care Excellence (NICE) guidance all require that an assessment of air quality should be addressed in plan making. It is inconceivable that building 5,910 houses in the next decade, and over 40,000 in total, will not impact local air quality. However, in the locations proposed there is no current air quality monitoring to enable full consideration of air quality issues. The only reference to air quality in the sustainability assessment concludes –without any detailed analysis or reference to current national policy or local data –that impacts on air quality will be minimal or negligible.”

Cultural heritage

Impacts are listed, but not compared with the 2017 previous options. Any completely new route will have far greater impact than an existing route upgrade. This needs to be made clear to the public.

Landscape

There is no mention of the ‘cumulative’ impact of building a new trunk road AND having an old trunk road very close by. Nor is the loss of landscape compared with the loss under the 2017 previous options. The impact on the villages and countryside will be enormous. This project is not necessary and the destruction of habitat and rural way of life cannot be justified.

Biodiversity

Between two and four areas of priority habitat will be lost and up to two further areas will be impacted by these routes. This should be a showstopper in its own right, when there are 2017 previous options that follow the existing A12. Why is there no attempt to do a Biodiversity Net Gain calculation? At the very least, the public is entitled to know what the cost would be of attempting to recreate lost habitats elsewhere.

Geology & soils

The brochure tells us that all options would affect Best and Most Versatile land. So why do it? None of the routes are needed.

Noise and vibration

Not adequately assessed and needs to be [6]. Where is the evidence? What is the cumulative effect of building a new road and retaining an existing road, particularly for those properties sandwiched between the two?

Walkers, cyclists, horse riders and public rights of way

No cycle-paths; no mass rapid transit route; no additional crossings. We agree with the brochure that all options will have an impact, but to this should be added the word severe. Not only will severance be an issue, but vast swathes of countryside will be affected, not just by the direct loss associated with the road itself, but by noise and air pollution.

Other

Safety

No comparison with 2017 previous options is given



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Traffic flows

No background data on which to assess the summary findings. It is impossible to tell whether traffic from West Tey itself has been modelled or whether the traffic flows are based on baseline growth. Why was the information not available to support the statutory Local Plan consultation this summer?

No comparison with 2017 previous options.

Journey time savings

All this cost, destruction of landscape, loss of high grade soil, impact on air quality for a maximum daily time-saving of FIVE minutes?

Costs?

In the absence of cost data of the four new routes plus 2017 previous options, it is impossible for the public to make a decision. It seems highly unlikely, however that these new routes can offer value for money to the tax-payer. They are longer, and therefore likely to be more costly. They will require greater environmental mitigation.

Junctions

No information! The consultation brochure includes some dotted lines along stretches of road. How can the public make a decision in the absence of information about how the junctions will be designed, how much land they take up, exactly where they are likely to be located, what properties might need to be demolished, what benefits or drawbacks they might bring? There is no information on how the junctions will work. Not a detail to be determined later as junctions take up huge amounts of land and affect the lives of neighbouring communities. For example:

How will a new Junction 25 will work? Will Marks Tey's concrete spaghetti junction have to be replicated ½ a mile down the road, affecting the lives of those in other parts of Marks Tey and Copford/Easthorpe?

According to the authorities' Local Plan evidence base (Hyas), the extra junction for West Tey will cost £41.3m + fees + master developer profit + contingency. Note in addition that the A12 realignment works will cost £62.1m + fees + master developer profit + contingency. Is this included in the HIF bid? West Tey will not cover the cost of these works. A HIF bid may be subject to State Aid challenge[7].

Where will the junction be, and is there enough room for it between Feering and Marks Tey given the need for spreading?

How will access to the A12 from the South from Tiptree and beyond be addressed?

Conclusion

The environmental impact on existing communities/settlements has been completely ignored. The notion of moving a strategic trunk road to establish a sterile area for a future new town is beyond the realms of reason.

We believe that this consultation is premature, confusing and demonstrates a closed-mind approach to the entire North Essex Garden Communities project. Not only that, but it is delaying the A12 upgrade, which was previously 'in the bag'. CAUSE has already raised concerns[8] with the Chief Executives of the north Essex authorities involved in the project about the problems with their plans



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to run an 'NEGC Limited' engagement programme this autumn. Many of our concerns are the same with regards to this A12 re-route consultation.

In addition, we believe that this consultation may be unlawful due to the inadequacy of information presented to the public.

Rosie Pearson on behalf of CAUSE stopurbansprawlnow@gmail.com www.cause4livingessex.com

Highways link for reference:<https://highwaysengland.citizenspace.com/he/a12-chelmsford-to-a120-widening-scheme-23-to-25/>

* Maps supplied belatedly (18 Nov):

<http://assets.highwaysengland.co.uk/roads/road-projects/A12+Chelmsford+to+A120/Display+stand+A12+Options+A+and+B.pdf>

<http://assets.highwaysengland.co.uk/roads/road-projects/A12+Chelmsford+to+A120/Display+stand+A12+Options+C+and+D.pdf>

[1] The bid has been kept from public view but we fail to see how a £229m bid to move a road can offer value for money. The bid is to 'unlock' houses at the West Tey site, houses which are a) not needed in the plan period b) could be built either side of the A12 with linking bridges creating a more cost effective solution for the tax-payer c) could form a significantly smaller West Tey without the requirement to realign the road. Bid brochure:

https://www.essexhighways.org/uploads/docs/a12-vision_v7.pdf

[2] <http://www.cause4livingessex.com/wp-content/uploads/2017/07/16Summer2019EngagementConsultationCAUSE.pdf>

[3] Email 29 October: "Thank you for your request for information about the A12 Chelmsford to A120 widening scheme traffic modelling data, the air quality data, the detailed maps and the cost data dated 21 October 2019. I am dealing with it under the terms of the Freedom of Information Act 2000. The due date for issuing a response is 18 November 2019. If you have any queries about this letter, please contact me. Please remember to quote reference number 100450 in any future communications. Agnieszka Kalinowska Project Support Officer, A12chelmsfordA120wide@highwaysengland.co.uk"

[4] Induced demand for road travel can be broadly defined as 'the increment in new vehicle traffic that would not have occurred without the improvement of the network capacity'. In cases where network improvements stimulates additional traffic and this additional traffic affects travel conditions, partially reconstituting the network, failure to allow for induced traffic may lead to an overestimate of the user benefits of schemes.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762976/latest-evidence-on-induced-travel-demand-an-evidence-review.pdf

[5] <http://www.cause4livingessex.com/wp-content/uploads/2017/07/13Air-quality-planning-inquiry-statement-for-CAUSE-Final-21-9-19.pdf>



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[6] The Stop Wensum Link Road campaign group notes that the annual social cost of urban road noise in England is £7-10billion and that a 2011 study by the World Health Organisation identified environmental noise as the second largest environmental health risk in Western Europe.

[7] <http://www.cause4livingessex.com/wp-content/uploads/2017/07/5Summer2019State-Aid-MOC.pdf>

[8] <http://www.cause4livingessex.com/wp-content/uploads/2019/06/ChiefExeclLetterNEGCConsultationAP.pdf>