

Comments on the D4 submissions – Draft Development Consent Order

This document sets out the comments on the Applicant’s Deadline 4 (D4) submissions by Cambridgeshire County Council (CCC). The tables below set out the document in question that the Council is commenting on, together with the relevant paragraph or reference number.

Except where expressly stated otherwise below, the Council reiterates and relies on its comments submitted to the ExA at previous deadlines.

3.1 Draft Development Consent Order - Rev: 03 [REP4-005 and REP4-006]

Topic	Paragraph Number	Council’s Comment
Article 11 – Temporary stopping up of public rights of way	Article 11	<p>The Applicant has been invited to amend Article 11(1) to clarify that rights of way may only be stopped up for the purposes of the delivery of the scheme. The Council expects an alternative PROW whilst any PROW is temporarily stopped-up.</p> <p>The revised drafting of Article 11 remains unacceptable. A number of questions in relation to Article 11 and Public Rights of Way (PROW) more generally have been asked of CCC by the Examining Authority in its second written questions – Q2.9.9 to 2.9.18. CCC has included further details on its response to Article 11 as drafted in its answers to the Examining Authority’s 2nd written questions.</p> <p>To reflect text in Article 11 (1)(b) “<i>authorise for the purpose of crossing only</i>”, the corresponding provision at Schedule 6 also needs to be amended to align correctly. Column 3 of Schedule 6 Part 2 currently states that “<i>motor vehicles under the direction of the undertaker may pass along, or cross, the length of the public right of way</i>”. This should be amended to say “<i>motor vehicles under the direction of the undertaker may cross the public right of way</i>”.</p>
Article 36 - Felling or lopping of trees and removal of hedgerows	Article 36(2)(d)	The Council welcomes the inclusion of reference to avoiding breaches to relevant wildlife legislation. This addresses our previous comments.
Requirement 10 – Stone Curlew	Requirement 10(4)	The Council welcomes the inclusion of the maintenance of offsetting habitat provision for Stone Curlew during the carrying out of decommissioning works.

Requirement 10 – Stone Curlew	Requirement 10(1)-(4)	Requirement 10 should be updated to include a contingency fund as a solution, in order to address the Councils' concerns regarding a lack of contingency if habitat provision fails – as discussed at ISH2 and set out at item 2b(6), pages 7-8 of West Suffolk District Council's post-hearing submission [REP4-131] .
Requirement 12 – Surface and foul water drainage	Requirement 12	This will need to be informed by Infiltration testing. Appropriate text should be added so that the Drainage Strategy includes the results of the infiltration testing.
Requirement 16 – Construction traffic management plan	Requirement 16(3)	It is unclear whether the permitted preliminary works, defined in Article 2 of the Order, will require construction of accesses, both temporary and retained throughout the operational phase, and thereby included.
Schedule 12, Part 8	Protection of Drainage Authorities	It is noted there is no change to Schedule 12, Part 8 where the Council has asked in response [REP3A-038] ... Clause 90(1) would seek 28 days as opposed to 14 days for the submission of plans. Clause 90(2) We would seek 2 months as opposed to 28 days to consider the plans. Clause 94, We would wish to capture indemnity in this paragraph.