

Response to ExA's Third Written Questions (ExQ3)

This document sets out the response to the Examining Authority (ExA)'s Third Written Questions and requests for information (ExQ3) by Cambridgeshire County Council (**CCC**) and Fenland District Council (**FDC**) (together, **the Councils**). The table below sets out the topic, question number and CCC / FDC's response.

Question Number	Question For	Question	Cambridgeshire County Council (CCC) and Fenland District Council (FDC) Response
General & Cross Topic Questions			
GCT.3.1	Applicant HLAs	<p>There are outstanding issues that the Applicant and HLAs are working on to resolve via S.106 Agreements. Can the Applicant please provide an update on any progress?</p> <p>Can the LHAs also clarify, in relation to any outstanding issues proposed to be covered via a S.106 Agreement, how likely are these to be resolved before the end of the Examination and, if not, would these result in an objection to the Proposed Development?</p>	<p>Positive and constructive discussions continue between the Applicant and the Councils regarding the S106 agreement. The Councils are hopeful remaining matters will be resolved by the end of the examination.</p> <p>In respect of the outstanding matter of the s106 requiring the Applicant to enter into a s278 agreement for the proposed highway works, the LHA would consider that this is key in securing the requirement in relation to the subsequent approval and implementation process. Typically, there does not need to be a specific S106 requirement where developers cannot work in the highway without such an agreement being in place and consent from the LHA.</p> <p>However, owing to the potentially far-reaching powers available to MVV through the dDCO, and without securance of the s278 agreement via the s106, the LHA is of the view that the development</p>

			would be unacceptable without the ability to retain appropriate control over the highway works. The s106 and resultant s278 are therefore necessary to ensure no objection from the LHA to the proposed development.
GCT.3.2	Applicant HLAs	Can the HLAs and the Applicant clarify the role of the proposed Community Mitigation Package in mitigating specific harm from the proposed development and describe the residual effects that would remain following the implementation of the package?	<p>The purpose of the Mitigation Package is to <i>offset</i> the adverse visual impact of the Proposed Development in the 5km SW-SE arc south of the Proposed Development by providing:</p> <ol style="list-style-type: none"> 1) New PROW and improvements to existing PROW within the 5km arc; and 2) Permissive NMU access to offsite land to be used for Biodiversity Net Gain. <p>These will help communities that already have a low sense of value and poor health outcomes to feel that their concerns have been recognised, and that some direct compensation for the adverse impact on them has been made through enhancements to their limited and precious PROW network and local road connectivity, as well as access to new nature sites.</p> <p>In addition, the enhancements to the PROW, local road connectivity and new nature sites will help to offset the potential negative impact on physical use of the network, and consequently on mental health, that could arise from users feeling their landscape has been degraded. This in turn should help to at least maintain, and hopefully to improve, public health outcomes for the area.</p> <p>The residual effect in terms of NMUs and users of the PROW network is that the adverse visual</p>

			<p>impact of the development upon communities and PROW users/NMUs within the landscape within the southern 5km arc will physically still be much the same, due to the large scale in height of the development. This is because it will be impossible to put in place much physical screening that could effectively mitigate the views of the Proposed Development in this area.</p> <p>It is anticipated that the compensation mitigation will help to reduce the mental, and consequently physical, impact of the Proposed Development on NMUs and local communities over time. However, it is likely that some residual harm will always exist due to the ongoing adverse visual impact of the Proposed Development in the landscape.</p> <p>For clarity, the Councils have agreed with the Applicant that the Community Fund is to be addressed outside of the s106 Agreement, as detailed within the Applicant's updated Community Strategy [REP6-016]. The s106 Agreement will only cover the PROW and NMU community mitigation, and the requirement for the Applicant to enter into the s278 Agreement.</p>
GCT.3.3	Applicant CCC and FDC NNCC Walsoken Parish Council Wisbech Town Council	The Applicant has highlighted a series of "matters not agreed" (marked red in Table 4.1: Summary of Commonality with each party) in the Statement of Commonality [REP6-009]. These seem to highlight areas where there is no reasonable prospect of issues being resolved or agreed before the end of the Examination, or where discussions have stopped.	The Councils remain in active discussions with the Applicant regarding the outstanding issues that are not yet agreed and aims to resolve these before the close of the Examination. The Councils will submit a final position statement at Deadline 8 setting out the final matters that cannot be resolved within the Examination timeframe.

		The ExA asks all organisations that are no longer in active discussions with the Applicant but have outstanding issues not agreed, to submit a brief overview of their outstanding objections to the ExA highlighting main points of contention.	
GCT.3.4	Applicant HLAs Network Rail Hundred of Wisbech IDB King's Lynn IDB National Highways	<p>The Applicant has highlighted a series of "matters subject to further discussion" (marked yellow in Table 4.1: Summary of Commonality with each party of the Statement of Commonality [REP6-009]).</p> <p>The ExA asks all organisations with any matters not agreed with the Applicant to submit a brief overview of their outstanding objections to the ExA highlighting their main points of contention.</p>	The Councils remain in active discussions with the Applicant regarding the outstanding issues that are not yet agreed and aims to resolve these before the close of the Examination. The Councils will submit a final position statement at Deadline 8 setting out the final matters that cannot be resolved within the Examination timeframe.
Cumulative Effects			
CE.3.1.	LHAs	<p>In response to ExQ2 CE.2.3 [REP5-032] the Applicant stated it has considered the additional lists of projects provided by the LHAs at Deadline 3 and that it was agreed with the LHAs significant inter-project effects would occur as a result of the Proposed Development.</p> <p>The LHAs are asked to confirm if they are content with the Applicant's response.</p>	The Councils agree with the Applicant's response as set out on page 37 of [REP5-032].