

**A14**  
**Cambridge to Huntingdon**  
**improvement scheme**  
Development Consent Order Application

HE/A14/EX/66

TR010018

HE/A14/EX/66

**Written Summary of Highway England's Oral Submissions put at Issue Specific  
Hearing on the Draft Development Consent Order and Post Hearing Documents**

July 2015

The Infrastructure Planning (Examination Procedure) Rules 2010



**WRITTEN SUMMARY OF HIGHWAY ENGLAND'S ORAL SUBMISSIONS PUT AT ISSUE  
SPECIFIC HEARING ON THE DRAFT DEVELOPMENT CONSENT ORDER ON 15 JULY  
2015**

**1. INTRODUCTION**

- 1.1 This document provides a written summary, by Highways England ("**the Applicant**"), of the oral cases put at the Development Consent Order ("**DCO**") Issue Specific Hearing held on Wednesday 15 July 2015.
- 1.2 The Examining Authority and the Applicant, together with those interested parties that were in attendance at the hearing, ran through the revised draft DCO submitted by the Applicant on 7 July 2015. The matters considered included, but were not limited to, those included in the agenda for the Issue Specific Hearing on the draft DCO provided by the Examining Authority on 10 July 2015.
- 1.3 The majority of the hearing was structured around the Applicant explaining to the Examining Authority the effect of each article of the DCO, with most of the articles receiving no comment from the Examining Authority or interested parties. As such, it is not intended to repeat those explanations in this written summary. However, where questions were raised, or there was a discussion, as to the effect of a particular article of the DCO, the Applicant's submissions have been summarised.

**2. THE POTENTIAL CONFLICT BETWEEN THE ROLE OF BENEFICIARY AND REGULATOR OF THE DCO**

- 2.1 In the agenda for the Issue Specific Hearing, the Examining Authority raised the question as to what the latest position was in respect of the most appropriate body for discharging the requirements in Schedule 2 to the DCO. This was on the basis that, following the transfer of roles and obligations from the Highways Agency to the Applicant on 1 April 2015, the Applicant had stated in previous submissions that it was considering its position.
- 2.2 The Applicant directed the Examining Authority to its response to question 1.6.1 of the Examining Authority's first set of written questions. The Applicant confirmed that further consideration was being given within the Applicant as to how the requirements in the DCO should be discharged, and that the position was evolving. The Applicant also confirmed that its approach in principle of a Secretary of State for Transport discharge mirrored the previously made Highways Agency DCOs, namely the A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 and the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015, as well as its current DCO application for the A19/A1058 Coast Road Junction Improvement.
- 2.3 The Applicant submitted that Secretary of State for Transport discharge on advice from the Applicant would be similar to the procedure for schemes under the Highways Act 1980 regime, where the Highways Agency (as was) signed off the details on a delegation from the Secretary of State for Transport, which worked well. As such, the Applicant does not see any justification to change the position beyond recognising that the Secretary of State and the Applicant are now separate legal entities.
- 2.4 The Applicant confirmed that consideration does need to be given as to how the discharge process will work in detail and that it is critical to have a transparent process. The Applicant suggested one solution could be that the Secretary of State signs off (i.e. confirms compliance with) the requirements after receiving advice and/or guidance from the Applicant, reflecting previous practice under the Highways Act 1980 regime where the Secretary of State delegated his or her functions to the Highways Agency. The Applicant submitted that, as a result of its new status, this process would actually be strengthened as a result of the Applicant being a legally separate entity

from the Department for Transport - there would be a clear separation of roles as no delegation could take place in future.

- 2.5 The Applicant also submitted that there was a real question as to whether local planning authorities would have the necessary resources and expertise to discharge DCO requirements where there are strategic road network issues. It was submitted that they defer to the Applicant on such issues in conventional planning applications, so there was a question as to why there should be any difference for a DCO. However, it was confirmed by the Applicant that there would still be a role for consultation with statutory bodies and the local planning authorities – indeed, the drafting of the requirements currently allows for this, in line with conditions attached to planning permissions under the Town and Country Planning Act 1990.
- 2.6 In answer to a query by Cambridgeshire County Council ("**CCC**"), the Applicant confirmed that in practice both it and the Secretary of State would consult with relevant parties before a requirement was discharged - the former when it was preparing the details to be submitted and the latter when he was considering the application for discharge and so his decision. The Applicant further confirmed that should there be issues arising out of the consultation carried out by Highways England, it would in most cases carry out further consultation on revised details before making any submission to the Secretary of State.
- 2.7 The Applicant submitted that no wording needed to be added to the consultation obligation in respect of any views being 'taken account of' as case law is clear that it means this anyway and is implied - there is no need to make this explicit.
- 2.8 The Examining Authority queried how the process would work in practice. The Applicant submitted that one proposed approach would be for there to be a public register of the requirements and how the discharge of each is being progressed. This wasn't confirmed, but the Applicant suggested that this could be the extrapolated requirements in the form of a discharge tracker, including the documents produced for the discharge, what internal approvals the Applicant has obtained, consultation undertaken and where the requirement was in respect of approval from the Secretary of State.
- 2.9 The Applicant confirmed that it would consider whether wording could be added to the DCO to refer to such a register.
- 2.10 In answer to a question from the Examining Authority as to when a decision would be made on this matter within Highways England, the Applicant stated that it would do its very best to present a position at the next Issue Specific Hearing on the DCO in September, but this could not be guaranteed. In the meantime, attached at **Appendix 1** are extracts from *A fresh start for the Strategic Road Network* (Alan Cook (commissioned by the Department for Transport), November 2011) (and *Transforming our strategic roads – a summary* (Department for Transport, December 2014) providing some detail as to how the Applicant is governed and organised.

### 3. **LAFARGE TARMAC**

- 3.1 The Applicant, in answer to some general compulsory purchase and engagement points, particularly in respect of the borrow pits, raised by Giles Cannock, on behalf of Lafarge Tarmac, submitted that it did not accept that inadequate engagement had taken place between the parties to date, although it was happy to discuss in detail as soon as possible Lafarge Tarmac's concerns, in order that some progress could be made before the Compulsory Acquisition Hearings.

#### 4. DRAFT DCO

4.1 The Applicant took the Examining Authority through the draft DCO, after first explaining the source of the changes made to the version submitted on 7 July 2015 to that submitted with the application on 31 December 2014.

4.2 As touched upon above, this summary will only deal with the Applicant's submissions to points raised through the DCO application process, rather than the explanation of the articles themselves - this can be found in the *Explanatory Memorandum to the Draft Proposed Order (document ref. 3.2 (or APP-009 within the Examining Authority's Examination Library))* and other submissions to the examination made by the Applicant, particularly the *Document introducing amendments to the draft DCO (Rev 1) (Document ref. HE-A14-EX-61 (or REP4-023 within the Examining Authority's Examination Library))*.

##### Article 2

4.3 The Examining Authority queried which requirements would be affected by the revised definition of 'commence'. The Applicant confirmed that they would all be affected, aside from those contained in paragraphs 3, 4, 6, 7 and 11 of Schedule 2 to the DCO, on the basis that the 'triggers' are 'commencement' of the development.

4.4 The Applicant separately confirmed that, in lay terms, a 'special road' is in most cases a motorway and that the term is used in article 12 of the DCO in respect of the variation of the extent of the M11.

##### Article 3

4.5 The Applicant confirmed that protective provisions would be added to the DCO in consequence of the proposed disapplication of the consent provisions set out in the article. These would be for the benefit of the Environment Agency, Internal Drainage Boards and Cambridgeshire County Council, as appropriate. Discussions were ongoing with these parties on this and other broader points.

4.6 In response to submissions from the Environment Agency, the Applicant confirmed it was keen to progress the Statement of Common Ground with the Agency and would work with it to achieve this. A meeting has been confirmed for 28th July 2015 to discuss the various 'live' issues.

4.7 In response to submissions from CCC, the Applicant agreed that consideration needs to be given as to the effect of the disapplication of consents in respect of operation and maintenance of the scheme, as this might have unintended affects for the local road elements of the scheme. The Applicant confirmed that it would consider whether the disapplication needs to extend to operation and how this would work following the transfer of the local roads to CCC.

4.8 The Examining Authority requested a post hearing note on how the disapplication of the consents would be dealt with in practice, and where this might actually have effect in respect of the scheme. This is attached at **Appendix 2**.

##### Article 5

4.9 In response to a query from the Examining Authority, the Applicant confirmed that it was common practice for DCOs having effect in England to deal with both the integral elements of an NSIP and associated development elements of a scheme together in Schedule 1 to the DCO and, thus, not to differentiate between the two. This includes the 'catch-all' wording at the end of Schedule 1.

4.10 The Examining Authority asked for some further information so it could consider whether the associated development included in the Scheme is, in fact, associated

development and meets the relevant tests. The Applicant agreed to produce a document setting out what it considers to be integral to the scheme and what it considers to be associated development by Deadline 7 on 19 August 2015.

#### Article 7

- 4.11 The Examining Authority expressed concerns as to inherent flexibility in the wording at the end of the article and its potential effects on environmental matters. This was echoed by the Environment Agency.
- 4.12 The Applicant submitted that this should not concern the Environment Agency or other affected parties, as the plan approval elements under the relevant protective provisions for the benefit of those parties would still operate in relation to the scheme in its deviated position.
- 4.13 Further, it was submitted that as there is no detailed scheme design at this point, a proportionate degree of flexibility is required, until further survey data is obtained, amongst other things. The Applicant stated that drainage outfalls are particularly where this flexibility is required, but, again, the protective provisions would 'bite' to give comfort to the relevant parties.
- 4.14 Lafarge Tarmac queried whether the flexibility in the article would mean that the Applicant would be paying compensation for fewer minerals than it actually would be extracting from the borrow pits. The Applicant submitted this was a valuation point and would be considered at the appropriate time in negotiation with land owners.
- 4.15 The Applicant agreed to give further thought as to whether the article as currently worded would allow deviation above that which has been assessed as recorded in the environmental statement and whether the wording 'materially new or materially worse' could be tightened up. The Applicant will seek to do this in time for the next draft of the DCO to be submitted by Deadline 7 on 19 August 2015.

#### Articles 8 and 9

- 4.16 In response to a point raised by Network Rail in respect of liability in the case of a lease being granted, particularly as to whether the Applicant would still be 'on the hook' in such circumstances, the Applicant submitted that as any lease would be subject to approval from the Secretary of State, Network Rail could make representations prior to any such approval being granted. It was submitted that in practice, such concerns would be dealt with in discussions and therefore no change to the wording of the DCO was required.

#### Article 11

- 4.17 The Applicant confirmed, in response to a point raised by CCC, that it would consider how article 11 of the DCO deals with the situation of coincidental private means of access and public rights of way and discuss with CCC whether any changes are necessary, in light of CCC's written representation. The outcome of any discussions would be reflected in the next draft of the DCO submitted by Deadline 7 on 19 August 2015, together with any minor changes required as a result of on-going discussions as to de-trunking.

#### Article 12

- 4.18 CCC requested that the wording in article 12(4) of the DCO be amended to state that de-trunking takes place on a 'date to be agreed'. The Applicant agreed to consider this point in view of the wider de-trunking provisions being discussed with CCC, but submitted that it was not strictly necessary given the anticipated provisions of a legal agreement on de-trunking that was under discussion with CCC.

- 4.19 The Applicant also agreed to discuss with Network Rail a concern raised as to the wording in article 12(3), particularly the reference to 'roads'. Network Rail is, the Applicant understands, to consider this point further and communicate it in writing to the Applicant directly for its consideration.

Article 17

- 4.20 The Examining Authority raised a query as to how article 17 of the DCO relates to the environmental statement, when the latter says the discharge of water will not occur.
- 4.21 The Applicant submitted that paragraph 17.5.9 of the environmental statement, which it was confirmed the Examining Authority were referring to, says that no direct surface water discharge will occur, with certain exceptions. Paragraph 3.9.1 of the environmental statement states what the proposed surface water drainage systems will be, which would involve indirect discharge. As such, read in this light, the Applicant submitted that article 17 was not inconsistent with the environmental statement, as discharge of water would still need to take place.

Article 23

- 4.22 The Examining Authority requested a post hearing note on the interaction between article 23(4), article 28 and Schedule 6 to the DCO, and how it would be ensured that landowners' rights to serve a notice under section 8 of the Compulsory Purchase Act 1965 would not be affected by those provisions, as otherwise this could potentially be contrary to section 126 of the Planning Act 2008. The Applicant submitted that the drafting did not have any such effect, and the note is attached at **Appendix 3**.

Article 30

- 4.23 In response to a query from the Examining Authority, the Applicant agreed to consider the wording in article 30 of the DCO, on the basis of the concern expressed that it may not be clear when work is 'completed' and thus when the 'end date' is for the powers of temporary possession. The Applicant submitted that this was standard wording, but would reflect any changes in the next draft of the DCO submitted by Deadline 7 on 19 August 2015.
- 4.24 Linked to this, the Examining Authority raised the point as to how landowners would be kept informed of progress with those elements of the scheme's development having a bearing on matters such as temporary possession if and when the DCO is made. The Applicant confirmed that it would give this matter consideration, and report back by Deadline 7 on 19 August 2015.

Article 34

- 4.25 The Applicant confirmed that it was still considering the definition of 'public utility undertaker' and would reflect any necessary changes in the next draft of the DCO submitted by Deadline 7 on 19 August 2015.

Article 40

- 4.26 In response to a query from the Examining Authority, the Applicant confirmed that it is contemplating agreeing protective provisions with the following parties:
- 4.26.1 Network Rail;
  - 4.26.2 National Grid in respect of its apparatus;
  - 4.26.3 the Environment Agency in respect of its functions as to water resources, water quality, fisheries, navigation, land drainage and flood defence;

4.26.4 CCC in respect of drainage issues; and

4.26.5 the various Internal Drainage Boards, also in respect of drainage issues.

4.27 The Applicant further confirmed that it had not had discussions with Anglian Water as to protective provisions to date, but that Anglian Water was already protected by the general protective provisions for water and sewerage undertakers already included in the draft DCO.

4.28 The Applicant also confirmed that it was not in a position to give the Examining Authority a date when all of the protective provisions would be concluded, but agreed to provide heads of terms for each relevant party by Deadline 7 on 19 August 2015 if by that time protective provisions for that party have not been agreed and so are not contained in the second draft of the DCO submitted by Deadline 7.

4.29 The Applicant confirmed it was not aware that Vodafone or SSE were seeking protective provisions different from those already in the draft DCO.

#### Article 41

4.30 The Applicant confirmed that as detailed design plans would not be submitted during the Examination, detailed design plans would not be certified by the Secretary of State under this provision.

4.31 The Applicant also submitted that, whilst individuals would not know the detail of design when the DCO is made (if the application is granted) they would know the design envelope (i.e. the Order's limits) within which the scheme could be constructed and the environmental impact. However, the Applicant confirmed that it would consider this point further in respect of potential public engagement - this links in with the summary of landowner concerns at Section 5 below.

#### Paragraph 1 of Schedule 2

4.32 The Applicant confirmed it would consider whether to add a new definition of 'protected species' and reflect any changes in the revised DCO to be submitted by Deadline 7 on 19 August 2015.

#### Paragraph 3 of Schedule 2

4.33 The Applicant submitted that this requirement had precedent in other DCOs, such as that made for its A556 scheme.

4.34 The Examining Authority requested a document addressing how the delegation and approvals of details worked for Highways Act schemes and previous Highways Agency DCOs before 1st April 2015. The Applicant intends to provide this when a decision has been made by Highways England as to the most appropriate method for discharging/signing off the requirements. As stated in paragraph 2.10 above, the Applicant will aim to have made this decision before the next DCO hearing in September.

#### Paragraph 4 of Schedule 2

4.35 The Examining Authority requested a tracked change version of the Code of Construction Practice ("**CoCP**") submitted at Deadline 4 on 7 July compared with that submitted with the application. This is attached at **Appendix 4**.

4.36 The Applicant confirmed that the CoCP is the overarching construction strategy, with the Construction Environmental Management Plan ("**CEMP**") setting out how the Applicant and its contractors will implement the measures set out in the CoCP. Finally,

the Local Environmental Management Plans ("**LEMPs**") are location-specific, setting out what exactly will be done in a particular area – this is where the detail is.

4.37 The Applicant confirmed the intention that the CoCP will be finalised by the end of the examination. This would enable the local authorities to be consulted on its form before it is 'certified' for the purposes of the DCO, should the application be granted. The CEMP and LEMPs are themselves subject to consultation under the terms of the CoCP. As such, the Applicant submitted there was no need to include a consultation obligation in relation to them within the requirement. Indeed, the Applicant further submitted that no separate and additional requirement for the CEMP and LEMPs was necessary as they were all already secured under the terms of the CoCP, which was itself secured. However, the Applicant agreed to consider wording in other DCOs to see whether it would be appropriate to include such a requirement.

4.38 The Applicant confirmed there was no need to refer to a version number of the CoCP in the DCO, as the relevant version of the CoCP would be that which is eventually certified.

Paragraph 5 of Schedule 2

4.39 The Applicant submitted that, in response to a query from the Examining Authority, no additional pre-construction survey requirement was needed.

4.40 The Applicant confirmed that the changes made to this requirement (compared to the version of the DCO submitted with the application) were in response to requests from Natural England. The Applicant also confirmed that further requests had been made by Natural England to include reference to 'management' in the requirement, together with including a new requirement dealing with the Brampton Meadows SSSI. The Applicant confirmed it was happy with the principles of these additions, although it would be considering the precise wording in consultation with Natural England. The changes would be reflected in the revised DCO to be submitted by Deadline 7 on 19 August 2015.

4.41 In response to CCC's request to include a new requirement in respect of locally important species, the Applicant agreed to give this further consideration..However, the Applicant's initial reaction is that this would be excessive on the basis that the current mitigation proposals are more than adequate in respect of any potential impacts on these species.

Paragraph 7 of Schedule 2

4.42 The Applicant confirmed it was not intending to change the 5 year period within which trees or shrubs which form part of the landscaping scheme which die or become seriously diseased must be replaced, as this was standard wording. This was in response to a query from the Examining Authority (related to South Cambridgeshire District Council's written representation) as to the potential to extend this to 15 years.

Paragraph 8 of Schedule 2

4.43 The Applicant confirmed it would give consideration to how previously unidentified remains would be dealt with (in response to local authority written representations), and revise the wording in the requirement if necessary. The Applicant's response is set out below.

4.44 Archaeological excavation has been proposed to mitigate the impact of the scheme. The excavations include large areas of the off-line route, borrow pits and compounds. The areas have been identified following a programme of archaeological evaluation comprising desk-study, fieldwalking, geophysical survey and trial trenching. Further archaeological geophysical survey and trial trenching is due to be undertaken later in

2015 on sections of the scheme, including the flood compensation areas and borrow pits where access was not possible in 2014.

- 4.45 No archaeological mitigation has been recommended on a number of areas where no archaeological remains were identified during trial trenching; the results of earlier fieldwork are presented in *Appendix 9.4 of the Environmental Statement (document ref. 6.3 (or APP-443 to APP-681 within the Examining Authority's Examination Library))*. The remainder of the areas would be covered by an archaeological watching brief as required in the CoCP. Section 7.4.4 of the latest draft of the CoCP states:

*"The main contractors will implement appropriate watching briefs and archaeological monitoring during construction works adjacent to sites of archaeological or cultural heritage interest and during topsoil stripping."*

- 4.46 The watching brief methodology will be provided in the written scheme of investigation for archaeological mitigation. Section 7.4.5 of the latest draft of the CoCP describes the measures to be implemented should unexpected finds be identified. In summary, if unexpected archaeological remains are identified, the area will be subject to archaeological recording. If possible this will be done as soon as they are identified, however, if this is not possible due to their extent or complexity the area will be fenced off and construction works in the area will be suspended until completion of the archaeological investigations.

Paragraph 9 of Schedule 2

- 4.47 The Applicant confirmed it would amend this requirement to CCC as the approval body, rather than the 'relevant planning authority', in response to a request from CCC.

Paragraph 11 of Schedule 2

- 4.48 The Applicant accepted that the current cross-reference to Appendix 3.3 of the environmental statement was not sufficient, as the 'borrow pits restoration plan' contained in this appendix was not detailed enough.

- 4.49 In response to submissions, particularly surrounding the timing of release of the revised borrow pits restoration plan now being produced, the Applicant confirmed that the revised draft would be released by Deadline 7, but probably in interim format as not enough consultation will have been undertaken by that point.

- 4.50 The Applicant also confirmed it would respond to CCC's comments in their written representation as to the securing of the borrow pits restoration plan. These responses are attached at **Appendix 5**.

Paragraph 12 of Schedule 2

- 4.51 Submissions were made that the new noise requirement should allow for consultation with the local authorities. The Applicant submitted that this was not appropriate, and confirmed it would set out the reasoning for its position following the hearing. This is set out below.

- 4.52 The Applicant considers that as noise issues are fundamentally a technical trunk road design issue which it has the necessary expertise in, in light of this, together with the necessary protections provided by the Noise Insulation Regulations 1975, this matter is not something that it is appropriate for the local authorities to be consulted on prior to the mitigation details being approved by the Secretary of State.

Paragraph 13 of Schedule 2

- 4.53 The Applicant confirmed that the intention behind the requirement contained at paragraph 13 of Schedule 2 to the DCO was to allow for already approved details

under the requirements (such as a landscaping scheme) to be amended and effectively 're-approved' as necessary. The Applicant submitted that this provided necessary flexibility in the course of scheme implementation.

- 4.54 The Examining Authority requested, in this context, a post hearing note on the requirements generally, focussing on how they have been developed, any precedents and where the time limits contained in them have been derived from. This is attached at **Appendix 6**. It should be noted that the Applicant has not to date shared a draft of the DCO, and therefore the Requirements, with the Department for Transport, as this is not normal practice with applications for transport-related DCOs.

## 5. **LANDOWNER CONCERNS**

- 5.1 Throughout the Issue Specific Hearing, comments were made by the Examining Authority and interested parties (by reference to several written representations) as to what safeguards would be in place in respect of the Applicant's evolving land requirements during detailed design.
- 5.2 The Applicant submitted that, as a responsible public body, there would be close liaison with affected landowners. This would be in the Applicant's interests, on the basis it would reduce the overall compensation payable. Further, the Applicant pointed the Examining Authority to the wording of article 20 which states that land can only be acquired that 'is required for the authorised development'. As such, if land is no longer required because of evolving scheme design, it cannot be acquired. The Applicant submitted that its position was consistent with where it was at in the scheme design process.
- 5.3 The Applicant further submitted that discussions have taken place with landowners and, as a result, it considers the extent of the 'redline' (the Order limits) is justified and proportionate, particularly in light of the long history of the project and the consultation that has taken place to date. The Applicant confirmed that agreements with landowners would be progressed to assist in the detailed design process but that someone had to be able to make the final decisions and, as a responsible and accountable public body, the Applicant considers it is best placed to do so.
- 5.4 In response to a query from the Examining Authority as to whether getting an independent third party involved in the land acquisition and temporary possession process would be beneficial, the Applicant confirmed it would take this away to see if a third party could act on a complaints, arbitration or dispute resolution basis, and how this might work in practice if feasible.
- 5.5 The Applicant also confirmed it would look to see whether the detailed design process could also feed into any such third party involvement - this arose from discussions surrounding the requirement contained in paragraph 3 of Schedule 2 to the DCO, even though the Applicant submitted that there would be an obligation for community engagement in the Code of Construction Practice.
- 5.6 It was submitted by the Applicant that landowner and wider community liaison would be through Highways England officers and contractors working continuously in the community. This would continue until the scheme was opened to traffic in 2020. The Applicant agreed to consider whether it might be possible to amend the Code of Construction Practice in order to make this clear.
- 5.7 The Applicant confirmed that except to the extent already covered by the proposed Requirements (e.g. in relation to those aspects of landscaping that involved the detailed design of elements of the scheme) detailed design issues such as the river Great Ouse crossing including its structures, were intended to be approved by the Applicant itself.

## 6. OTHER MATTERS

- 6.1 The Applicant agreed to submit an update in relation to its relevant representations report by Deadline 7 on 19 August 2015.
- 6.2 The Applicant confirmed that Work Nos. 28 to 31 in Schedule 1 do not duplicate or overlap with the 'pinch-point' scheme being undertaken separately at Junctions 31-32 of the A14. Further commentary is set out below.
- 6.3 As is explained in Highways England's response to the Examining Authority's First Written Questions (at question 1.12.17), work to deliver part of Highways England's Pinch Point Programme ("PPP") of highway improvements is currently underway between Junctions 31 and 32 of the part of the existing eastbound and westbound A14 which is known as the Cambridge Northern Bypass. The aim of the PPP at this location is to improve the current section of two-lane all-purpose dual carriageway in each direction.
- 6.4 The PPP improvement works are not part of the scheme and are not included in the authorised development set out in Schedule 1 to the DCO. Accordingly, the design of the scheme between Girton Interchange and Histon Junction, which does form part of the authorised works in Schedule 1 of the DCO, was fixed by reference to the PPP improvement works in order to avoid overlap or duplication. As a result, some works are required to achieve the necessary 'tie in' between the PPP works and the works for which Highways England seeks consent through the DCO. The 'tie in' works are included in Schedule 1 of the draft DCO, in Work No,s 28, 29 and 33, and are specifically detailed in Highways England's response to the Examining Authority's First Written Question, at question 1.12.17. However, by way of further explanation:
- 6.4.1 Work No.28, if authorised, would provide for the construction of a new single carriageway link, to be known as the A14 Eastbound Link at Girton Interchange running from the improved A14 on the west side of the Girton Interchange and connecting (through the Girton Interchange) with the part of the A14 currently being improved through the PPP works. Work No.28 ends at the point where it joins Work No.29 at the eastern end of Work No.29, approximately 260 metres before the eastern end of Work No.29 joins the start (or western end) of Work No.33 (which then runs eastwards to its termination at Histon Junction and comprises works as detailed below). Accordingly, Work No.28 ties in with but does not overlap with the PPP works.
- 6.4.2 Work No.29, if authorised, would provide for the construction of a new single carriageway link, to be known as the A14 Westbound Link at Girton Interchange running from the improved A14 on the west side of the Girton Interchange and connecting (through the Girton Interchange) with the part of the A14 currently being improved through the PPP works. Work No. 29 ends where it joins the part of the A14 being improved through the PPP works and therefore ties in with those works but does not overlap with them.
- 6.4.3 Work No.30, if authorised, would provide for the construction of a new single carriageway link, running from the new Dry Drayton to Girton Local Access Road (Work No.27) to provide connectivity with the A1307 Huntingdon Road to the south east of the Girton Interchange. Work No.30 is separate from and does not overlap with the PPP works.
- 6.4.4 Work No.31, if authorised, would provide for the improvement of the existing A428 Eastbound carriageway at the Girton Interchange. Work No.31 is separate from and does not overlap with the PPP works.

- 6.4.5 Work No.32, if authorised, would provide for the improvement of the existing A428 Westbound carriageway at the Girton Interchange. Work No.32 is separate from and does not overlap with the PPP works.
- 6.4.6 Work No.33, if authorised, would provide for the improvement of the elements of the A14 dual carriageway between Girton and Milton which are not being dealt with through the PPP works. Work No.33 is not intended to duplicate or overlap with the PPP works between Girton and Histon and the description in the preamble to Work No.32 will be revised to clarify this when the next draft of the DCO is submitted.

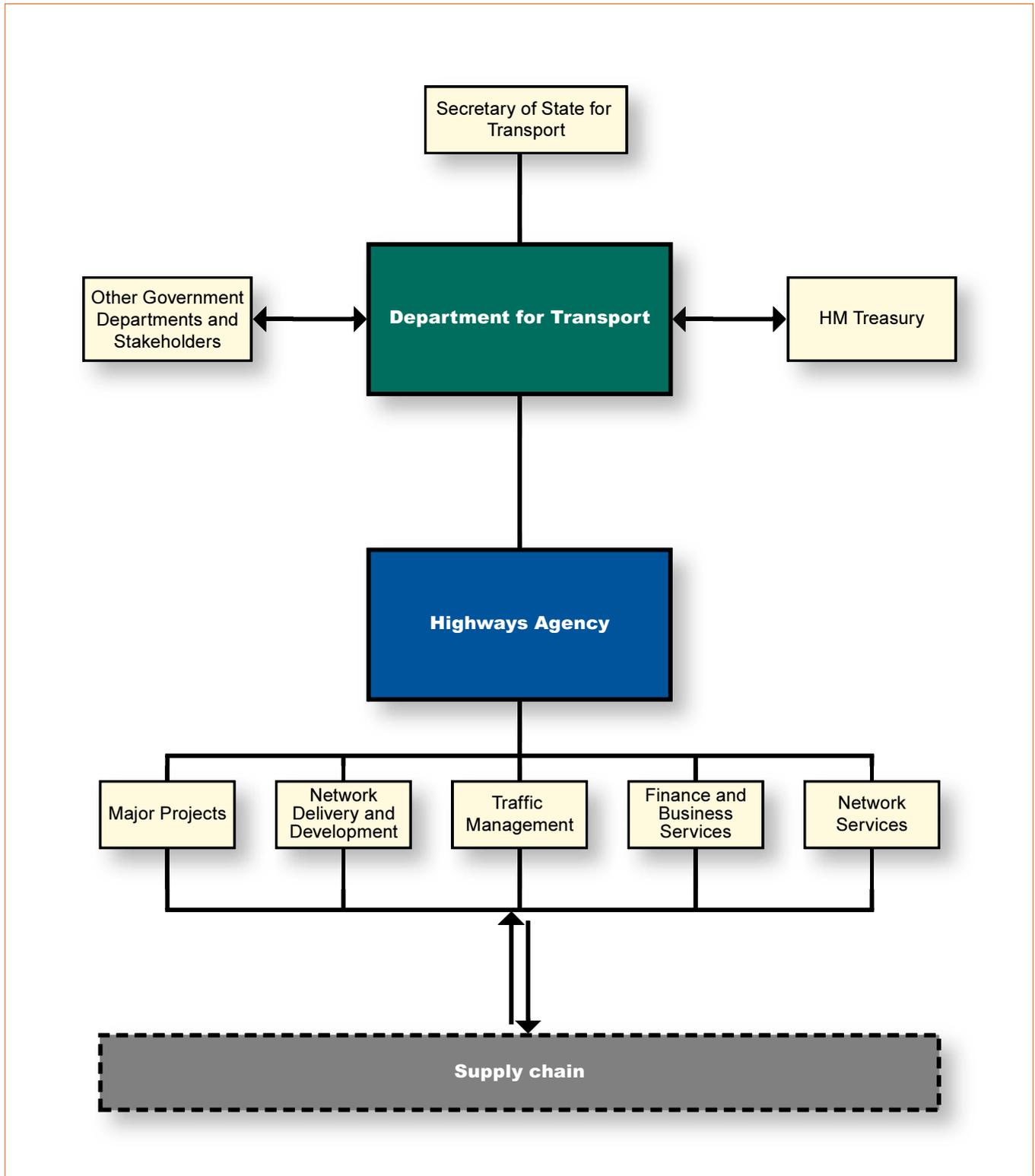
## 7. **A14 AGENTS ASSOCIATION ISSUES**

- 7.1 It was agreed by all parties that the A14 Agents Association representatives present would submit their points of contention to the examination at Deadline 5, and the Applicant agreed to respond to these formally by Deadline 6.
- 7.2 However, certain issues were raised in respect of the adequacy of the Book of Reference, particularly as to what the correct sources of information were. The Applicant submitted that, contrary to the A14 Agents Association, it did not consider 2010 data from the previous A14 improvement scheme to be the appropriate referencing point. Not only was that information 5 years old but in addition, the Planning Act 2008 regime has particular additional requirements in respect of land referencing. The Applicant is confident that it did its best in respect of the land referencing undertaken for the scheme, but would be happy to work with the A14 Agents Association with a view to rectifying any errors in the Book of Reference.
- 7.3 Since Highways England submitted its Responses to Written Representations (in particular in Report 5 of that Response (document reference HE/A14/EX/53)) it has compiled a detailed and comprehensive action list to assist in the process of investigating fully and taking account of all of the comments relating to the adequacy or accuracy of the Book of Reference which were made in written and/or relevant representations. That action list notes that a number of the comments made have already been addressed through the updated Book of Reference submitted in March 2015 (document references HE/A14/EX/02 and APP-764). However, where comments remain outstanding, it is Highways England's intention to engage with the relevant affected persons and investigate further as necessary to ensure that the updated Book of Reference which is proposed to be submitted at Deadline 7 of the Examination, on 19 August 2015, contains data which is as accurate and up to date as possible.
- 7.4 A query was also raised by Camilla Horsfall of Carter Jonas as to where the response to her client's (Swansley Wood Partnership) written representation could be found. This is contained in *Highways England's comments on the Written Representations - Report 6: Non-Statutory Organisations and Businesses* (document ref. REP4-016).

**APPENDIX 1**

**MATERIAL ILLUSTRATING THE GOVERNANCE AND ORGANISATION OF HIGHWAYS  
ENGLAND**

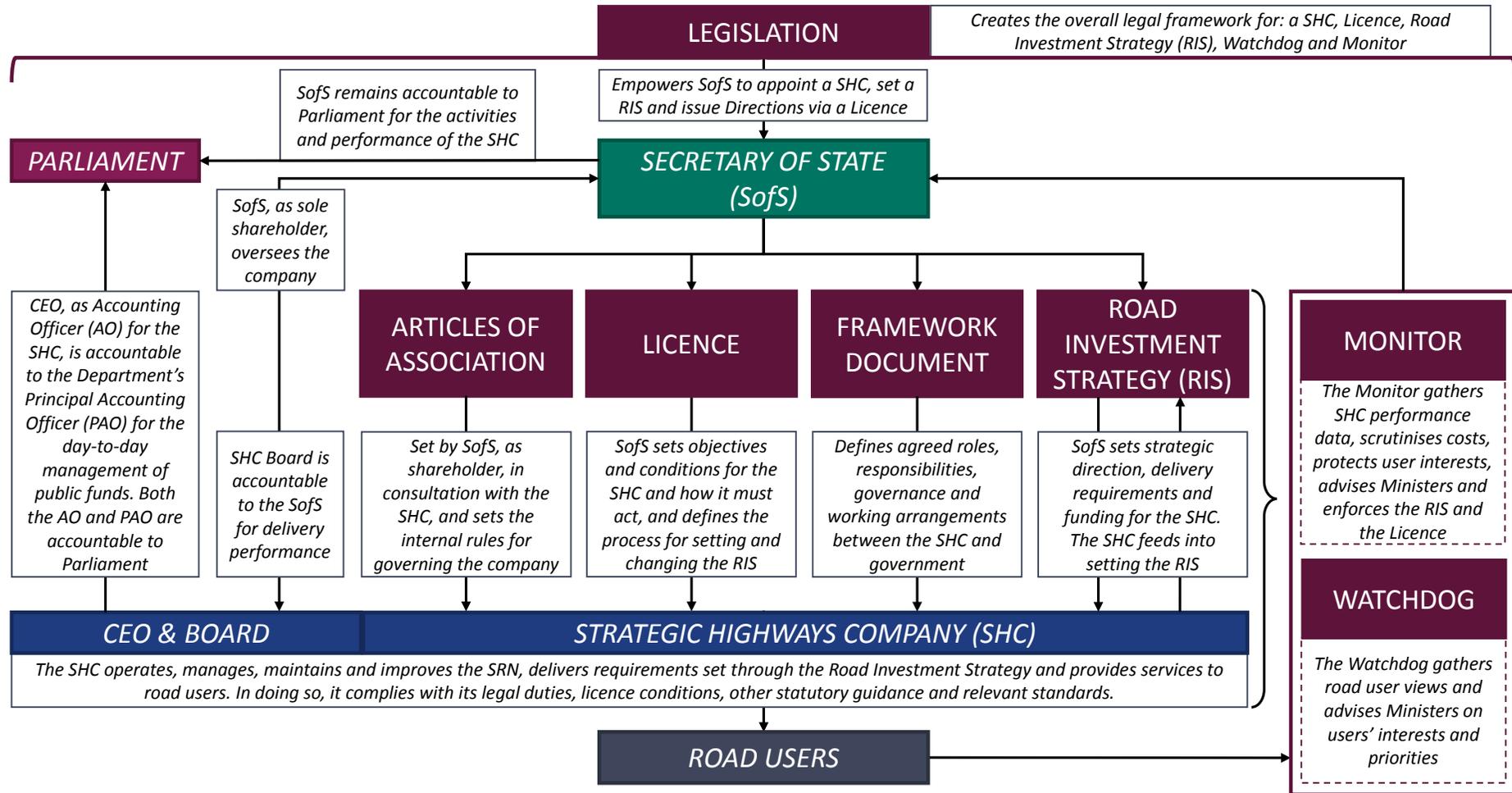
Figure 2.1: Governance of the strategic road network



## The governance arrangements for the Strategic Highways Company will be made up of several elements that will work together in a robust system

 <p><b>Legislation</b></p>	<ul style="list-style-type: none"> <li>• Creates legal framework for a Strategic Highways Company (SHC), including powers and duties, as well as for a Road Investment Strategy (RIS)</li> <li>• Empowers Secretary of State to appoint and direct a SHC, and transfer assets</li> </ul>
 <p><b>Licence</b></p>	<ul style="list-style-type: none"> <li>• Means for Secretary of State to issue statutory directions to a SHC</li> <li>• Sets objectives and conditions around how the company must act, including how it exercises its statutory functions as well as any restrictions</li> </ul>
 <p><b>RIS</b></p>	<ul style="list-style-type: none"> <li>• Sets Government's long-term vision for the SRN, with a multi-year performance specification, investment plan, and funding settlement</li> <li>• Once established, can be revisited by exception - subject to due process and consultation</li> </ul>
 <p><b>Framework Document</b></p>	<ul style="list-style-type: none"> <li>• Defines roles, responsibilities and day-to-day ways of working between SHC and government</li> <li>• Defines principles and processes for oversight, sponsorship, monitoring and approvals – including around governance, finance and project controls</li> </ul>
 <p><b>Articles of Association</b></p>	<ul style="list-style-type: none"> <li>• Sets internal rules for governing a SHC, agreed between the company and the Secretary of State</li> <li>• Includes Board arrangements and responsibilities, commercial flexibility or restrictions and any reserve powers for the Secretary of State</li> </ul>
 <p><b>Watchdog</b></p>	<ul style="list-style-type: none"> <li>• Gathers the views of road users and provides advice to the Secretary of State about their views and priorities for the network</li> <li>• A dedicated unit working within Transport Focus, acting as an advocate for all road users</li> </ul>
 <p><b>Monitor</b></p>	<ul style="list-style-type: none"> <li>• Monitors, scrutinises and reports on the costs, performance and efficiency of the SHC to the Secretary of State</li> <li>• A semi-autonomous part of the Office of Rail Regulation, which will work solely on roads</li> </ul>

**Figure 2 - Overview of how the governance system will work for a Strategic Highways Company**



# This system of governance will define and safeguard the fulfilment of important responsibilities by the Strategic Highways Company

## Road safety

 <p>Legislation</p>	<p>The SHC will be subject to the same legal obligations in respect of road safety as other highway authorities. This includes existing duties under the Highways Act 1980, as well as relevant Health and Safety legislation. The SofS will be legally bound to consider safety in setting the RIS.</p>
 <p>Licence</p>	<p>The Licence sets clear obligations for the SHC to protect and improve the safety of the network. This includes requirements to embed safety into its decision-making, consider safety at all levels of operations, ensure the best practicable safety outcomes across its activities and engage with wider efforts to improve road safety.</p>
 <p>RIS</p>	<p>The RIS sets a clear long-term road safety vision for the number of deaths or serious injuries on the SRN to be approaching zero by 2040, and a specific target for the SHC to deliver a 40% reduction in deaths and serious injuries by 2020, against which the SHC's performance will be monitored and assessed.</p>
 <p>Watchdog</p>	<p>Transport Focus will represent the interests and views of all road users, including walkers and cyclists, and will have a vital role in commenting on road safety issues. This includes having a strong voice in the process for setting the Road Investment Strategy.</p>
 <p>Monitor</p>	<p>The Strategic Road Network Monitor will measure and report on the performance of the SHC in meeting its legal duties and delivering the requirements of the Licence and the Road Investment Strategy. This includes holding the SHC to account for its performance on safety.</p>

## Environment and sustainability

 <p>Legislation</p>	<p>The SHC will be subject to extensive existing legislation on environmental issues. This includes the continued need for major road improvement schemes to go through a robust environmental assessment and decision-making process. The SofS will be legally bound to consider the environment in setting the RIS.</p>
 <p>Licence</p>	<p>The Licence sets clear obligations for the SHC to protect and enhance the environment, contribute towards reducing emissions and adapt to climate change. This includes embedding these concerns at all levels of decision-making and operations and following principles of good design and sustainable development.</p>
 <p>RIS</p>	<p>The RIS will drive improvements in environmental outcomes through the requirements in the Performance Specification and ring-fenced funding in the Investment Plan – including £300m for environmental improvements, and a further £100m for air quality – which will be used to monitor and assess the SHC's performance.</p>
 <p>Watchdog</p>	<p>Transport Focus will represent the views and interests of all road users, and will highlight the environmental issues that are of most concern to them. This is particularly relevant for walkers and cyclists. These views will play a major part in shaping the Road Investment Strategy.</p>
 <p>Monitor</p>	<p>The Strategic Road Network Monitor will assess the SHC's performance in meeting with its environmental obligations – its legal duties, Licence requirements and the improvements demanded in the RIS. Where there are failures, it will be able to hold the SHC to account and take formal enforcement action.</p>

## Cooperation

 <p><b>Legislation</b></p>	<p>The SHC will be subject to the general duties under the Traffic Management Act 2004, which require the company to work with others to keep traffic moving on their network and facilitate the movement of traffic on other networks. It will also be required to cooperate as a statutory consultee under the planning process.</p>
 <p><b>Licence</b></p>	<p>The Licence sets clear obligations for the SHC to cooperate with and consult others. This includes defining the main reasons for cooperation, the key groups that the SHC must cooperate and consult with, and the expected behaviours that the company must demonstrate in cooperating with others.</p>
 <p><b>RIS</b></p>	<p>Route strategies will be the primary inputs in the setting of the RIS by Ministers, and must take account of local transport, economic, housing and other plans in identifying investment needs and priorities for the SRN. The SHC will be required to actively collaborate and engage with others to develop these.</p>
 <p><b>Watchdog</b></p>	<p>Road users care when connections between road networks are not working as well as they should, or traffic disruption is not being dealt with effectively. Transport Focus will capture this when gathering views from road users through their surveys, and will be able to warn if cooperation is breaking down.</p>
 <p><b>Monitor</b></p>	<p>As part of assessing and reporting on the SHC's performance, the Strategic Road Network Monitor will hold the SHC to account for the extent and effectiveness of its cooperation with others in carrying out its functions – including in developing route strategies, and in complying with the requirements of the Licence.</p>

## Efficiency and value for money

 <p><b>Licence</b></p>	<p>The Licence sets clear obligations on the SHC with regard to maximising efficiency and value for money, and minimising long-term costs. This includes the need to adopt a whole-life cost approach to asset management and put in place robust arrangements for the internal assurance of value for money.</p>
 <p><b>RIS</b></p>	<p>In setting delivery requirements and associated funding for the SHC for a Road Period, the RIS will factor in demanding efficiency requirements, as well as clear expectations in respect of value for money. The first RIS sets an expectation on the SHC to deliver £1.2 billion efficiency savings over the first Road Period.</p>
 <p><b>Framework Document</b></p>	<p>The Framework Document plays a crucial role in safeguarding efficiency and value for money. It defines the principles, processes and conditions of the SHC's use of public funds, as well as the roles, responsibilities and lines of accountability to Parliament for the SHC's stewardship of public money.</p>
 <p><b>Watchdog</b></p>	<p>Transport Focus will be able to link up discussions about value for money with the wider question of what matters to different groups of road users. This will inform wider assessments of value for money, and make sure that efficiency concerns are considered in the context of the experience of road users on the ground.</p>
 <p><b>Monitor</b></p>	<p>The Strategic Road Network Monitor performs the primary role in scrutinising the costs, performance and efficiency of the SHC, reporting to the Secretary of State and publishing reports on how the SHC is delivering. The Monitor will have legal powers to force the company to take action on its recommendations.</p>

## APPENDIX 2

### NOTE ON DISAPPLICATION OF CONSENTS

1. Under article 3 of the proposed DCO, certain legislative provisions are disapplied in relation to the construction, maintenance or operation of any work for, or in connection with, the 'authorised development' as set out in Schedule 1 to the DCO.
2. The relevant legislative provisions disapplied are as follows:
  - 2.1 section 109 of the Water Resources Act 1991 – this provides that a person cannot erect any structure over or under a watercourse which is part of a 'main river' except with the consent of the Environment Agency;
  - 2.2 the provisions of any byelaws made under certain paragraphs of Schedule 25 to the Water Resources Act 1991 – this provides that the Environment Agency can make byelaws for certain purposes, namely:
    - 2.2.1 flood defence and drainage purposes;
    - 2.2.2 fishery functions; and
    - 2.2.3 in relation to fisheries, for marine or aquatic environmental purposes;
  - 2.3 section 23 of the Land Drainage Act 1991 – this provides that a person cannot erect obstructions or culverts in an 'ordinary watercourse' (or alter culverts that would likely affect the flow of an ordinary watercourse) without the consent of the drainage board concerned (i.e. the body responsible for the drainage in that area);
  - 2.4 the provisions of any byelaws made under section 66 of the Land Drainage Act 1991 – this provides that certain bodies (i.e. relevant drainage bodies) can make byelaws for certain purposes, such as the effectiveness of drainage systems; and
  - 2.5 section 28E of the Wildlife and Countryside Act 1981 – this provides that the owner or occupier of any land included in a site of special scientific interest shall not carry out, or cause or permit to be carried out, on that land any operation specified in the notification of special interest unless it has served notice on Natural England, and the operation is carried out with the consent of Natural England (or carried out under specified agreements or management schemes).
3. It is considered, at this early stage in the design process, that if they were not disapplied, all of these consents or authorisations may be needed before or during, at least, the construction of the scheme<sup>1</sup>.
4. The works authorised by the DCO affect a number of watercourses, particularly the river Great Ouse (a main river) and a number of ordinary watercourses. Structures will need to be erected in and around these, meaning ordinarily consents would be required under the Water Resources Act 1991 and Land Drainage Act 1991 to authorise such works, as well as potential authorisations under relevant byelaws.
5. As there is a site of special scientific interest (Brampton Meadows) within the DCO limits, Highways England considered it prudent to include section 28E of the Wildlife and Countryside Act 1981 as part of the disapplication provisions within the DCO. Highways England would become the manager of this site of special scientific interest together with adjacent land that will be subject to habitat creation and management to enhance the value of the designated site.

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<sup>1</sup> Highways England is currently considering whether it is appropriate for the disapplication to extend beyond construction to maintenance and operation. Any necessary amendments will be made to the DCO submitted for Deadline 7.

6. Highways England has taken the approach to disapply these consents, in light of the intended purpose of a DCO to provide a 'one stop shop' of construction-related consents (please see further commentary given in the application document *Consents and Agreements Position Statement (document ref. APP-010)*). Highways England has sought to include as many consents and authorisations within the DCO as it can to ensure there is one main consent for the entire scheme. Indeed, recent government policy on the approach to the disapplication of consents suggests that this approach is encouraged.
7. Whilst these consents would be disapplied, and thus Highways England would not need to obtain them for the construction of the scheme, this does not mean there would not be a role for the relevant consenting bodies.
8. Under article 40 of the DCO, protective provisions are given effect. Highways England currently envisages that such provisions would be included for the benefit of the Environment Agency and the relevant drainage bodies to give them plan approval powers. It is envisaged that the provisions would provide for Highways England to be required to obtain approval of the details of any works affecting a main river or ordinary watercourse by the relevant body before any works commenced, with such approvals able to be subject to reasonable conditions. This therefore means that Highways England would not be able to start constructing significant works that could affect watercourses without having those prior approvals in place, and would then have to construct the works in accordance with the approved details. As such, the practical process would be very similar to the process under the disapplied legislative provisions and this is a tried and tested approach with projects of this nature and size.
9. In respect of section 28E of the Wildlife and Countryside Act 1981, it is not proposed to provide any protective provisions for the benefit of Natural England, on the basis that these are not considered necessary. Discussions are ongoing between the parties, but Highways England understands Natural England to be content with the proposed arrangements, in the context of the mitigation and other protections offered to the area. In particular, Highways England is considering the precise wording of a new requirement in relation to the detailed design of the habitat creation and future management of the site of special scientific interest and adjacent land, in consultation with Natural England. This will be reflected in the revised DCO to be submitted by Deadline 7 on 19 August 2015. This requirement would allow Natural England to agree proposals for management of the site of special scientific interest, meaning it would have the same degree of influence as it does under the relevant legislative provision proposed to be disapplied.
10. It should be noted that under section 150 of the Planning Act 2008, the consents listed in paragraphs 2.1, 2.2 and 2.3 above can only be disapplied with the express consent of the relevant consenting body. In these specific cases, the relevant bodies would be the Environment Agency and the local drainage authorities (i.e. the Internal Drainage Boards and local authorities, as appropriate). Highways England understands that these bodies are in principle agreeable to giving this express consent, subject to the agreement of suitable protective provisions to be included in the DCO.

### APPENDIX 3

#### NOTE ON EFFECT OF DCO ON SECTION 8 OF THE COMPULSORY PURCHASE ACT 1965

1. Under section 8(1) of the Compulsory Purchase Act 1965 ("**the CPA**"), no person is required to sell a part only of
  - 1.1 any house, building or manufactory, or
  - 1.2 a park or garden belonging to a house,  
  
if he is willing and able to sell the whole of the house, building, manufactory, park or garden.
2. However, this does not apply if the Upper Tribunal determines that:
  - 2.1 in the case of a house, building or manufactory the part proposed to be acquired can be taken without material detriment to the house, building or manufactory, or
  - 2.2 in the case of a park or garden, the part proposed to be acquired can be taken without seriously affecting the amenity or convenience of the house.
3. The DCO as currently drafted amends this provision in various scenarios, but Highways England considers it does not materially affect the statutory rights of landowners and, as such, does not fall foul of section 126 of the Planning Act 2008, which states that a DCO cannot include provisions which modify the application of the compensation code, aside from where a modification is necessary to apply the code to the DCO.

#### Article 28 of the DCO

4. Article 28 of the DCO deals with the situation where Highways England intends to acquire parts of certain properties and applies instead of section 8(1) of the CPA. It provides that, where a notice to treat is served on a person in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden, together with a copy of article 28, that person can serve a counter-notice within 21 days objecting to the sale of part of the land and stating that he is willing to sell the entirety of the land. In that instance, the case is referred to the Upper Tribunal unless Highways England agrees to take the land subject to the counter-notice.
5. The Upper Tribunal must determine whether the land in question can be taken without causing material detriment to the remaining land (and, in the case of a park or garden, without seriously affecting the amenity and convenience of the house). Article 28 provides for certain scenarios where only part of the land subject to the notice to treat can be taken without causing material detriment, amongst others.
6. Article 28 expressly provides that compensation is payable where a person, by virtue of the article, is required to sell a part of his land.
7. Article 28 does not provide land owners with any lesser rights than section 8(1) of the CPA provides. As with the CPA regime, article 28 of the DCO provides for an owner to serve notice if he is willing to sell his entire land, when only part of it is proposed to be compulsorily acquired pursuant to compulsory acquisition powers. In both regimes, where the acquiring authority does not agree to purchase the entirety of a person's land, the matter is referred to the Upper Tribunal. Common in both instances, its determination is by reference to the tests of 'material detriment' and serious affects on amenity. Compensation is also payable under both regimes.

8. As such, Highways England considers that article 28 does not alter the regime in the CPA to the detriment of landowners. The wording used in the DCO has been used in many legislative instruments to date, in order simply to 'modernise' the CPA provision - it does not affect the substance of the protection offered. As such, Highways England considers there is no issue with section 126 of the Planning Act 2008.

Article 23 and Schedule 6 to the DCO

- 8.1 Article 23 of the DCO authorises Highways England to acquire or create rights over (or impose restrictive covenants on) the land subject to the compulsory acquisition powers of the DCO, rather than actually acquire the land compulsorily.
- 8.2 Under article 23(4), Schedule 6 to the DCO has the effect of modifying the compensation regime under the CPA in respect only of where rights are being created or acquired or restrictive covenants imposed. It does not apply to any other powers of acquisition under the DCO. Necessarily, the creation or acquisition of rights over land or the imposition of restrictive covenants throws up subtly different issues to the situation where land is being physically acquired.
- 8.3 Paragraph 3 of Schedule 6 to the DCO makes it clear that the CPA has effect with the modifications in Schedule 6 to enable it to apply to the creation or acquisition of rights, or to the imposition of restrictive covenants, only.
- 8.4 Paragraph 5 of Schedule 6 to the DCO substitutes certain wording for section 8 of the CPA. This has the effect of, essentially, extending the tests of material detriment and serious effects on amenity, to the creation or acquisition of rights or the imposition of restrictive covenants. Where compensation is being disputed in the Upper Tribunal, should it be found that those tests are failed as a result of the creation or acquisition of rights or the imposition of restrictive covenants, the DCO would no longer authorise these powers and Highways England would be authorised instead (if it wished to proceed at all with the acquisition) to purchase the whole of the person's interest in the relevant land.
- 8.5 As a result, Highways England contends that this provision does afford landowners the same protections as under section 8 of the CPA, but with necessary modifications for it to apply to the creation or acquisition of rights or the imposition of restrictive covenants. Landowners still have the safeguard of the 'material detriment' test should this power affect their land. Indeed, Highways England would argue that this extends the regime - without this modification there would be no application of the CPA regime in this instance. The process of creating or acquiring rights or imposing restrictive covenants is different to physically acquiring land and as such, the proposed modified regime (which is very well precedented) reflects this.
- 8.6 Highways England therefore does not consider this modification falls foul of section 126 of the Planning Act 2008. Under subsection (2) of that provision, it is stated that modifications to compensation provisions are allowed, to apply such a provision to the powers in a DCO. As such, Highways England considers that Schedule 6 to the DCO meets this test.

**APPENDIX 4**

**TRACKED CHANGE VERSION OF THE CODE OF CONSTRUCTION PRACTICE –  
APPLICATION VERSION AGAINST THAT SUBMITTED AT DEADLINE 4**

## **A14 Cambridge to Huntingdon improvement scheme**

Development Consent Order Application  
Environmental Statement Appendices  
Appendix 20.2 – Code of construction practice

**UPDATED**

**HE/A14/EX/64**

**July 2015**



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# 1 Introduction

## 1.1 Background

- 1.1.1 This document is the code of construction practice (CoCP) for the highway construction, improvement and alteration between Huntingdon and Cambridge, covering a distance of approximately 34km, and online improvements of the A1, covering a distance of approximately 6km.
- 1.1.2 Powers to construct the scheme will be sought by Highways England through an application for a development consent order (DCO) to the Secretary of State through the Planning Inspectorate (as responsible agency) in autumn 2014.
- 1.1.3 The CoCP contains control measures and the standards to be implemented throughout construction of the A14 Cambridge to Huntingdon improvement scheme. At a local level, site specific control measures will be included within local environmental management plans (LEMPs), which will be developed following consultation with the relevant stakeholders (refer to *Section 3*).
- 1.1.4 The scheme extends across the administrative area of Cambridgeshire County Council and includes the district councils of Huntingdonshire and South Cambridgeshire. The CoCP will provide a consistent approach to the management of construction activities along the entire route of the proposed works and with a wide range of key stakeholders.
- 1.1.5 The CoCP has been subject to consultation with the appropriate local authorities and statutory environmental bodies, but will evolve and is subject to refinement, amendment and expansion as necessary as the scheme design, assessment and consenting processes develop. Engagement with stakeholders especially through the environmental stakeholder forum and the community forums will inform its future development.

## 1.2 Structure of this report

- 1.2.1 This document comprises following sections:
- Introduction (*Section 1*).
  - A14 scheme description (*Section 2*) – describing the six sections of the scheme.
  - Environmental management and implementation (*Section 3*) – outlining measures and standards to protect communities and the environment during construction works.
  - Community relations (*Section 4*) – outlining the approach to community engagement.

- General site operations (*Section 5*) – including mitigation of the impact of general site operations and construction activities, and the environment and pollution incident control measures.
- General requirements by environmental topic (*Sections 6 to 15*) – setting out the measures that will be implemented to limit disturbance from construction activities, as far as reasonably practicable, in relation to the following topics which respond directly to the scheme *Environmental Statement (ES)*:
  - Air quality;
  - Cultural heritage;
  - Community and private assets (agricultural land and farms);
  - Geology and soils;
  - Landscape;
  - Materials resources;
  - Nature conservation;
  - Noise and vibration;
  - Road drainage and the water environment; and
  - Traffic and transport.

### 1.3 Purpose of the code of construction practice

1.3.1 This CoCP sets out a series of proposed measures and standards of work that will be applied by ~~the~~ Highways AgencyEngland and its main contractors throughout the construction period to:

- provide effective planning, management and control during construction with the aim of controlling potential impacts upon people, businesses and the natural and historic environment; and
- provide the mechanisms to engage with the local community and their representatives throughout the construction period.

1.3.2 The main contractors will comply as a minimum with applicable environmental legislation at the time of construction together with any additional environmental controls imposed by the DCO. For this reason the applicable statutory requirements are not repeated within this CoCP. Further guidance on specific areas, such as soil handling and dust management, will be applied where appropriate from industry good practice guidance documents as set out in each discipline section of this CoCP. The references to guidance documents within this document are not intended to be exhaustive.

1.3.3 This CoCP has been produced in conjunction with the ES documentation with the aim of ensuring that likely significant construction effects that are reported in the ES will either be avoided

or mitigated. Site specific controls, which will be included within LEMPs, will be developed following the publication of the ES.

- 1.3.4 Particular requirements of this CoCP could be discharged with like requirements in the DCO.
- 1.3.5 The CoCP is one of a suite of documents to be submitted as part of the application to the Planning Inspectorate (PINS) for DCO approval. See *Figure 1* for a diagrammatic representation showing its relationship to other project documentation along with relevant key milestones.

*Figure 1: Diagram showing the CoCP within the context of other documentation/key milestones*

Lifespan of the scheme	Preliminary design stage including consultation	Examination Phase / Detailed design stage	Construction phase
EIA scope and methodology	■		
Environmental statement		■	
Code of construction practice		■	
Local environmental management plans (LEMPs)		■	
Construction environmental management plan (CEMP)			■
Third party consents		■	■
Procure main contractors		■	
Appoint main contractors			■
Contractors method statement			■
Statement of community consultation (SoCC)	■		
Consultation report	■		

- 1.3.6 This figure is provided for illustrative purposes only and the list of documents is not exhaustive. Document titles and timescales for their production may change.

## **2 A14 scheme description**

### **2.1 Overview**

- 2.1.1 The A14 Cambridge to Huntingdon improvement scheme would extend east from the existing A14 at Ellington to the Cambridge northern bypass at Milton, a distance of approximately 34km (21 miles). It would extend south and east from Ellington to create a new southern bypass of approximately 20km (12½ miles) in length around Huntingdon before re-joining the existing A14 near Swavesey. From there it would continue east, with carriageway widening as far as Milton, at the east end of the Cambridge northern bypass. The scheme would also include the widening of the existing A1 trunk road between Brampton and Alconbury, together with the construction of a local road between Fen Drayton and Girton a distance of 8km (5 miles) measured following the route of the A14. The existing A14 trunk road would be downgraded to county road status (de-trunked) between Brampton Hut and Swavesey, as well as between Alconbury and Spittals interchange and the road viaduct over the East Coast mainline railway in Huntingdon would be removed.
- 2.1.2 The scheme can be broken down geographically into the following sections:

### **2.2 Section 1 – A1 Alconbury to Brampton Hut**

- 2.2.1 The A1 trunk road would be widened from the existing two lane dual carriageway to a dual three-lane carriageway between Alconbury and Brampton Hut over a length of approximately 3km (1.9 miles). A single carriageway local access road would also be constructed to connect the Ellington junction with Woolley Road.

### **2.3 Section 2 – A1/A14 Brampton Hut to East Coast mainline**

- 2.3.1 A new section of the A1 would be constructed as dual three lane carriageway on the western side of the existing A1 alignment between Brampton Hut junction and Brampton interchange. Two new slip roads would provide connections between the A1 and A14 north of Buckden for traffic travelling from A1 southbound onto A14 southbound and for traffic travelling from A14 northbound onto A1 northbound.
- 2.3.2 The A14 Huntingdon southern bypass would be commence at Ellington, crossing the line of the new section of A1 south of Brampton Hut junction and joining the line of the existing A1 as it heads south to a new junction to the south-west of Brampton. The A14 Huntingdon southern bypass would continue as a three lane dual carriageway between Brampton interchange, where there is a lane gain

southbound and a lane drop northbound, to a bridge across the East Coast mainline railway.

## **2.4 Section 3 – A14 East Coast mainline railway to Swavesey**

2.4.1 The new Huntingdon southern bypass would continue as a three lane dual carriageway from the bridge over the East Coast mainline railway to join the existing alignment of the A14 at an improved junction south of Swavesey. Swavesey junction would maintain the connection between the A14 and the local road network, Cambridge Services and Buckingham Business Park and also provide connection to the new local access road. The new section of bypass would include a junction with the A1198 south of Godmanchester with west facing slip roads only, facilitating exit of eastbound traffic and entry of westbound traffic.

## **2.5 Section 4 – A14 Swavesey to Girton**

2.5.1 The existing A14 would be widened over approximately 7.9km (5 miles) to provide three lanes in each direction between Swavesey and Bar Hill and four lanes in each direction between Bar Hill and Girton. Girton interchange would be reconfigured to include an improved A14 westbound link and the realignment of the A428.

2.5.2 A new local access road, approximately 8km (5 miles) in length, would be constructed as a dual carriageway link between the existing A14 near Fen Drayton and Swavesey junction, and as a single carriageway between Swavesey and Girton. This road would provide a route for local traffic between Cambridge and Huntingdon as well as providing access to properties and businesses along the route corridor. At Dry Drayton Road the existing overbridge would be maintained, linking to the new local access road east and west of the A14 which provides connection to the A14 at Bar Hill Junction to the north and to Huntingdon Road to the south. The existing connection to the A14 at Dry Drayton Road would be removed.

2.5.3 There would be an improved Bar Hill junction which would maintain access to Bar Hill while improving NMU facilities and providing a connection to the new local access road east of the A14. The junction capacity would be increased to cater for forecasted traffic growth generated by Stage 2 of the proposed development at Northstowe.

## **2.6 Section 5 – A14 Cambridge northern bypass – Histon to Milton**

2.6.1 A 2.5km (1.5 miles) section of the Cambridge northern bypass between Histon and Milton would be widened from the existing two lane dual carriageway to a three lane dual carriageway.

2.6.2 By the time of this scheme's construction, the section of the A14 between Girton interchange and Histon will have been widened as part of the A14 Junction 31 to 32 Eastbound and Westbound improvements scheme, and as such does not form part of the A14 Cambridge to Huntingdon improvement scheme.

## **2.7 Section 6 – Huntingdon viaduct demolition and A14 De-trunking**

2.7.1 The existing A14 trunk road would be downgraded to county road status (de-trunked) between Brampton Hut and Swavesey, as well as between Alconbury and Spittals interchange. Approximately 21km (13 miles) of the existing A14 route would be downgraded to county road status.

2.7.2 As part of this section of the scheme the road viaduct over the East Coast mainline railway in Huntingdon would be removed.

2.7.3 A new link road would be constructed to improve access into Huntingdon from the south and east by connecting the existing A14 with the Huntingdon ring road near the bus station and by constructing a new link road from Brampton Road to connect with the A14 to the west. The Brampton Road bridge would remain as the crossing over the East Coast mainline railway for lightweight traffic.

2.7.4 This is a large highway improvement scheme. By dividing the scheme into six sections, it enables more than one main contractor to be employed. When referring to the 'main contractors' in this document, all contractors shall comply with the relevant terms as described.

2.7.5 This scheme would also require borrow pits to be created along the length of the scheme and these areas are also covered by the CoCP. Borrow pits are described within *Chapter 3 of the ES*.

## 3 Environmental management and implementation

### 3.1 Employer's representative environmental management system

3.1.1 The employer's representative (of ~~the~~ Highways ~~Agency~~England) will establish a process to require the relevant mitigation measures identified in the ES are addressed through the construction phase by main contractors. The process will set out:

- all relevant environmental aspects of the work and how they will be managed;
- staff competence and awareness requirements and how these are achieved and maintained;
- the approach to be implemented to plan and monitor compliance with environmental legislation and the environmental provisions in the DCO;
- monitoring compliance and the effectiveness of the measures included within this CoCP;
- the measures to be taken to address non-compliance or unexpected impacts; and
- engagement and consultation with local authorities, other statutory bodies and the local community.

### 3.2 Collaboration and co-ordination across concurrent projects

3.2.1 Whilst the detailed procurement strategy for the scheme is not yet confirmed, it is anticipated that construction would be split into a number of packages of work along the length of the scheme and that some of these would proceed concurrently, i.e. that there would be on-going construction activity in more than one location under the control of different main contractors.

3.2.2 As a consequence, there would be a need for co-ordination of activity outside site boundaries to reduce risk of conflict and to maximise opportunities for reducing overall impact on surrounding communities and the environment. This role would be fulfilled by the employer's representative, with technical support as appropriate.

3.2.3 The employer's representative would have particular regard to co-ordination of activity by main contractors, and collaboration between main contractors, in respect of:

- community liaison: communicating upcoming activity to affected communities and responding to questions/concerns raised;

- emergency response: maintaining communication with emergency services and ensuring that emergency response plans do not conflict;
- traffic management: working collaboratively with the aim of avoiding potential conflict in arrangements and minimising disruption to road users;
- access to site: communication and collaboration in respect of arrangements for site access and abnormal loads with highway authorities and emergency services;
- construction workforce: monitoring the impact of the workforce on the community in its travel to and from work and its use of temporary accommodation; and
- other construction projects: maintaining communication between the works on the scheme and those of other relevant schemes in the area.

### 3.3 Main contractors' construction environmental management plan

- 3.3.1 ~~The~~ Highways ~~Agency~~ England will require each of its main contractors to have a construction environmental management plan (CEMP) certified to *BS EN ISO14001 Environmental Management Systems – specification with guidance for use* (BSI, 2004). Each CEMP will include for that contractor roles and responsibilities, together with appropriate control measures, training and briefing procedures, risk assessments, stakeholder engagement and monitoring systems to be employed during planning and constructing the works for all relevant topic areas.
- 3.3.2 As part of their CEMP, each main contractor will be required to plan their works in advance to ensure that measures to reduce environmental effects are integrated into the construction methods and commitments from the ES, LEMPs and DCO are complied with.
- 3.3.3 Each main contractor's CEMP will cover the activities of all their contractors. Each main contractor will also be required to coordinate with other contractors and relevant parties that may affect their works. This will be documented in its CEMP, as appropriate.
- 3.3.4 Each main contractor's CEMP will include procedures or plans to monitor compliance with the project's environmental requirements including statutory and consent requirements together with provisions for any corrective actions required.
- 3.3.5 The detailed provisions of the main contractors' CEMPs will be subject to review and acceptance as being suitable by ~~the~~ Highways England /employer's representative.

### 3.4 Enforcement

3.4.1 The provisions of the CoCP will be imposed by ~~the~~ Highways AgencyEngland on the main contractors by means of the works contracts. The contracts will incorporate both:

- general requirements; and
- site specific requirements, including the requirements of the LEMPs.

3.4.2 The main contractors and their contractors will be required to comply with the terms of the CoCP and appropriate action will be taken by ~~the~~ Highways AgencyEngland /employer's representative as required with the aim of ensuring compliance.

### 3.5 Local environmental management plans

3.5.1 Each LEMP will include for the relevant local authority area, specific measures as relevant to the works being undertaken and the environmental issues specific to each section of the scheme, as set out in Section 6 onwards of this CoCP. The LEMPs will build on the general environmental requirements given below and will set out how the project will adapt and deliver the required environmental and community protection measures within each relevant local authority area. Sections 1, 2 and 6 of the scheme are within the jurisdiction of Huntingdonshire District Council and Sections 4 and 5 are within the jurisdiction of South Cambridgeshire District Council. Section 3 is split across Huntingdonshire District and South Cambridgeshire District. All sections of the scheme are within the administrative area of Cambridgeshire County Council.

3.5.2 The proposed measures within the LEMPs will consider, as appropriate, other relevant local scheme's activities.

3.5.3 ~~The~~ Highways AgencyEngland/employer's representative and/or its main contractors will engage with the local communities, local authorities and other stakeholders in order to seek to agree the LEMPs.

3.5.4 A template for the LEMPs is included in *Annex 1*.

### 3.6 Site management

#### Overview

3.6.1 The main contractors will undertake the necessary monitoring as outlined for each environmental topic (*see Sections 6 to 15*) to comply with the requirements of this CoCP, the relevant LEMP, any additional consent requirements and their EMS. Monitoring will assess the effectiveness of mitigation measures and the impact of construction

works. Additional actions that may be necessary to enable compliance will also be considered.

- 3.6.2 Monitoring, together with provisions for any corrective action required, will be implemented using the systems set out under their individual main contractors' CEMP.

### **3.7 Training and competence**

- 3.7.1 ~~The~~ Highways [AgencyEngland](#) will require all main contractors to employ an appropriately qualified and suitably experienced workforce. Where appropriate, this will include holding a registration with relevant recognised competence schemes.

- 3.7.2 The main contractors will be responsible for identifying the training needs of their personnel to enable appropriate training to be provided and engaging suitably qualified and experienced professionals for this purpose. The training will include site briefings and toolbox talks to equip relevant staff with the necessary level of knowledge on health, safety, community relations and environmental topics, and an ability to follow environmental control measures and to advise employees of changing circumstances as work progresses.

### **3.8 Considerate contractors**

- 3.8.1 All main contractors will be required to sign up and adhere to the Considerate Constructors Scheme (see *Section 16* for more information).

### **3.9 Contractors' method statements**

- 3.9.1 The main contractors will set out the procedures to be followed for construction operations in method statements that will address health, safety, site security and the environmental issues associated with construction operations. The operations requiring a method statement will be identified using a risk based approach. As a minimum, method statements will be prepared for site preparation, construction activities and reinstatement of land and/or infrastructure following completion of the main construction works.

- 3.9.2 Method statements will define any specific environmental control measures, including environmental and cultural heritage protection works, to be implemented to meet the requirements of this CoCP and the LEMPs, and will consider the cumulative effects of concurrent construction activities.

- 3.9.3 The main contractors' approach to method statements will be reviewed and accepted by the employer's representative. An assurance programme will be established by the employer's representative and its main contractors to monitor compliance with these planned arrangements.

### **Supervision**

- 3.9.4 Sufficient suitably qualified and experienced personnel will be appointed by the main contractors to supervise the main construction works. This will include professionally qualified environmental management staff, with relevant experience in the environmental disciplines included within the ES and this CoCP. They will be present on site during the main construction works, as appropriate, to advise the main contractors and the contract management team, and supervise and report on the implementation of appropriate environmental mitigation measures and safeguards.

### **Contact person**

- 3.9.5 At each construction site, a contact person will be identified by main contractors, who will be the single point of contact for the regulatory authorities. The main contractors will provide the regulatory authorities with relevant contact details prior to the commencement of construction.

## **3.10 Handover environmental management plan**

3.10.1 During the construction phase of the scheme the relevant main contractors will prepare a handover environmental management plan (HEMP) in consultation with Highways England and/or the employer's representative. This would be passed to the organisation responsible for the long term management of the route.

3.10.2 The HEMP will provide the relevant information on existing and future environmental commitments and objectives that would need to be honoured and ongoing actions and risks that need to continue to be managed. It will include as built information and other details in a form that can be utilised by the body responsible for long term management so they can update their environmental management plans for the operational phase.

## 4 Community relations

### 4.1 Engaging with communities

4.1.1 ~~The~~ Highways AgencyEngland will prepare a community engagement strategy for the construction stage of the scheme that will provide the approach to community engagement and a step-by-step guide to the enquiries and complaints procedure. The strategy will include procedures to:

- maintain effective community engagement throughout the construction period to build on existing relationships with the communities alongside the scheme;
- inform affected communities in advance of the relevant construction works commencing about how the effects of construction activities will be managed and, as appropriate, mitigated;
- inform affected communities in advance of the relevant construction works commencing about the timetable of the construction works; and
- provide information on the enquiry and complaints procedures and how this is operated.

4.1.2 This approach will be enhanced and further enabled by ongoing and continuing community engagement through an already established structure of stakeholder engagement boards and community focus groups for the project. The membership of these groups will have been informed by formal consultation and on-going collaborations and partnership working and will include the relevant local authorities, local community organisations, landowners, businesses, contractors and other relevant parties.

4.1.3 ~~The~~ Highways AgencyEngland will be a key member of the community focus groups providing strategic insight and feedback to and from the wider scheme. Meetings will be attended by the employer's representative and a Community Liaison Officer together with members of the main contractor's site team and local authorities as may be necessary to cover the matters to be discussed.

### 4.2 Community engagement requirements

4.2.1 During construction, a programme of high quality, effective and sustained communications will include:

- Online – ~~the~~ Highways AgencyEngland's website and other digital media including relevant links to its partners' and stakeholders' websites. These will be updated to reflect construction and community liaison requirements of the scheme; including the latest information on the progress of the

construction works, areas affected by construction, mitigation in place to reduce adverse effects of construction, information regarding planned construction works, road closures and works recently completed.

- Newsletter – a scheme newsletter will be issued on a regular basis and will provide information regarding construction progress and planned construction works. The main contractors will contribute to and support preparation of the scheme newsletter.
- Provision of information on progress of construction works –the relevant local authority, district councils, parish councils, councillors, constituency and regional members of Parliament and other relevant persons will be kept informed of the progress and effects of construction works.
- Notification to local residents, businesses and parish councils – the main contractors will notify occupiers of nearby or affected properties, businesses and adjacent or affected parish councils a minimum of two weeks in advance of the nature and anticipated duration of planned construction works that may affect them, including both principal and ancillary works. As a minimum, the main contractors will take steps including direct correspondence and/or mail drops, as well as providing information in local community centres. The notification will also provide details of the enquiries and complaints procedure developed in accordance with the requirements below. Information included in the notifications will include, as appropriate:
  - The location of the planned works;
  - The activities to be carried out;
  - The duration of the planned works and the periods within which works will be undertaken (i.e. whether during normal working hours, during the evening or overnight);
  - The anticipated effects of the planned works;
  - The measures to be implemented in line with the *ES* and this CoCP to mitigate the impact of the planned works; and
  - Enquiries and complaints procedure – as described in *Section 4.3*.

### 4.3 Enquiries and complaints procedure

- | 4.3.1 ~~The~~ Highways ~~Agency~~England information line (HAIL) will be used to deal with enquiries and complaints from the public. This consists of a phone line, email and website contact facility. The information line is

staffed by ~~the~~ Highways ~~Agency~~England's 24 hours a day, 7 days a week. The relevant contact number, email and website addresses for HAIL will be displayed on signs around the construction site.

4.3.2 The system and procedure will:

- Log enquiries and complaints in a register;
- Deal with enquiries and complaints appropriately, recognising that they may be due to the effect of construction works on the interests of, and impacts on persons and their properties;
- Pass on the enquiry or complaint to the correct person for review and appropriate action if the person recording it cannot do so;
- Take appropriate action and response to enquiries or complaints; and
- Outline the process for the employer's representative to review enquiries and complaints regularly to assess the adequacy, efficiency and effectiveness of the enquiries and complaints system and procedure and the measures being taken to respond to any enquiries or complaints.

4.3.3 The extent of the action taken will depend on the nature of the complaint. All complaints will be investigated to establish the cause of the complaint and whether the works comply with the scheme's environmental requirements and other relevant requirements such as legislation, standards and codes of practice.

## 5 General site operations

### 5.1 Working hours

#### Consents

- 5.1.1 The main contractors will seek to obtain consents from the relevant local authority where required under Section 61 of the *Control of Pollution Act 1974* for the proposed construction works, excluding non-intrusive surveys (see *Section 12*). Applications will include details on proposed working hours.

#### Core working hours

- 5.1.2 Core working hours will be from 08:00 to 18:00 on weekdays (excluding bank holidays) and from 08:00 to 16:00 on Saturdays. The contractors will adhere to these core working hours for each site as far as is reasonably practicable or unless otherwise permitted under *Section 61* of the *Control of Pollution Act 1974*.
- 5.1.3 Guidance on the site specific variations to core hours and/or additional hours likely to be required will be included within the LEMP following consultation with the relevant local authority.
- 5.1.4 Except in the case of an emergency, any work required to be undertaken outside of core hours (not including repairs or maintenance) will be agreed with the local authority prior to undertaking the works under Section 61 of the *Control of Pollution Act 1974* within the framework set out by the LEMP and this CoCP.

#### Start up and close down periods

- 5.1.5 To maximise productivity within the core hours, the contractors will require a period of up to one hour before and up to one hour after normal working hours for start-up and close down of activities. This will include but not be limited to deliveries, movement to place of work, unloading, maintenance and general preparation works. This will not include operation of plant or machinery likely to cause a disturbance to local residents or businesses. These periods will not be considered an extension of core working hours.

#### Anticipated additional working hours

- 5.1.6 The online sections of the new alignment of the scheme (sections 1, 4, 5 and 6 as described in *Section 2*) would require night time working to facilitate traffic management and installation of signs and technology, and surface tie-ins. For example, the majority of the online road surface could have to be laid during night time working hours. These working hours are dictated by network occupancy criteria.

- 5.1.7 Section 6 of the scheme, consisting of the demolition of the Huntingdon viaduct, requires some working close to the East Coast mainline railway line. To ensure the safety of construction personnel and railway operations, certain activities will be required to be undertaken during closures (known as possession) of the East Coast mainline.
- 5.1.8 Where practicable, railway possessions will be used to install safety systems (e.g. protection decks, railway protection barriers) to enable a greater amount of the construction activities to be undertaken during core hours. The offline sections of the scheme (2 and 3) are expected to be constructed during core working hours.
- 5.1.9 Certain operations such as earthworks are season and weather dependent. In these instances the main contractors will seek to extend the core working hours and/or days for such operations to take advantage of daylight hours, with the consent of the relevant local authority.
- 5.1.10 Certain other specific construction activities will require extended working hours for reasons of engineering practicability. These activities include, but are not limited to; major concrete pours and piling/diaphragm wall works. Surveys, e.g. for wildlife or engineering purposes, may also need to be carried out outside of core working hours.
- 5.1.11 Repairs or maintenance of construction equipment that is required to be carried out outside of core working hours will normally be carried out on Saturday afternoons (13:00 to 18:00) or Sundays and bank holidays between 09:00 and 17:00.
- 5.1.12 In the case of work required in response to an emergency or which if not completed would be unsafe or harmful to the works, staff, public or local environment, the relevant local authority will be informed as soon as reasonably practicable of the reasons for, and likely duration of, the works. Examples of the type of work envisaged includes: where pouring concrete takes longer than planned due to equipment failure or where unexpectedly poor ground conditions, encountered whilst excavating, require immediate stabilisation.

### **Abnormal deliveries**

- 5.1.13 Abnormal loads or those that require a police escort may be delivered outside core working hours subject to the requirements and approval of the relevant authorities e.g. delivery of prefabricated bridge beams or heavy plant.

## **5.2 Construction site layout and appearance**

- 5.2.1 To reduce the likelihood of either an environmental incident or nuisance occurring the following measures will be used by contractors, where relevant:

- Preventative pest and vermin control and prompt treatment of any pest and vermin infestation, including arrangements for disposing of food waste or other attractive material. If infestation occurs the contractor will take action to eliminate the infestation and prevent further occurrence;
- Prohibition of open fires, and a requirement to take measures to reduce the likelihood of fires;
- Removal or stopping and sealing of drains and sewers taken out of use;
- No discharge of site runoff to ditches, watercourses, drains, sewers or soakaways without agreement of the appropriate authority;
- Maintenance of wheel washing facilities or other containment measures;
- Location of storage, machinery, equipment and temporary buildings to reduce environmental effects and where practicable, outside flood risk areas;
- The use of modern specification noise alarms that meet the particular safety requirements of the site, such as broadband reversing warnings, or proximity sensors to reduce the requirement for traditional reversing alarms;
- Controls on lighting/illumination to reduce visual intrusion or any adverse effect on sensitive ecology;
- The location of site accommodation to avoid overlooking residential property;
- Management of staff congregating outside of site prior to commencing or leaving work;
- Security measures, including closed circuit television (CCTV). The location and direction of view of security cameras or blocking software to prevent intrusion to residential properties will be considered;
- Avoidance of use of loudspeaker or loudhailer devices;
- Containing and limiting visual intrusion of construction sites, as far as reasonably practicable;
- Provision of maps showing sensitive areas and buffer zones where no pollutants are to be stored or used;
- Where reasonably practicable, maintenance of public rights of way (including diversions) for pedestrians, cyclists and equestrians affected by the scheme, including reasonable adjustments to maintain or achieve inclusive access;
- Adequate welfare facilities for staff; and

- Smoking areas at site offices/compounds or work sites equipped with containers for smoking wastes - these would not be located at the boundary of working areas or adjacent to neighbouring land.

### 5.3 Unexploded ordnance

- 5.3.1 The main contractors will raise awareness of hazards from unexploded ordnance (UXO) through the site induction process and toolbox talks. This would assist in establishing appropriate actions to take in the event that a suspect item is uncovered.
- 5.3.2 In the areas with a moderate UXO hazard level, clearance certification for borehole or pile locations will be undertaken. Where deep excavations are required in these areas, investigation by non-intrusive geophysical methods will be undertaken if practical, and excavations will be supervised by an explosive ordnance clearance (EOC) operative.
- 5.3.3 In the areas with a low UXO hazard level, the main contractors will follow recommendations on risk mitigation suitable for the planned work activities.
- 5.3.4 Given the potential presence of UXO an emergency response procedure will be prepared in accordance with *Unexploded ordnance, A guide for the construction industry CIRIA C681 (CIRIA, 2009)* as part of the main contractors' CEMP and implemented by the main contractors to respond to any discovery of UXO. This will include notifications to the relevant local authorities and emergency services.

### 5.4 Lighting

- 5.4.1 Site lighting and signage will be provided by main contractors to enable the safety and security of the construction sites. It will be at the minimum luminosity necessary and use low energy consumption fittings. Where appropriate, lighting to site boundaries will be provided and illumination will be sufficient to provide a safe route for the passing public. In particular, precautions will be taken to avoid shadows cast by the site hoarding on surrounding footpaths, roads and amenity areas. Where appropriate, lighting will be activated by motion sensors to prevent unnecessary usage. It will comply with *the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01 (2011)* and the provisions of *BS 5489, Code of Practice for the Design of Road Lighting (BSI, 2013a)*, where applicable.
- 5.4.2 Lighting will also be designed, positioned and directed so as not to unnecessarily intrude on adjacent buildings, ecological receptors, structures used by protected species and other land uses to prevent unnecessary disturbance, interference with local residents, railway operations, or passing motorists. This provision will apply particularly to sites where night working will be required. In addition, at

construction sites where potentially significant impacts are identified, the main contractors will develop and implement lighting controls as part of their EMS.

## **5.5 Temporary living accommodation and welfare facilities**

5.5.1 Accommodation, offices, welfare (canteen and washing facilities), fleet parking and storage depots are planned to be located within compounds. The locations of these will be confirmed once main contractors have been appointed.

## **5.6 Occupational healthcare**

5.6.1 The main contractors will ensure there is provision for either access to on-site or near site occupational healthcare in relevant locations, which may include occupational health nurses and doctors. This service will include campaigns such as promotion of healthy living and wellbeing.

## **5.7 Security**

5.7.1 Construction worksites will be under the control of main contractors, who have a statutory duty to prevent unauthorised access to the site. Main contractors will carry out site specific assessments of the security and trespass risk at each site and implement appropriate control measures.

5.7.2 The following measures may be used by the main contractors to prevent unauthorised access to the site:

- Use of high perimeter fencing or hoarding but only where necessary for site security and public safety, and placed so that public rights of way are maintained where reasonably practicable, or appropriately diverted;
- Lighting at site perimeters;
- Security guards and patrols;
- CCTV and infrared surveillance and alarm systems where required;
- Communications initiatives for local schools to warn of dangers;
- Consultation with neighbours on site security matters;
- Consultation with local crime prevention officers on security proposals for each site with regular liaison to review security effectiveness and response to incidents; and
- Immobilisation of plant out of hours, removing or securing hazardous materials from site, securing fuel storage containers

and preventing unauthorised use of scaffolding to gain access to restricted areas and neighbouring properties.

## **5.8 Pollution incident control and emergency preparedness**

### **Pollution prevention measures**

- 5.8.1 The main contractors will develop and implement appropriate measures to control the risk of pollution due to construction works, materials and extreme weather events. This will include a pollution incident control plan, as part of the main contractors' CEMP, which recognises the risk of pollution from construction activities and presents pro-active management practices to ensure that any pollution incident that may occur, such as a diesel spillage, is minimised, controlled, reported to relevant parties and remediated. The plan will define the criteria for implementing the relevant measures.
- 5.8.2 The following measures will be adopted by main contractors to manage the risk of pollution incidents:
- Provision of maps showing the locations, together with address and contact details, of local emergency services facilities such as police stations, fire authorities, medical facilities and other relevant authorities.
  - Ensure that site drainage plans and flood risk management plans are available on site and are kept up-to-date.
  - Statement of appropriate information which will be held on site and to be provided immediately in the event of any incident such as a spillage or release of a potentially hazardous material.
  - Ensure that pollution shut off valves are used in compounds with positive drainage systems.
  - Ensure staff competence and awareness in implementing plans and using pollution response kit.
  - Provision of contact details for the relevant authorities, such as the Environment Agency, and the persons responsible on the construction site and within the main contractors' organisation for pollution incident response.
  - Provision of contacts with a competent spill response company which can be contacted at short notice for an immediate response.
  - Notification of relevant statutory bodies, environmental regulatory bodies, local authorities and local water and sewer providers of pollution incidents, where required.
  - Notification of appropriate emergency services, authorities and personnel on the construction site.

- 5.8.3 In the preparation of local pollution incident response measures, the main contractors will consult with relevant organisations, including, but not limited to, statutory bodies and other relevant parties, such as the Health and Safety Executive (HSE) (Construction), the Fire Authority, the Ambulance Service, the Environment Agency, Natural England, utilities companies and the respective local authorities (emergency planning and pollution control functions). Reference should also be made to the *Environment Agency Pollution Prevention Guidelines 21 (Incident Response Planning)* Environment Agency, 2014).

### **Monitoring**

- 5.8.4 The main contractors will put in place arrangements to investigate and provide reports on any potential or actual significant pollution incidents, including, as appropriate:
- a description of the pollution incident, including its location (and Ordnance Survey (OS) grid reference), the type and quantity of contaminant and the likely receptor(s);
  - contributory causes;
  - adverse effects;
  - measures implemented to mitigate adverse effects; and
  - any recommendations to reduce the risk of similar incidents occurring.

### **Emergency preparedness**

- 5.8.5 The main contractors will ensure that emergency procedures for each work site are developed. The procedures will be standardised as far as practicable across the various work sites and will be appropriate to the anticipated hazards and the specific layout. The emergency procedures will be produced in consultation with the emergency services and for works on the existing railway and highway networks will be produced in accordance with established industry procedures. Further guidance is contained within *Guidance on Development of a Site Clearance Capability in England and Wales* (ODPM, 2005) and *BS6164 Code of practice for health and safety in tunnelling in the construction industry* (BSI, 2011).
- 5.8.6 The emergency procedure will contain emergency phone numbers and the method of notifying statutory authorities. Contact numbers for the key staff of the main contractors will also be included.

### **Emergency access**

- 5.8.7 The main contractors will ensure that the requirements of the relevant fire authority will be followed for the provision of site access points. The accesses may vary over time and will be updated as required, and should also be suitable for emergency services.

## **5.9 Fire prevention and control**

- 5.9.1 The main contractors will ensure that all construction sites and associated accommodation and welfare facilities will have in place appropriate plans and management controls with the aim of preventing fires.

## **5.10 Extreme weather events**

- 5.10.1 The main contractors will pay due consideration to the impacts of extreme weather events and related conditions during construction. The main contractors will use a short to medium range weather forecasting service from the Met Office or other approved meteorological data and weather forecast provider to inform short to medium term programme management, environmental control and impact mitigation measures.
- 5.10.2 The main contractors will ensure the relevant measures within this CoCP are implemented and, as appropriate, additional measures to ensure the resilience of the proposed mitigation of impacts during extreme weather events.
- 5.10.3 The main contractors' CEMP should consider all measures deemed necessary and appropriate to manage extreme weather events and should specifically cover training of personnel and prevention and monitoring arrangements. As appropriate, method statements should also consider extreme weather events where risks have been identified.

## 6 Air quality

### 6.1 Dust and air pollution general provisions

6.1.1 The main contractors will manage dust, air pollution, odour and exhaust emission during the construction works in accordance with best practicable means (BPM). This will include the following as appropriate:

- reference to the general site management and good housekeeping procedures (relevant to limiting dust and air pollution);
- controls and measures to control or mitigate the effect of potential adverse effects caused by the construction works; and
- dust and air pollution monitoring measures to be employed during construction of the project.

### 6.2 Site management

6.2.1 Obligations for the contractors in relation to using best practicable means to prevent or counteract the effects of any nuisance are set out in *Section 6.3 – 6.9*.

6.2.2 The main contractors will plan the site layout to locate machinery and dust-causing activities away from sensitive receptors, where reasonably practicable. The main contractors will also use appropriate methods, such as the erection of hoardings or other barriers along the site boundary, where appropriate, to mitigate the spread of dust to any sensitive buildings or other environmental receptors.

### 6.3 Construction plant and vehicles

6.3.1 Measures will be implemented by the main contractors to limit emissions from construction plant and vehicles, including the following, as appropriate:

- The main contractors will operate construction plant in accordance with the manufacturer's written recommendations.
- All vehicles and plant will be switched off when not in use.
- Vehicle and construction plant exhausts should be directed away from the ground and be positioned at a height to facilitate appropriate dispersal of exhaust emissions.
- On plant likely to generate excessive quantities of dust beyond the site boundaries, enclosing, shielding or provision of filters will be employed. Items such as dust extractors, filters and collectors on drilling rigs and silos will be used.

- The movement of construction traffic around the site will be kept to the minimum reasonable for the effective and efficient operation of the site and construction of the scheme.
- Construction plant will be located away from site boundaries which are close to sensitive receptors where reasonable and practicable.
- Site access points will be designed to avoid queuing traffic.
- The use of diesel or petrol powered generators will be reduced by using mains electricity or battery powered equipment where reasonable and practicable.
- All non-road mobile machinery will use ultra-low sulphur tax-exempt diesel where available. Machinery with power outputs of over 37kW will be fitted with appropriate exhaust after-treatment from approved Energy Saving Trust list (achieving filtration efficiency of over 85%).
- Cutting and grinding operations will be conducted using equipment and techniques which incorporate appropriate dust suppression measures.
- Vehicle, plant and equipment maintenance records will be kept on site and these will be made available to the employer's representative upon request.

## **6.4 Transportation, storage and handling of materials**

6.4.1 Measures will be implemented by the main contractors to limit pollution due to the transportation and storage of materials, including the following, as appropriate:

- Materials deliveries or loads entering and leaving the construction site will be covered by a fixed cover or sheeting appropriately fixed and suitable for the purposes of preventing materials and dust spillage. This will apply to the transport of materials by road, rail or waterway;
- Vehicles transporting materials within or outside the construction site will not be overloaded;
- Stockpiles and mounds will be kept away from sensitive receptors, watercourses and surface drains and sited to take into account the predominant wind direction;
- Stockpiles and mounds will be at a suitable angle of repose and avoid sharp changes in shape to prevent material slippage;
- Materials stockpiles will be enclosed or securely sheeted or kept watered by the contractor;

- Surfaces of long-term stockpiles, which give rise to a risk of dust or air pollution, will be stabilised or be covered with appropriate sheeting;
- Fine dry material will be stored inside buildings or enclosures;
- Mixing of large quantities of concrete or bentonite slurries will be undertaken in enclosed or shielded areas;
- The number of handling operations for materials will be kept to the minimum practicable;
- Materials handling areas will be maintained to constrain dust emissions and appropriate measures such as watering undertaken to reduce or prevent escape of dust from the site boundaries; and
- Mixing of grout or cement-based materials will be undertaken using a process suitable for the prevention of dust emissions.

## **6.5 Haul routes**

6.5.1 Haul routes will be provided on site by main contractors for use by construction vehicles to access works areas. The construction and maintenance of haul routes will include the following measures, as appropriate:

- The maintenance of haul routes to control dust emissions as far as reasonably practicable, taking into account the main contractors intended level of traffic movements;
- Inspection of haul routes regularly and their prompt repair if required;
- Reuse of haul route materials where the locations of haul routes change during the course of construction;
- Provision of areas of hard-standing at site access and egress points to be used by any waiting vehicles;
- Methods to clean and suppress dust on haul routes (including watering) and in designated vehicle waiting areas. The frequency of cleaning will be suitable for the purposes of suppressing dust emissions from the site boundaries; and
- Enforcement of speed limits on haul routes for safety reasons and for the purposes of suppressing dust emissions.

## **6.6 Demolition activities**

6.6.1 Measures to limit dust pollution from demolition activities will be implemented by main contractors through the use of the following measures, as appropriate:

- The main contractors will spray any buildings or structures to be demolished with water prior to and during demolition;
- Appropriate screening of buildings or structures to be demolished will be used;
- Waste chutes will be shielded and skips covered and secured; and
- Where reasonable, the main contractors will avoid prolonged storage of waste materials on site.

## **6.7 Excavations and earthworks activities**

6.7.1 Measures by main contractors to limit dust pollution from excavations and earthworks activities will include the following, as appropriate:

- Topsoil will be stripped as close as reasonably practicable to the period of excavation or other earthworks activities to avoid risks associated with run-off or dust generation;
- Drop heights from excavators to vehicles involved in the transport of excavated material will be kept to the minimum practicable to control dust generation associated with the fall of materials;
- Suppressing dust emissions by spraying with water or using other appropriate measures;
- Compacting deposited materials, with the exception of topsoil, as soon as possible after deposition; and
- Soiling, seeding, planting or sealing of completed earthworks will be undertaken by the main contractors as soon as reasonably practicable following completion of the earthworks.

## **6.8 Drilling activities**

6.8.1 Measures by main contractors to limit dust pollution associated with drilling activities will include the following, as appropriate:

- On plant likely to generate excessive quantities of dust beyond the site boundaries measures such as enclosing, shielding or provision of filters will be employed. Items such as dust extractors, filters and collectors on drilling rigs and silos will be used, as appropriate;
- Where appropriate dust will be extracted at source to prevent exposure of workers to excessive dust inhalation;
- Where drilling is used for the purposes of excavating within rock, the exposed surfaces will be watered to limit dust emissions as necessary;
- Materials used such as cements or pulverised fuel ash, will be stored in accordance with the requirements of for materials

storage (Section 6) to prevent them becoming an airborne hazard; and

- Mixing of grout or cement based materials will be undertaken using a process suitable for the prevention, as far as reasonably practicable, of dust emissions.

## **6.9 Processing, crushing, cutting and grinding activities**

6.9.1 Appropriate measures will be used by main contractors for any processing, crushing, cutting and grinding activities as required to limit dust pollution. Permits will be sought for concrete crushing and batching plant operations as required.

## **6.10 Monitoring**

6.10.1 The main contractors will implement inspection and monitoring procedures to assess the effectiveness of measures to prevent dust and air pollutant emissions. Relevant local authorities will be consulted regarding the monitoring procedures to be implemented which will include the following measures, as appropriate:

- Site inspections covering the establishment of operation of the construction site.
- Inspection procedures for areas adjacent to the construction site to visually assess any dust and air pollution which may be generated.
- Reference to inspection and maintenance schedules for construction vehicles, plant and machinery.
- Inspection procedures relating to the level of trafficking, use and condition of haul routes.

## 7 Cultural heritage

### 7.1 Cultural heritage general provisions

7.1.1 The main contractors will manage the impact of construction works on cultural heritage assets, including:

- designated assets: scheduled monuments; listed buildings; registered parks and gardens; conservation areas and registered historic battlefields; and
- undesignated assets: archaeological and palaeoenvironmental remains including geological deposits that may contain evidence of the human past, historic landscapes and historic buildings and the built environment (this includes locally designated assets).

7.1.2 All works will be managed in accordance with accepted industry practice and guidance, taking account of the relevant sections of the *National Planning Policy Framework (NPPF) (2012)*.

7.1.3 General management measures for cultural heritage assets will include:

- provision to relevant main contractors of locations and descriptions of all known cultural heritage assets within and adjacent to construction works, including restrictions to construction methods to protect cultural heritage assets, where these have been identified in the ES;
- a programme detailing the implementation of cultural heritage investigation works prior to and during construction;
- the main contractors will ensure that the cultural heritage investigation works are properly programmed by its contractors;
- the main contractors will monitor compliance against the programme of cultural heritage investigation works using appropriately qualified environmental management staff;
- during all stages, the main contractors will facilitate archaeological and built heritage specialists undertaking the works as specified as an appropriate mitigation measure (including purposive investigation);
- all cultural heritage intervention, recording, analysis, dissemination and archiving will be undertaken by a suitably qualified and demonstrably experienced organisation; and
- consultation through all stages of the implementation of the programme of cultural heritage investigation works; including final publication and archiving, by main contractors with Cambridgeshire County Council and English Heritage (where appropriate).

7.1.4 Reference should be made to *Section 10 and 12* in relation to the management measures for landscape and nature conservation.

## 7.2 Heritage assets

7.2.1 Suitable scheme-wide measures and procedures, to be developed by main contractors in consultation with English Heritage (where appropriate), Cambridgeshire County Council and the local authorities, will include the following, as appropriate:

- implementation of controls at each site to avoid damage by settlement where reasonably practicable (and to record effects should these occur) and the movement of construction vehicles and machinery as they relate to cultural heritage assets comprise standing archaeological remains and historic buildings;
- the main contractors will develop procedures for topsoil stripping and excavation before commencement of such works and the interface of those works with archaeological investigations, including procedures to be adopted in the event of a potentially nationally significant unanticipated discovery or disturbance of significant archaeological remains;
- procedures adopted to preserve archaeological remains *in situ* beneath earthworks;
- procedures for the recording, removal and reinstatement of structures of heritage significance;
- management of protective measures that will be implemented for heritage assets that are to be retained within the land required for construction; and
- if unknown archaeological assets, such as buried remains or artefact(s), are exposed during the course of construction, these will immediately be reported to the main contractor's project manager and a procedure for the discovery of unexpected assets will be implemented, including informing Cambridgeshire County Council.

### Metal detectors

7.2.2 During site preparation and construction the use of metal detectors will be prohibited within areas of identified/defined archaeological interest unless deployed by archaeological specialists or other appointed persons in the execution of their activities.

### Human remains

7.2.3 Should human remains be located during construction either during archaeological works or as part of construction activity, the main

contractors will comply with all relevant legislative and project specific requirements, and record the discovery of any such remains.

- 7.2.4 The removal of human remains shall be undertaken in accordance with the Burial Act 1857 and an exhumation licence obtained from the Ministry of Justice (MoJ) prior to the removal of any remains. Excavation of human remains will consider guidance contained in *Guidance for best practice for treatment of human remains excavated from Christian burial grounds in England (English Heritage and the Church of England, 2005)*.

### **Treasure Act**

- 7.2.5 Should artefacts be located during the course of construction that are deemed by their material content or context to be treasure, as defined by the Treasure Act 1996, then all necessary measures to comply with the requirements of the Act, including reporting such finds, and any project specific requirements will be implemented by the main contractors.

### **Written scheme of investigation**

- 7.2.6 A scheme-wide written scheme of investigation (WSI) will be prepared by main contractors in advance of site preparation and construction, in consultation with Cambridgeshire County Council and English Heritage (where appropriate). This document will detail the principles, standards, methods and techniques to be employed on the project for cultural heritage investigation works.
- 7.2.7 All cultural heritage works will be undertaken in accordance with the WSI.
- 7.2.8 A site specific WSI will be developed by main contractors for each area or site-specific cultural heritage works. These documents will be developed in consultation with Cambridgeshire County Council and English Heritage (where appropriate).
- 7.2.9 All cultural heritage investigation works will be undertaken in accordance with the generic and site specific WSIs.

## **7.3 Measures in the event of unexpected discoveries of national significance**

- 7.3.1 Should unexpected cultural heritage assets of potential national significance be identified during construction, a procedure for dealing with the assets will be agreed by main contractors with English Heritage and Cambridgeshire County Council and implemented. Mitigation may include the following, as appropriate:
- investigation and assessment of discoveries to determine their significance if this cannot be determined from the asset as found;

- assessment of potential project impacts to inform design of appropriate mitigation measures;
- preparation of a written scheme of investigation for any stage of archaeological work required;
- excavation, recording and reporting on any discoveries; and
- recording and implementing measures to preserve any discoveries in situ, if required or if appropriate.

## **7.4 Mitigation of potential impacts on cultural heritage assets**

- 7.4.1 Physical impacts will occur during the development of the scheme; this includes the removal of six historic buildings comprising three listed milestones, and three undesignated structures: a World War 2 pillbox, a pair of 19th century worker's cottages, and a public house.
- 7.4.2 The main contractors will provide appropriate fencing and hoarding as may be necessary to protect cultural heritage assets within or adjacent to the construction site, including unknown sites discovered during construction.
- 7.4.3 If archaeological investigations or works to protect listed buildings are required on land which is to be occupied temporarily or land adjacent to the construction site, the owners and occupiers of that land, and the District Council (where appropriate) will be consulted by main contractors in advance of the works being undertaken.
- 7.4.4 The main contractors will implement appropriate watching briefs and archaeological monitoring during construction works adjacent to sites of archaeological or cultural heritage interest and during topsoil stripping.
- 7.4.5 Should any cultural heritage assets be discovered or revealed during construction, the main contractors will consult with Cambridgeshire County Council and English Heritage (where appropriate) to enable appropriate measures to be implemented to mitigate potential impacts. Measures to be implemented may include the following, as appropriate:
- investigation and assessment of the discoveries to determine their significance;
  - assessing the potential impacts due to the scheme to inform the design of appropriate mitigation measures;
  - excavating, recording and reporting on any discoveries;
  - recording and taking measures to potentially preserve any discoveries in situ; and
  - if required or appropriate, agreeing these measures with Cambridgeshire County Council and English Heritage.

- 7.4.6 The nature, extent and frequency of monitoring will be appropriate and agreed with Cambridgeshire County Council and English Heritage (where appropriate), taking into consideration the nature of the planned construction works and proximity of the relevant site.

## **7.5 Monitoring**

- 7.5.1 Risk assessments, appropriate structural or condition surveys and vibration monitoring will be undertaken by main contractors at sites of archaeological or built heritage interest adjacent to the construction site prior to, during and following construction works. The risk assessments will include, but not be limited to, specific buildings identified in the environmental statement.
- 7.5.2 The main contractors will implement appropriate monitoring of the consequences of construction work on all cultural heritage assets (designated and non-designated) to ensure the effectiveness of management.

## 8 Community and private assets

- 8.1.1 Each of the main contractors will appoint a liaison officer who will be responsible for liaising with affected landowners, occupiers and agents, as appropriate. This will be overseen by ~~the~~ Highways Agency/England/employer's representative.
- 8.1.2 The main contractors will advise landowners, occupiers and agents, as appropriate, regarding the intended commencement of construction works in areas of the site adjacent to agricultural holdings. The main contractors will also liaise with landowners, occupiers and agents, as appropriate, regarding the provision of accommodation works and to agree the programme of works and access routes to be used.

### 8.2 Mitigation of potential impacts on agricultural resources

- 8.2.1 The main contractors will consult with, and implement appropriate measures in accordance with guidance produced by DEFRA in relation to undertaking works on or adjacent to agricultural land. The main contractors will implement appropriate measures in accordance with the *Protecting our Water, Soil and Air, A Code of Good Agricultural Practice for farmers, growers and land managers* (Defra, 2009).
- 8.2.2 The main contractors will implement appropriate procedures in relation to the stripping, handling, storage and replacement of agricultural soils to mitigate risks associated with soil degradation. The main contractors will undertake reinstatement of land used temporarily for construction in accordance with the requirements of the DCO.
- 8.2.3 Prior to works commencing on agricultural land that will be used temporarily or land that will be returned to agricultural use following construction, the main contractors will undertake surveys to record the existing quality of land, including the condition of the following, as appropriate:
- topsoil and subsoil;
  - drainage;
  - roads, accesses and paths; and
  - agricultural land adjacent to the construction site.
- 8.2.4 The main contractors will implement appropriate measures in relation to storage of agricultural soils, including the following, as appropriate:
- handling and storing different soils separately, particularly top soils and sub soils;

- taking appropriate measures to prevent contamination of soils with chemicals or other materials; and
  - undertaking soil movement in dry weather and ground conditions, where reasonably practicable to avoid damaging the soil through compaction or loss of soil by erosion.
- 8.2.5 The main contractors will comply with the requirements of *Section 9* and *Section 11* relating to handling and storage of material and *Section 14* in relation to control of run-off insofar as they are applicable to protecting agricultural soils.
- 8.2.6 Appropriate measures will be implemented during the construction of the scheme to identify, protect and maintain existing land drainage systems.
- 8.2.7 The main contractors will comply with the requirements of DEFRA and appropriate guidance to avoid, as far as possible, the spread of soil borne, crop and animal diseases. The main contractors will implement appropriate measures to control run-off to reduce any risks associated with disease transmission.
- 8.2.8 The main contractors will implement appropriate measures to identify locations of potential carcass burial sites through liaison with the landowners within the construction site to mitigate risks associated with the existence of any unrecorded sites.
- 8.2.9 The main contractors will liaise with landowners, occupiers and agents, as appropriate, to establish requirements and measures to be implemented to maintain livestock water supplies which may be affected due to construction works.

### **8.3 Monitoring**

- 8.3.1 The main contractors will ensure that their approach includes monitoring of topsoil stripping, handling and storage as appropriate to facilitate compliance with this section of the CoCP in relation to agricultural soils.
- 8.3.2 The main contractors will undertake monitoring as necessary to maintain security of the site as required to comply with *Section 7*.

## 9 Geology and soils

### 9.1 Mitigation of potential impacts

- 9.1.1 Measures will be implemented by main contractors to assess and control risks to humans (construction workers, site visitors and nearby residents) including risks from encountering contaminated dust, soils and groundwater and where the presence of ground gas and/or vapours may lead to confined space risks, such as in excavations. If significant ground gas issues are identified, appropriate monitoring will be undertaken and/or appropriate ground gas protection measures provided by the main contractors.
- 9.1.2 An assessment of soils to be reused will be undertaken by the main contractors to identify any potential risks posed to the water environment from reused soils to be used as engineering fill. This section of the CoCP requires a number of assessments and/or risk assessments to be undertaken. Where determined necessary by these assessments, appropriate mitigation will be provided.
- 9.1.3 Main contractors will, as appropriate, undertake risk assessments, monitor groundwater levels and undertake structural or dilapidation surveys of buildings or structures adjacent to the works where there may be potential settlement risks or a risk of lateral ground movements which may damage structures.
- 9.1.4 The soil management strategy (SMS) included in *Appendix 12.2 of the ES* outlines the approach to the management of topsoil resources expected of construction contractors. The aim of the SMS is to ensure that as much topsoil as practicable is retained in good condition for re-use within the landscaping proposals for the scheme. The SMS takes account of guidance within the *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites* (Defra, 2009).

### 9.2 Construction on or adjacent to land affected by contamination

- 9.2.1 Measures will be implemented by the main contractors for construction activities on or adjacent to the land identified as affected by contamination. This will include the following, as appropriate:
- Waste water generated by vehicle washing, wheel washes, excess surface water, dewatering of underground structures and tanks or lowering groundwater for geotechnical purposes will be collected, and appropriately stored and disposed of;
  - Redundant services near potentially contaminated areas will be either removed or cut off and sealed to avoid creating migration pathways for contamination;

- Material known or suspected to be contaminated will be stockpiled and tested prior to reuse or disposal. Stockpiles will be segregated depending on the source of the material and the apparent nature of the contamination. Stockpiles will be placed on a low permeability liner, suitably protected from damage by earthmoving plant, to prevent leaching of contaminants into underlying groundwater and surface watercourses. Proposed known/suspected contamination stockpile areas will be tested adequately prior to and after use to prove that no cross-contamination has occurred;
- Earthworks materials deemed unacceptable for direct reuse will if practical be treated at a soil treatment facility prior to reuse;
- Prior to reuse of site-won materials, pre-classification testing of soils will be undertaken. Pre-classification test data will be assessed against appropriately derived criteria for potential unacceptability. The testing scope and frequency and assessment criteria are to be derived during the detailed design stage;
- All imported fill is required to meet the soil and soil leachate acceptance criteria derived in the detailed design stage;
- Piled foundations and ground improvement works located within 50m of potential or known areas of land contamination or with potential to impact the Woburn Sands Formation (principal aquifer) where present will require a site-specific environmental risk assessment. The main contractors will adhere to appropriate guidance including the *Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention, (National Groundwater and Contaminated Land Centre, 2001)*;
- Within areas of known or suspected contamination, buried services such as highways drainage, utilities and telecom ducts will be protected from the ingress of mobile and aggressive contaminants. Furthermore, the ingress and migration of contamination along service ducts and drainage will be prevented. In the case of drainage runs, the infiltration of surface water into the underlying contaminated ground should be prevented and clean or lined service corridors will be installed to provide a suitable barrier to migrating ground gases adjacent to known/potential sources; and
- Any material used for the scheme (or re-instating borrow pits) will be proven 'suitable for use' by adoption of acceptance criteria and will be deposited under either environmental permitting regulations or the *Definition of Waste. Development Industry Code of Practice (CL:AIRE, 2011)*.

- 9.2.2 Greater consideration will be required for mitigation measures in areas where there is an increased risk of encountering or interfering with existing contamination (notably at Buckden Fuel Depot, Buckden South Landfill and Milton Landfill).

### 9.3 Site ground investigation

- 9.3.1 Ground investigation is due to be undertaken, primarily to inform detailed design. Where necessary, further targeted ground investigation (and monitoring) may be required to be undertaken by the main contractors to accommodate changes in design or to delineate and/or validate contamination conditions. Where required, this investigation will be undertaken in accordance with UK best practice, including *BS 5930:1999+A2 Code of practice for site investigations* (BSI, 1999) and *BS 10175:2011+A1 Investigation of potentially contaminated sites code of practice* (BSI, 2011).
- 9.3.2 Where significant contamination is encountered, a risk based approach will be applied by main contractors in line with *Contaminated Land Report 11, Model Procedures for the Management of Land Contamination (CLR11)* (DEFRA and Environment Agency, 2004). A remedial options appraisal will be undertaken to define the most appropriate remediation techniques. This appraisal will be undertaken based on multi-criteria attribute analysis that considers environmental, resource, social and economic factors in line with *Sustainable Remediation Forum UK: A Framework for Assessing the Sustainability of Soil and Groundwater Remediation* (Sustainable Remediation Forum UK, 2010). The preferred option will then be developed into a remediation strategy, which will be consulted on with regulatory authorities prior to implementation.
- 9.3.3 Where appropriate, the risk to ground and surface water resources, processes and abstractions will be assessed. In addition to the excavation and treatment of contaminated soils, it may also be necessary to install gas and leachate control systems within affected sites, on a temporary or permanent basis, in order to ensure that gas and leachate migration pathways are controlled and do not adversely affect the scheme or the wider environment as a consequence of the scheme.
- 9.3.4 Sites where remediation is minimal or not required may include sites that are not found to contain significant contamination, sites that are both contiguous with and beyond the scheme or temporary sites where no significant earthworks are proposed.

### 9.4 Monitoring

- 9.4.1 The main contractors will prepare and implement a gas monitoring procedure as appropriate due to the potential for presence of ground gases. Gas monitoring will be undertaken in accordance with

*BS8576:2013 (Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs) (BSI, 2013).*

## 10 Landscape

### 10.1 Landscape management – general provisions

10.1.1 The main contractors will employ appropriate measures to protect the landscape from construction activities; to manage and maintain landscape works provided as part of the scheme and to protect visual amenity.

10.1.2 Appropriate controls will be put in place by main contractors to protect landscape and visual amenity in rural and urban areas from construction activities. Controls will include, as appropriate:

- a plan showing areas of existing trees and vegetation within and adjacent to the construction site to be retained (and protected), and those to be removed;
- the involvement of an arboricultural and/or ecological specialist as required, in relation to vegetation clearance, tree works and the creation of new wildlife habitats;
- provision of appropriate temporary protective fencing to reduce the risks associated with vehicles trafficking over root systems or beneath tree canopies;
- a schedule of plant species and planting and seed mixes to be used and provision of sufficient stock and seed of specified species and provenance that typify the local area, including details of plant suppliers to be used;
- a programme for undertaking all forms of landscape works;
- protection of existing and new areas of planting and other vegetation;
- inspection, maintenance and management of existing and new landscape areas;
- prevention of damage to the landscape and landscape features adjacent to the construction site by movement of construction vehicles and machinery;
- removal, handling, storage and transplanting of any vegetation which is to be reused, relocated or transplanted;
- adoption of other procedures set out in this CoCP so far as they are relevant for the protection of the landscape;
- provision of suitably qualified and experienced specialists in landscape management with specific responsibility for monitoring and supervising landscape works and maintenance, i.e. works in relation to the clearance of vegetation, topsoil and subsoil stripping, handling, storage and replacement, works to trees,

seeding, protective fencing, planting creation of new wildlife habitats, and subsequent maintenance; and

- use of well-maintained temporary hoardings or fencing, as described in *Section 5*.

## 10.2 Mitigation of potential impacts on the landscape or landscape resources

- 10.2.1 Planting and other landscape measures will be implemented as early as is reasonably practicable where there is no conflict with construction activities or other requirements of the scheme. The Highways [Agency England](#) will require its main contractors to consider where measures can be implemented early and programme the landscape works accordingly. Locations for landscape measures will relate to the findings of the *ES*, and will be aimed at the protection and mitigation of adverse effects on sensitive and valued landscape features and characteristics.
- 10.2.2 A record of how the implementation of the works meets control measures, relevant to protection of the landscape and key landscape features, will be maintained and regularly reviewed by the main contractors.
- 10.2.3 Relevant local authorities, Natural England, English Heritage, the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire and other bodies (where they have an interest) and adjacent landowners will be consulted by main contractors regarding the landscape and planting proposals.
- 10.2.4 Access to the construction site will be controlled in accordance with the requirements of *Section 15*. Potential impacts on trees or other mature vegetation will be considered, seeking to avoid unnecessary impact, when positioning site access and egress points.
- 10.2.5 Reusable excavated material will be handled in an appropriate manner to ensure it is of sufficient quality to be used for either structural embankments, environmental mitigation earthworks or agreed third party use. Appropriate construction good practice in handling all material re-use will be followed, and controls set out in *Sections 9 and 11* will apply.
- 10.2.6 The procedures set out in *Section 8* relating to the handling of agricultural soils will be applied equally in relation to soils used in areas to be seeded or planted. The sourcing, testing, stripping, handling, storage and spreading of site-won and imported topsoil will comply with *BS 6031: 2009 Code of practice for earthworks* (BSI, 2009). Imported topsoil will comply with the *BS 3882: 2007 Specification for topsoil and requirements for use* (BSI, 2007).
- 10.2.7 The following measures will be implemented by main contractors:

- compliance with the requirements of *Section 12* in relation to preventing the spread of invasive and non-native species;
  - avoidance of unnecessary tree and vegetation removal and protection of existing trees in accordance with *BS5837:2012 Trees in relation to design, demolition and construction* (BSI, 2012);
  - compliance with the requirements of *National Highways Sector Scheme for Landscape and Ecology (NHSS18)*;
  - protection of habitat areas and ecological features;
  - procurement, movement, handling, storage, planting and maintenance of plant material will be carried out in accordance with *BS 3936 - 1: 1992 Nursery stock* (BSI, 1992). *Specification for trees and shrubs*; and
  - maximising use and recycling of plant material salvaged during enabling works, and of plant material propagated from flora on the site prior to commencement of the works.
- 10.2.8 Planting, seeding, wildflower seeding and other landscape works by main contractors will consider the recommendations of the latest version of British standards, *BS4428: 1989 Code of practice for general landscape operations - excluding hard surfaces* (BSI, 1989)).
- 10.2.9 The protection of habitats and ecological features will be integrated by main contractors with the landscape works and will follow *BS 42020:2013 Biodiversity. Code of practice for planning and development* (BSI, 2013). For details of habitats and ecological features to be protected reference should be made to *Section 12*.

### 10.3 Protection of trees

- 10.3.1 The main contractors will employ an arboricultural consultant to oversee works relating to the protection of trees.
- 10.3.2 The main contractors will protect trees in line with the recommendations in *BS5837:2012 Trees in relation to design, demolition and construction* (BSI, 2012). Trees will be considered to be those covered by *BS5837* with stem diameter greater than 75mm measured at 1.5m above ground level. Such trees to be protected will be identified by the main contractor's arboricultural consultant.
- 10.3.3 Measures to protect trees will be discussed by main contractors with the local authority prior to implementation, including the following, as appropriate:
- provision of appropriate protective fencing to reduce the risks associated with vehicles trafficking over root systems or beneath canopies;
  - measures to prevent compression of soils;

- maintenance of vegetation buffer strips, where practicable; and
  - procedures for the selective removal of lower branches to reduce the risk of damage by construction plant and vehicles.
- 10.3.4 Any tree surgery operations will comply with the recommendations in *BS 3998; 2010 Tree work*. Recommendations, as appropriate.
- 10.3.5 Tree felling will be carried out by main contractors taking appropriate consideration of the *Forestry Commission's Forest and Water Guidelines* (Forestry Commission, 2003) to mitigate risks from felling of trees on the freshwater environment. Where there are no windthrow or visual issues, tree felling will be reduced to that necessary to allow the safe construction and operation of the scheme. Where appropriate, tree surgery, e.g. crown reduction, pollarding etc., will be employed in preference to felling so as to maintain the maximum biodiversity/landscape interest. Any tree surgery or felling operations must consider the legal protection given to roosting bats and breeding birds (*Section 12*).
- 10.3.6 Tree felling within land authorised by the DCO will not require any secondary consent. Any tree felling in land outside the extents of the DCO application boundary which is occupied with the agreement of the relevant landowner will require consent in accordance with *Forestry Act 1967*. The main contractors will obtain any consents necessary in this regard.
- 10.3.7 The arboricultural consultant should liaise with the main contractor to identify the quantities of cut timber and brash that should be retained on site for habitat creation measures e.g. the creation of log piles and hibernacula.

## 10.4 Tree planting and replacement

- 10.4.1 Any trees intended to be retained which are felled or die as a consequence of construction works will be replaced by main contractors. Where reasonably practicable, the size and species of replacement trees will be selected to achieve a close resemblance of the original trees most effectively using locally occurring native species of local provenance and taking cognisance of any management plans for immediately adjacent areas of woodland.
- 10.4.2 The supply, storage, handling, planting and maintenance of new planting will be undertaken by main contractors in accordance with appropriate British standards, including *BS 4428;1989 Code of practice for general landscape operations (excluding hard surfaces)* (BSI, 1989) and other guidance including the UK Forestry Standard and the *United Kingdom Woodland Assurance Standard* (UKWAS, 2008).

## **10.5 Monitoring**

- 10.5.1 The main contractors will undertake appropriate inspection, monitoring and maintenance of landscaping and planting provided as part of the scheme to facilitate the effective establishment of vegetation and record the effectiveness of landscaping proposals.

## 11 Material resources

### 11.1 General provisions

11.1.1 The principal objectives of sustainable resource management are to use material resources more efficiently, reduce waste at source and reduce the quantity of waste that requires final disposal to landfill.

11.1.2 These are translated to the proposed scheme with the aim to achieve a cut and fill balance, through segregating construction and demolition materials on-site, or by maximising diversion from landfill by re-use, recycling and recovery.

### 11.2 Management of excavated materials and waste

11.2.1 All waste will be managed by main contractors in accordance with the waste hierarchy (i.e. prevention, preparing for reuse, recycling, other recovery and disposal as set out in the *Waste (England and Wales) Regulations 2011*) and in such a way as to prevent harm to human health, amenity and the environment.

11.2.2 The main contractors will be responsible to reduce waste generated from the construction activities where reasonably practicable. This will include measures such as careful storage of materials on site and 'just in time' deliveries.

11.2.3 The main contractors will be responsible for the storage and management of the earthworks material excavated from the borrow pits. This material will be used wherever practicable to construct the engineering earthworks and to mitigate the environmental effects of the scheme.

11.2.4 There will be dedicated areas for handling and storing excavated material. The main contractors will be responsible for managing these areas in such a way as to prevent harm to human health, amenity and the environment. The earthworks material excavated from areas of cutting and borrow pits will vary in its engineering properties and these will need to be assessed and utilised to ensure the best use of all materials.

11.2.5 A site waste management plan (SWMP) will be prepared by main contractors in accordance with the *Waste and Resources Action Programme (WRAP) guidance*.

11.2.6 The SWMP sets a framework to facilitate good practice and the following will be recorded in the SWMP:

- the classification of all waste;
- the types, quantities and locations of waste materials generated during construction;
- measures to be implemented to reduce waste generation;

- measures to be implemented for recycling and/or re-use of spoil material;
  - measures to be adopted for management of waste on site;
  - the permitting arrangements for waste transfer, treatment and disposal; and
  - details of the waste carriers and off-site treatment and disposal sites to be used.
- 11.2.7 Opportunities will be considered and measures will be implemented in the design and construction of the scheme by main contractors to reuse waste or surplus materials, as appropriate. The main contractors will need to demonstrate that where possible reuse has been maximised and where this is not possible this needs to be recorded. The main contractors will also be expected to investigate, secure and record where the reuse of materials and waste has been used elsewhere off site.
- 11.2.8 The main contractors will investigate the potential for developing a register for primary materials used on the scheme to inform potential future reuse opportunities.
- 11.2.9 Collection points will be provided at site offices and compounds and the main contractors will arrange for the appropriate transfer of materials to recycling and disposal facilities as appropriate.
- 11.2.10 Necessary waste management permits will be obtained or applications to the Environment Agency will be made by main contractors for registration of any relevant exemption from waste permitting necessary during construction works.

### **11.3 Identification and classification of waste**

- 11.3.1 The SWMP will be used to identify the specific types and quantities of waste likely to arise during the construction process. Where generated, waste will be classified in accordance with the statutory controls governing the management of inert, non-hazardous and hazardous wastes.

### **11.4 Segregation and storage of waste**

- 11.4.1 The main contractors shall ensure that waste materials are sorted into separate waste groups, (according to the waste streams generated by the scope of the works), either on-site or off-site by a licensed contractor for recovery.
- 11.4.2 On-site hazardous excavated material or waste will be kept separate from other materials and removed and managed by main contractors in accordance with legislative requirements.

11.4.3 Any waste leaving the scheme will be accompanied by appropriate duty of care documentation in line with the relevant statutory requirements for waste transfer and hazardous wastes (as appropriate). Duty of care documentation will be retained by the contractors in line with statutory requirements. The edoc online system may also be used as an alternative to paper waste transfer notes and season tickets.

## 11.5 Duty of care

11.5.1 The main contractors shall comply with all legal 'duty of care' requirements to protect the interests and safety of others from the potential effects of handling, storing, transporting and depositing excavated materials and demolition/construction wastes arising from the project.

11.5.2 The main contractors will manage material use with the aim of maximising the environmental and development benefits from the use of surplus material and reducing the adverse environmental effects and risks associated with disposal off-site.

11.5.3 All waste material will be appropriately transported and disposed of by the main contractors (or their contractors) at permitted or designated sites.

11.5.4 The SWMP will include detailed procedures for compliance with the requirements for waste transfer notes, in accordance with the *Waste (England and Wales) Regulations 2011*, and arrangements for auditing the actions of other parties in the waste handling chain.

11.5.5 The arrangements for registering the scheme, consigning, handling and transporting hazardous wastes will be followed by main contractors in the context of duty of care and the specific consignment note procedures applicable under the *Hazardous Waste (England and Wales) Regulations 2005 (SI 2005 No.894)* or any succeeding relevant legislation.

11.5.6 Where appropriate the main contractors will consider using the edoc system with regards to fulfilling the duty of care requirements.

## 11.6 Use of materials

11.6.1 The main contractors shall where practicable implement measures to manage material usage during construction including:

- using sustainably sourced materials<sup>1</sup>;
- using recycled or secondary materials; and

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<sup>1</sup> This is the sourcing of materials that takes into account social and environmental responsibility to reduce resource depletion.

- minimising the use of materials that have the potential to harm human health or the environment.

11.6.2 The main contractors shall consider sourcing recycled or secondary materials locally.

## **11.7 Monitoring**

11.7.1 The main contractors will undertake regular audit and inspection of waste management activities to ensure compliance with the requirements of this CoCP, statutory controls and other scheme policies and procedures relevant to the management of surplus excavated material and waste.

11.7.2 The types, quantities and fate of waste generated during the construction process will be identified, measured and recorded by way of a SWMP. This information shall be reported on a periodic basis.

11.7.3 A register of all waste loads leaving the site will be maintained by main contractors to provide a suitable audit trail for compliance purposes and to facilitate monitoring and reporting of waste types, quantities and management methods.

## 12 Nature conservation

### 12.1 General provisions

12.1.1 Relevant information will be included in individual species or habitat management plans. Species or habitat management plans will be prepared by main contractors for the following:

- terrestrial habitats;
- aquatic habitats;
- European protected species (great crested newt, otter and bats);
- badger;
- barn owl;
- breeding birds;
- water vole;
- reptiles; and
- freshwater fish, including migratory species.

12.1.2 The main contractors will seek to reduce habitat loss within the land provided for the scheme by keeping the working area to the minimum necessary for construction of the scheme and where this area has been agreed installing appropriate exclusion measures to prevent accidental incursion.

12.1.3 Where appropriate (and in line with the commitments in the *ES*), the main contractors will mitigate the loss of ecologically important habitats through habitat creation. Where replacement planting is provided, this mitigation will be integrated with landscape planting, as appropriate, and use native species of local provenance.

12.1.4 The main contractors will have regard to the requirements of *Sections 6, 13 and 14* relating to dust and air quality, noise and vibration, and protection of the water environment, respectively, to protect ecologically important habitats and species adjacent to the construction site.

12.1.5 The main contractors will consult with the local authorities, Natural England the Environment Agency and the local wildlife trusts, as appropriate, regarding preparation of the ecological aspects of the relevant LEMPs.

12.1.6 An Ecological Clerk of Works (ECoW) will oversee the implementation of the ecological mitigation.

12.1.7 In accordance with the mitigation and other measures set out in the *ES*, the main contractors will undertake pre-construction surveys to determine the current status and distribution of protected and notable species and their current status and distribution along the scheme.

The contractor will ensure that exclusion zones in line with best practice (and which are appropriate considering the nature of the construction works to be undertaken) are maintained.

12.1.8 General measures to be implemented by main contractors on the scheme include as appropriate:

- Ensure careful siting of compounds, materials storage areas, haul routes etc. to avoid semi-natural habitats and protected species wherever possible.
- Avoid night-time working where practicable – particularly in the vicinity of sensitive habitats such as woodland, hedgerows and watercourses.
- Avoid the use of lighting, generators (and other noisy equipment) at night where possible – particularly in the vicinity of sensitive habitats and in accordance with Bat Conservation Trust (2009), Bat Conservation Trust (2014) and Highways England (2008).
- Covering all excavations overnight (where practicable) or providing appropriate escape ramps for mammals (where practicable) in the form of a sloped face to the excavation or a scaffold plank or similar.
- Uncovered excavations to be visually checked for the presence of wildlife each morning before works commence. The main contractor will seek advice from the ECoW if a protected species is found or suspected.
- Where practicable reducing the severance impact of vegetation removal by maintaining the feature intact as long as possible; keeping any gap to the minimum required for the purpose and considering filling gaps with brash or similar when work is not being undertaken (e.g. on a bat commuting route at night) so that it can continue to function as a wildlife corridor.
- Careful and regular management of soil storage areas to maximise their future value in landscape planting and to dissuade badgers and other burrowing animals from colonising them in the interim.

12.1.9 The main contractors will obtain and comply with the requirements of any protected species licences and approved method statements necessary for construction of the scheme. Licences and approved method statements may include those in relation to the following:

- European protected species derogation licences – in respect of any works likely to breach the *Conservation of Habitats and Species Regulations 2010*, as amended. Species potentially requiring a derogation licence include great crested newt, otter and bats;

- Badger development licences - in respect of any works likely to result in the disturbance, damage or destruction of a badger sett;
- Water vole conservation licence – in respect of any works likely to result in the disturbance, obstruction, damage or destruction of breeding or resting habitat; and
- Reptile approved method statement - a document that details how the four common species of reptile (as applicable) will be safeguarded from killing and injury during construction. A copy of this document will be submitted to Natural England for their comment.

12.1.10 The programming of construction works will take cognisance of the requirements set out in the *ES*; including seasonal constraints for a range of species and their habitats (e.g. great crested newt breeding ponds, reptile hibernation habitat and bat breeding roosts as applicable). In particular, to prevent illegal disturbance of breeding birds or their nests, no removal of vegetation will take place within the bird breeding season (typically March to August), unless a competent ecologist has first undertaken an appropriate inspection of the vegetation for active birds' nests prior to its clearance. Having completed the inspection, the ecologist will provide confirmation that no birds or their nests will be harmed or disturbed whilst breeding and/or that there are appropriate measures in place to protect nesting birds on the site. Consideration should also be given to impacts on nesting birds outside of but adjacent to the site. These seasonal constraints will be a consideration when developing the LEMPs and the construction programme.

## 12.2 Control of invasive and non-invasive species

12.2.1 The main contractors will implement appropriate treatment of any invasive non-native species in order to comply with the legislation and prevent their further spread, including, as appropriate:

- Japanese knotweed (*Fallopia japonica*);
- New Zealand pigmyweed (*Crassula helmsii*);
- Canadian pondweed (*Elodea canadensis*); and
- Signal crayfish (*Pacifastacus leniusculus*).

12.2.2 The strategy adopted will comply with appropriate construction, handling, treatment and disposal procedures in relation to these and any other species listed in Schedule 9, Part II of the Wildlife and Countryside Act 1981, as amended, or the Weeds Act 1959 to prevent the spread of such species. Appropriate measures will also be set out to control other invasive species such as Himalayan balsam (*Impatiens glandulifera*) in line with Kelly *et al.*, (2008).

- 12.2.3 Additionally, ragwort (*Senecio jacobaea*) is a native wildflower that can be harmful to livestock and so must be controlled where it occurs close to livestock in accordance with the *Code of practice on how to prevent the spread of ragwort* (Defra, 2011).

### 12.3 Monitoring

- 12.3.1 The main contractors will consult with relevant authorities including ~~the~~ Highways ~~Agency~~ England, Natural England, the local authorities, the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire and the Forestry Commission regarding monitoring and survey works to be undertaken prior to construction to update the baseline ecological and arboricultural conditions set out in the *ES*. The survey works will be planned to provide sufficient baseline data to inform the development of appropriate construction programmes, methods and mitigation measures which will be set out in the LEMPs.
- 12.3.2 The main contractors will undertake appropriate monitoring of construction works and implementation of mitigation measures to enable the effectiveness of these measures to be identified.

## 13 Noise and vibration

### 13.1 Measures to reduce potential noise and vibration impacts

#### Best practicable means

- 13.1.1 The main contractors will assess, consider and implement best practicable means (BPM) at all times in order to control noise and vibration from the works.
- 13.1.2 BPM is defined in *Section 72 of the Control of Pollution Act 1974 and Section 79 of the Environmental Protection Act 1990* as those measures which are ‘reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to financial implications’.
- 13.1.3 The main contractors will consider mitigation in the following order:
- BPM, including:
    - Noise and vibration control at source - for example the selection of quiet and low vibration equipment, review of construction programme and methodology to consider quieter methods (including non-vibratory compaction plant, where required), location of equipment on site, control of working hours (see *Section 5.1*), the provision of acoustic enclosures and the use of less intrusive alarms, such as broadband vehicle reversing warnings; and
    - Screening - for example local screening of equipment, perimeter hoarding or the use of temporary stockpiles.
  - Then, if situations arise where despite the implementation of BPM, the noise exposure exceeds the criteria defined in this CoCP, the main contractors may offer:
    - Noise insulation; or ultimately
    - Temporary re-housing.
- 13.1.4 The recommendations of *BS 5228-1:2009+A1:2014 - Code of practice for noise and vibration control on construction and open sites – Noise*<sup>2</sup>, and *BS 5228-2:2009+A1:2014 - Code of practice for noise and vibration control on construction and open sites – Vibration*<sup>3</sup>, will be implemented, together with the specific requirements of this CoCP.

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<sup>2</sup> Hereafter referred to as BS 5228-1

<sup>3</sup> Hereafter referred to as BS 5228-2

## 13.2 Noise and vibration management

13.2.1 The effects of noise and vibration from construction sites will be controlled by introducing management and monitoring processes to ensure that BPM are planned and employed during construction. As part of the main contractors' CEMP, a noise and vibration management plan will be prepared and will set out these processes. The plan will include management and monitoring processes to ensure as a minimum:

- Integration of noise control into the preparation of method statements;
- Ensuring proactive links between noise management activities and community relations activities (see *Section 4*);
- Preparing details of site hoardings, screens or bunds that will be put in place to provide acoustic screening during construction, together with an inspection and maintenance schedule for such features;
- Developing procedures for the installation of noise insulation or provision of temporary re-housing and to ensure such measures are, where required, in place as early as reasonably practicable;
- Preparing risk assessments to inform structural surveys of buildings and structures which may be affected by vibration from construction;
- Developing a noise and vibration monitoring protocol including a schedule of noise and vibration monitoring locations and stages during construction of the scheme when monitoring will be undertaken;
- Preparing and submitting Section 61 consent applications;
- Undertaking and publishing all monitoring required to ensure compliance with all acoustic commitments and consents; and
- Implementing management processes to ensure ongoing compliance, improvement and rapid corrective actions to avoid any potential non-compliance.

## 13.3 Section 61 consents

13.3.1 The main contractors will seek to obtain consents from the relevant local authority under *Section 61* of the *Control of Pollution Act 1974* for the proposed construction works, excluding non-intrusive surveys. Applications will be made to the relevant local authority for a Section 61 consent at least 28 days before the relevant work is due to start or earlier if reasonably practicable.

13.3.2 Details of construction activities, prediction methods, location of sensitive receivers and noise and vibration levels will be discussed

with the relevant local authority, or authorities, both prior to construction work and throughout the construction period. Prediction, evaluation and assessment of noise and vibration as well as discussion between the employer's representative and its main contractors and the relevant local authority will continue throughout the construction period.

- 13.3.3 Unless otherwise agreed with the relevant local authority, noise levels will be predicted in accordance with the methods set out in *BS 5228 – 1*.
- 13.3.4 All construction noise levels will be predicted or measured at a distance of 1m from any affected eligible facade, which must have windows to bedrooms or living rooms.
- 13.3.5 *Annex A of BS 5228-1* provides a flow diagram demonstrating the process of a Section 61 application.
- 13.3.6 The employer's representative and or the main contractors will seek to agree with local authorities a common format and model consent conditions for Section 61 applications or any dispensations and variations to an existing consent. An example application form is included in *Annex 2*.
- 13.3.7 The application for a Section 61 consent will require noise (and where appropriate vibration) assessments to be undertaken and BPM measures set out to manage noise associated with construction of the scheme. The main contractors will submit the assessment initially to the employer's representative for review, prior to submission to the relevant local authority (refer to *Section 13.3.5*).
- 13.3.8 The main contractors will carry out noise (and vibration where appropriate) predictions for Section 61 applications.
- 13.3.9 In the event that works for which Section 61 consent has been applied for have to be rescheduled or modified (e.g., method or working hours) for reasons not envisaged at the time of submitting the Section 61 consent application, the main contractor will apply for a dispensation or variation from the appropriate local authority, before commencing those works, at the time specified within the Control of Pollution Act 1974.
- 13.3.10 The dispensation will be sought by means of an application to vary the agreed matters, setting out the revised construction programme or method and the relevant noise calculations.

## **13.4 Noise insulation and temporary re-housing policy**

- 13.4.1 ~~The~~—Highways [AgencyEngland](#)/employer's representative will implement a noise insulation and temporary rehousing policy. The policy is intended to provide additional protection to residents in the event that it is not practicable to mitigate airborne noise, or reduce

their exposure to it, to levels that are tolerable during certain intensive construction phases.

- 13.4.2 The main contractors will submit a noise insulation/temporary rehousing appraisal at least six<sup>4</sup> months prior to starting that phase of work on site or such time appropriate to the scale and nature of the works. It is essential that the assessment is carried out early enough so that noise insulation can be installed before the start of the works predicted to exceed noise insulation or temporary re-housing criteria.
- 13.4.3 Typically a noise insulation package will include secondary glazing, an alternative method of ventilation and on certain aspects venetian blinds.
- 13.4.4 The main contractors will use BPM to minimise the extent to which noise insulation work or temporary re-housing of occupiers of dwellings adjacent to the works needs to be considered.
- 13.4.5 Notwithstanding the measures set out in this CoCP and any Section 61 consents, noise insulation or temporary re-housing will be offered to qualifying parties when:
- noise levels are predicted or measured by the main contractors to exceed the relevant trigger level defined in *Table 13.1* at that property for at least ten days out of any period of fifteen consecutive days or alternatively 40 days in any six month period;
  - the property complies with all other requirements of the *Noise Insulation (Amendment) Regulations 1988*;
  - the property is be lawfully occupied as a permanent dwelling; and
  - in respect of insulation, noise insulation does not already exist that is of an equivalent standard to that which would be allowed for under the *Noise Insulation (Amendment) Regulations 1988*.
- 13.4.6 The relevant trigger levels are shown in *Table 13.1* which is taken from *BS5228-1 Appendix E4*.

*Table 13.1: Noise thresholds for noise insulation/temporary re-housing*

Day	Time (hrs)	Average period T	Noise insulation trigger level $L_{Aeq,T}$ (dB) */**	Temporary re-housing trigger level $L_{Aeq,T}$ (dB) */**
Monday-Friday	07.00-08.00	1 hr	70	80
	08.00-18.00	10 hrs	75	85
	18.00-19.00	1 hr	70	80

<sup>4</sup> Where noise insulation is potentially required at a listed building the appraisal shall be submitted at least nine months prior to starting of the phase of work on site.

Day	Time (hrs)	Average period T	Noise insulation trigger level $L_{Aeq,T}$ (dB) */**	Temporary re-housing trigger level $L_{Aeq,T}$ (dB) */**
	19.00-22.00	1 hr	65	75
Saturday	07.00-08.00	1 hr	70	80
	08.00-13.00	5 hrs	75	85
	13.00-14.00	1 hr	70	80
	14.00-22.00	1 hr	65	75
Sunday and public holidays	07.00-22.00	1 hr	65	75
Any day	22.00-07.00	1 hr	55	65

\*Proposed Scheme construction sound only. Trigger levels are defined as 1m in front of the closest facade of a habitable room.

\*\*Where the current ambient noise level is greater than the noise insulation trigger level:

- a) the ambient noise level shall be used as the noise insulation trigger level, and
- b) the ambient noise level +10dB shall be used as the temporary rehousing trigger level.

13.4.7 ~~The~~ Highways [AgencyEngland](#) /employer’s representative will develop and seek to agree with local authorities a noise insulation and temporary re-housing policy that will set out all roles, responsibilities and actions required in respect of these measures.

13.4.8 ~~The~~ Highways [AgencyEngland](#) /employer’s representative will consider at its discretion applications supported by evidence for noise insulation or temporary rehousing from occupiers who may have special circumstances. Special circumstances could include night workers, those working in home occupations, local businesses or buildings that provide community facilities requiring a particularly quiet environment and those with a medical condition which will be seriously aggravated by construction noise, and provide noise insulation or temporary re-housing where it is demonstrated that this is necessary.

### 13.5 Vibration thresholds and actions

13.5.1 Criteria and/or procedures for vibration control are specified for three purposes and assessed using three different sets of parameters:

- To protect the occupants and users of buildings from disturbance, for which vibration dose values are assessed (vibration dose values (VDVs) are defined and their application to occupants of buildings is discussed in *BS 6472- 1 Guide to*

*evaluation of human exposure to vibration in buildings – vibration sources other than blasting, 2008*);

- To protect buildings from risk of physical damage, for which peak component particle velocities are assessed in accordance with *BS 7385-2 Evaluation and measurement for vibration in buildings. Guide to damage levels from groundborne vibration, 1993*; and
- To protect particularly vibration-sensitive equipment and processes from damage or disruption, for which peak component acceleration, velocity or displacement are assessed as appropriate to each process or item of equipment.

13.5.2 In some buildings, two or three of the above parameters may apply, and in those cases ~~the~~ Highways [AgencyEngland](#) will require its main contractors to evaluate the criteria separately. In establishing criteria, controls and working methods, the main contractors will take account of guidance in *BS 6472-1 Guide to evaluation of human exposure to vibration in buildings – Part 1: Vibration sources other than blasting 2008: BS 5228 – 1 and BS 5228 – 2*, *ISO 4866: Mechanical vibration and shock, vibration of fixed structures. Guidelines for the measurement of vibrations and evaluation of their effects on structures and BS 7385- 2 Evaluation and measurement for vibration in buildings – Part 2: Guide to damage levels from groundborne vibration 1993*.

13.5.3 In the following sections vibration thresholds are set out. The thresholds are trigger levels at which a set of actions will be carried out by the main contractors. Except where stated otherwise, they are not designed to be maximum permitted levels.

### **Protection of building occupants from disturbance**

13.5.4 To protect the occupants and users of buildings from disturbance, BPM will be used by main contractors to control vibration levels so that the vibration dose values in *Table 13.2*, as measured in accordance with *BS6472-1 Guide to evaluation of human exposure to vibration in buildings – Part 1: Vibration sources other than blasting (2008)* are not routinely exceeded (considered to be ten days in any 15 consecutive days) as a result of the works.

Table 13.2: Vibration trigger levels for protection of occupants of buildings from disturbance.<sup>5</sup>

Building type	Period	VDV (ms-1.75)
Eligible dwellings <sup>6</sup>	07:00 to 23:00	0.4
	23:00 to 07:00	0.2
Education buildings, offices and similar <sup>7</sup>	Over normal period of use (daytime)	0.8
Commercial <sup>8</sup>	Over normal period of use (daytime)	1.6

13.5.5 The vibration thresholds in *Table 13.2* will be weighted in accordance with *BS6472-1 Guide to evaluation of human exposure to vibration in buildings – Part 1: Vibration sources other than blasting, 2008*.

13.5.6 For application of threshold levels, it will be assumed that people are standing or sitting during daytime, and lying down during night-time hours as defined in the table.

13.5.7 The orientation of the person is important as it determines the vibration weighting factor to be applied.

13.5.8 When considering human response to vibration *BS 5228 – 2* provides other guidance levels in terms of peak particle velocity (PPV), which are presented in *Table 13.3*. Where information is not available to complete an assessment against the trigger levels in *Table 13.2*, an assessment shall be undertaken using the guidance in *BS5228-2*.

<sup>5</sup> Based upon the professional judgement of suitably qualified and experienced specialists, as listed in *Appendix 6.1* of the ES.

<sup>6</sup> Measured on a normally-loaded floor of any bedroom or living room. For this purpose, eligible dwellings include dwelling houses, residential institutions, hotels, and residential hostels.

<sup>7</sup> Measured on a normally-loaded floor of areas where people normally work. This category of receiver will include all areas where clerical work meetings and consultations are regularly carried out (e.g. Doctors' surgeries, day-care centres but not shop floors of industrial premises).

<sup>8</sup> Measured on a normally-loaded floor of areas where people normally work. Commercial premises include retail and wholesale shops.

Table 13.3: Guidance on effects of vibration levels<sup>9</sup>

Vibration level <sup>10 11</sup> <sub>12</sub>	Effect
0.14 mm/s	Vibration might be just perceptible in the most sensitive situations for most vibration frequencies associated with construction. At lower frequencies, people are less sensitive to vibration.
0.3 mm/s	Vibration might be just perceptible in residential environments.
1.0 mm/s	It is likely that vibration of this level in residential environments will cause complaint, but can be tolerated if prior warning and explanation has been given to residents.
10 mm/s	Vibration is likely to be intolerable for any more than a very brief exposure to this level in most building environments.

13.5.9 Temporary respite will be provided by main contractors if the following levels are triggered (using the same temporal scope as the noise insulation and temporary rehousing policy):

- The predicted or measured vibration exceeds the following trigger values set at the centre of any floor inside the property (highest vibration):
  - Daytime (7am to 11pm): a vibration dose value (VDVb) of  $0.8\text{m/s}^{1.75}$ ; and
  - Night-time (11pm to 7am): a vibration dose value (VDVb) of  $0.4\text{m/s}^{1.75}$ .
- The predicted or measured groundborne noise exceeds as 45 dB  $L_{A\text{Smax}}$  measured near, but not at, the centre of any room in a property.
- The predicted or measured groundborne noise or vibration exceeds the relevant trigger value for a period exceeding one day.

13.5.10 Details of the temporary respite process will be included within the noise insulation and temporary rehousing policy.

<sup>9</sup> Based upon the professional judgement of suitably qualified and experienced specialists, as listed in Appendix 6.1 of the ES.

<sup>10</sup> The magnitudes of the values presented apply to a measurement position that is representative of the point of entry into the recipient.

<sup>11</sup> A transfer function (which relates an external level to an internal level) needs to be applied if only external measurements are available.

<sup>12</sup> Single or infrequent occurrences of these levels do not necessarily correspond to the stated effect in every case. The values are provided to give an initial indication of potential effects, and where these values are routinely measured or expected then an assessment in accordance with BS 6472-1 or -2, and/or other available guidance, might be appropriate to determine whether the time varying exposure is likely to give rise to any degree of adverse comment.

## Protection of buildings from damage

13.5.11 To protect buildings from damage, ~~the~~ Highways Agency/England / employer's representative will require its main contractors to use BPM to control vibration levels so that the peak particle velocity (PPV) in *Table 13.4*, as measured in accordance with *BS6472-1 Guide to evaluation of human exposure to vibration in buildings – Part 1: Vibration sources other than blasting 2008*, are not exceeded as a result of the works at the building foundation unless agreement is sought from the local authority.

*Table 13.4: Vibration trigger levels for building damage<sup>13</sup>*

Category of building	Impact criteria: (PPV at building foundation)	
	Transient vibration	Continuous vibration
Structurally sound buildings	≥12 mm/s	≥6 mm/s
Potentially vulnerable buildings <sup>14</sup>	≥6 mm/s	≥3 mm/s

13.5.12 To determine whether a detailed assessment needs to be undertaken or whether the levels in *Table 13.4* are likely to be exceeded, or whether there is a potential for building damage, the main contractors will carry out a scoping vibration assessment. Activities requiring an assessment could include vibratory compaction, impact or vibratory piling and other driven processes.

13.5.13 If predicted vibration levels exceed 1mm/s component PPV at occupied residential buildings or 3mm/s PPV at occupied commercial buildings more detailed assessment should be carried out in accordance with *BS 7385-2 Evaluation and measurement for vibration in buildings – Part 2: Guide to damage levels from groundborne vibration 1993*. If this identifies that people occupying buildings may experience levels in excess of the threshold values in *Table 13.4* those potentially affected will be notified as soon as practicably possible in advance of the works. The notification will describe the nature and duration of the works and any associated proposals for vibration monitoring.

<sup>13</sup> Based upon the professional judgement of suitably qualified and experienced specialists, as listed in *Appendix 6.1* of the ES.

<sup>14</sup> BS7385 highlights that the criteria for aged buildings may need to be lower if the buildings are structurally unsound. The standard also notes that criteria should not be set lower simply because a building is important or historic (e.g. listed). Where information about these structures is not currently known, the more onerous criteria on this row of the table shall be adopted on a precautionary basis until condition surveys have been undertaken.

13.5.14 ~~The~~ Highways [AgencyEngland](#)/employer's representative will require its main contractors to be cognisant of the advice given in *BS ISO 4866 Mechanical vibration and shock, vibration of fixed structures. Guidelines for the measurement of vibrations and evaluation of their effects on structures and BS 7385-2 Evaluation and measurement for vibration in buildings – Part 2: Guide to damage levels from groundborne vibration 1993*.

13.5.15 ~~The~~ Highways [AgencyEngland](#)/employer's representative will require its main contractors to notify and consult it and the relevant local authority regarding any works predicted to generate a PPV above 10mm/s. Where it is agreed that there is no reasonable or practicable means to reduce predicted or measured vibration then the main contractors will:

- Agree with ~~the~~ Highways [AgencyEngland](#)/employer's representative and seek to agree with the local authority under the relevant Section 61 consent<sup>5</sup>, monitoring for vibration and strain induced in the building during the works;
- Seek to agree with occupiers of properties;
- The surveys to be carried out and any consequent actions;
- Any additional reasonable and practicable mitigation to be provided for occupants;
- Carry out a condition survey before and after the relevant works; and
- Advise the local authority through the relevant Section 61 consent application.

13.5.16 In addition, any old buildings, or buildings that may be unusually vulnerable to vibration, that are located within 50m of any activities that may give rise to significant vibration shall be identified.

13.5.17 Where the predicted vibration at the foundations of such buildings exceeds 5mm/s PPV then ~~the~~ Highways [AgencyEngland](#)/employer's representative will require its main contractors to undertake an initial structural survey of the building. Based on the survey, the level of vibration above which condition surveys and continuous vibration monitoring are required will be confirmed and agreed with the building owner. The local authority will be notified through the relevant Section 61 consent application.

13.5.18 Where the condition and vibration monitoring surveys demonstrate that vibration from the works has given rise to building damage then ~~the~~ Highways [AgencyEngland](#)/employer's representative will require its main contractors to make good that damage.

### **Protection of particularly vibration-sensitive equipment/processes**

13.5.19 The main contractors will endeavour to avoid any impact on sensitive equipment. Any actions to control or mitigate impacts will be agreed between its contractors and the operator of the equipment. The local authority will be notified through the relevant Section 61 consent application.

## **13.6 Monitoring**

13.6.1 Monitoring will include physical measurements and observational checks / audits.

13.6.2 The main contractors will undertake and report noise and vibration monitoring, including real time noise and vibration monitoring, as is necessary to ensure and demonstrate compliance with all noise and vibration commitments, the requirements of this CoCP and any Section 61 consent(s).

13.6.3 Regular on site observation monitoring and checks/audits will be undertaken to ensure that BPM is being employed at all times. The site reviews will be logged and any remedial actions recorded. Such check will include:

- hours of working;
- presence of mitigation measures, equipment (engines doors closed, airlines not leaking, etc.) and screening (location and condition of local screening, etc.);
- number and type of plant;
- construction method; and
- where applicable, any specific Section 61 consent conditions.

13.6.4 The monitoring and compliance assurance process will be set out in each of the main contractors' noise and vibration management plan, as part of their CEMP.

13.6.5 Proposals for monitoring locations will be set out in each LEMP.

13.6.6 The Section 61 applications will include a detailed description of the monitoring and monitoring locations proposed for the particular works covered by the consent application.

## 14 Road drainage and the water environment

### 14.1 General provisions

14.1.1 Measures will be implemented by main contractors during construction for any works within or close to Water Framework Directive water bodies, other watercourses, lakes, reservoirs, or groundwater. Specific activities that might affect the water environment include borrow pits, pavement, structures (bridges, culverts and outfalls) and river realignments. Typical measures that might be implemented include:

- Prevent access to adjacent areas to prevent impacts on watercourses and water bodies;
- Implement measures to prevent sediment being washed into the watercourses. Small bunds and silt traps to be employed to isolate areas of construction. Silt traps to be regularly maintained/de-silted. Use of straw bale traps;
- Place restrictions or controls with regards to excavating within watercourses to limit disturbance to watercourse;
- In-stream works only to be carried out during periods that will avoid impact on fish populations.(to be agreed with the relevant Environment Agency officer);
- Works not to be carried out during flood flows to avoid undue erosion of the river beds and or banks;
- Surfacing or re-vegetation of bare areas to be undertaken as quickly as possible;
- Manageable parcels of land only to be cleared at a time (i.e. until stabilised);
- Demolition waste to be contained either for re-use or recycling or disposed of immediately to an agreed landfill site (to avoid a build-up on site); and
- Maintain access and maintenance widths (as appropriate) on all watercourses.

### 14.2 Surface water, groundwater and waste water

14.2.1 The main contractors will consult with the Environment Agency (and any other relevant statutory authorities) regarding the measures to be implemented to contain and manage surface water runoff from the construction site to prevent deterioration of the water environment and other potential adverse impacts including changes to flow volume, water levels and water quality. Measures to be implemented will include the following, as appropriate:

- Providing a suitable construction site drainage system including cut-off ditches or drains and sustainable drainage systems (SuDS), or equivalent, with suitably sized treatment facilities such as settlement or detention basins.
- U flow attenuation ponds, pollution control ponds, swales and oil interceptors required for the permanent works will be completed before the start of earthwork operations. Obtaining the necessary consents for any soakaway or filtration systems or to enable discharge of surface water run-off from the construction site to watercourses or foul sewers or disposal off-site.
- Putting in place appropriate measures such as use of bunds of non-erodible material or silt or sediment fences adjacent to watercourses.
- Implementing a surface water or groundwater monitoring plan, particularly in relation to works that could affect aquifers or drilling works.
- Adopting measures to comply with relevant Pollution Prevention Guidelines (PPG): temporary construction methods and CIRIA publications (including Control of water pollution from construction sites. Guidance for consultants and contractors (C532), Control of water pollution from linear construction projects. Technical guidance (C648), Control of water pollution from linear construction projects. Site guide (C649) and Site handbook for construction of SUDS (C698)).

14.2.2 The measures set out in *Section 6* to limit adverse dust and air pollution effects associated with construction works will apply equally in relation to limiting the likelihood of polluted surface water run-off being generated.

14.2.3 The main contractors will comply with *BS 6031 Code of Practice for earthworks* (BSI, 2009c) regarding the general control of site drainage including, for example, all washings, dewatering, abstractions and surface water run-off, unless otherwise agreed by the employer's representative.

14.2.4 If any water abstraction is required as part of the construction process, the Environment Agency will be contacted and the appropriate licenses will be obtained. Any abstraction practices will be in accordance with the guidelines and requirements of these licences.

### **14.3 Storage and control of oils and chemicals**

14.3.1 The main contractors will comply with *The Control of Pollution (Oil Storage) (England) Regulations 2001* that apply in relation to storage of any oil-based materials including petrol, diesel, waste and vegetable and plant oil, but excluding uncut bitumen. Above ground

fuel and oil storage tanks will also comply with *Pollution Prevention Guideline (PPG2): Above ground oil storage tanks* (Environment Agency *et al.*, 2001) which sets out requirements including those relating to positioning, specification, capacity, secondary containment and ancillary equipment for storage tanks. Stationary plant used by the contractor will be fitted with measures such as drip trays to retain any leakage of oil or fuel. The contractor will empty trays at regular intervals to prevent overflow.

- 14.3.2 Spill kits will be stored at key locations on site as set out in the main contractors' pollution incident control plan and in particular at refuelling areas. Where practicable, spill kits will also be kept with mobile fuel bowsers.
- 14.3.3 The main contractors will comply with *Pollution Prevention Guideline No.26 Drums and intermediate bulk containers* (Environment Agency *et al.*, 2011).
- 14.3.4 The main contractors will consult with the relevant local authorities and the Environment Agency regarding specific requirements in relation to establishing and operating concrete and road surfacing material batching plants on site. Wash water from any batching plants will not be discharged to the water environment without the approval of the relevant authority.

#### **14.4 Control and management of foul drainage**

- 14.4.1 The main contractors will manage and dispose of foul water and sewage effluents from site facilities complying with *Pollution Prevention Guideline No.4 Treatment and disposal of sewage* (Environment Agency *et al.*, 2006) where no foul sewer is available and the following measures, as appropriate:
- Containment by temporary foul drainage facilities and disposed off-site by a licensed contractor.
  - Connection to the local foul water and sewage system as agreed with the relevant water authorities.
  - Where a foul sewer is not present, appropriate treatment and discharge to a watercourse or soakaway with prior authorisation from the Environment Agency. Any foul drainage discharge out of the public sewer will require authorisation from the Environment Agency.

#### **14.5 Private water supplies**

- 14.5.1 A risk assessment will be undertaken by main contractors for excavation work associated with impacts on aquifers and private water supplies.

14.5.2 Some of the construction phase impacts can be mitigated through design. With reference to groundwater construction phase impacts can be mitigated by main contractors through the following:

- controlling run-off from construction areas;
- ensuring good vehicle maintenance;
- effective design of storage, refuelling and stock piling areas;
- appropriate design of temporary drainage systems (to meet water quality objectives);
- use of an emergency response plan to deal with spillages;
- special measures to prevent groundwater contamination (if constructing through contaminated sites (if any)); and
- groundwater quality and level monitoring to assess the performance of mitigation measures.

14.5.3 Particular attention needs to be given to areas where dewatering will occur. This could include:

- estimating surrounding area potentially impacted by dewatering (e.g. use anticipated pump rates, rate of recharge etc.);
- identifying all receptors susceptible to groundwater level changes (public and private);
- minimising dewatering as far as practicable;
- containing poor quality discharge water and treat prior to disposal;
- undertaking measurements in boreholes (subject to permission); and
- should groundwater quality deteriorate then monitoring the downstream watercourses. Corrective action should be undertaken by main contractors if required.

14.5.4 There are only a few cuttings on the project and groundwater is anticipated to be below these cuttings. In the event that groundwater is encountered, there could be a need for main contractors to establish a baseline and construction phase monitoring programme.

## **14.6 Flood risk**

14.6.1 Construction activities will be undertaken by main contractors taking into consideration the requirements to avoid any significant increase of flood risk. Appropriate measures, such as keeping watercourses clear of obstructions and debris to reduce blockage risk, will be implemented by the main contractors to prevent, so far as is reasonably practicable, damage to equipment or the works during potential flooding events. Suitable access and safe refuges are to be

identified for use in the event of a flood. Appropriate maintenance access will be made available to watercourses and associated flood risk structures, if required.

- 14.6.2 The main contractors will consult with the relevant regulatory bodies and other relevant risk management authorities on areas at risk of flooding and make appropriate use of the Environment Agency's Floodline flood warning service for works within areas at risk of flooding.
- 14.6.3 The contractors will obtain copies of the relevant regulatory bodies' flood risk management plans, maps and strategies and prepare site specific flood risk management plans for those areas of the site at risk of flooding. These site specific flood risk management plans need to be compliant and produced in accordance with the appropriate flood risk assessments. These plans would include all areas within flood zone 3, areas considered at more risk of flooding on the Environment Agency's surface water flood map and areas susceptible to groundwater flooding. Other flood risk sources, such as sewer flooding and areas at risk of reservoir flooding, will also be considered to ensure all sources of flooding are addressed appropriately.
- 14.6.4 The main contractors will, as far as reasonably practicable, ensure that flood risk is managed safely throughout the construction and implementation period and consider potential flooding effects when planning sites and storing materials. A risk based precautionary approach using the source – pathway – receptor concept will be applied to temporary and permanent works. Designers and contractors must prepare construction and permanent works proposals that are safe and to ensure that flood risk (including that to third parties and the proposed works) is managed appropriately. Where necessary this will include the provision of evidence that appropriate flood warning and emergency management measures are established and detailed designs are supported by provision for long term management and maintenance. Where practicable, contractors should avoid locating temporary structures, such as accommodation and stockpiles, and the placing of construction equipment within flood zone 3 areas or areas at significant risk of flooding from other sources.
- 14.6.5 The main contractors will submit, as appropriate, a report on flood risk to the employer's representative. These reports will summarise:
- any applications made for flood defence consent, where required, for temporary and permanent works and the status of the works;
  - any specific requirements or conditions of the approval that will be obtained from the relevant consenting bodies;
  - any flood risk management or mitigation measures implemented in support of temporary and permanent works proposals; and

- A statement on the cumulative flood risk impact of temporary and permanent works with reference to the *ES*.

14.6.6 The level of detail submitted in the reports must be commensurate with the scale, nature and level of risk associated with the proposed development and the potential impact on third parties. The reports must refer to the compliance of the flood risk plans.

## 14.7 Monitoring

14.7.1 The main contractors will consult with the Environment Agency over any requirements for water quality monitoring of watercourses potentially affected by construction works or discharge of surface water run-off, including the following, as appropriate:

- pre-construction monitoring to establish baseline water quality conditions for watercourses;
- monitoring during construction works to enable the effectiveness of mitigation measures to limit pollution risk to be monitored and any pollution incidents to be identified; and
- monitoring of watercourses receiving surface water run-off during construction to enable the effectiveness of treatment and other SuDS measures to be determined.

14.7.2 The main contractor will carry out monitoring as appropriate to identify:

- pollution risks that are unacceptably high;
- spillages and leakages;
- non-compliance with the CoCP; and
- suspected pollution incidences.

14.7.3 The main contractors will undertake groundwater monitoring at any sensitive groundwater sensitive areas, as required, informing the design of the scheme and developing construction methods to mitigate potential impacts on the groundwater regime. The contractor will also consult with the Environment Agency regarding the pollution incident control plan that will set out the measures to be implemented to address any adverse findings from the monitoring procedures during and following completion of construction works set out above.

## 15 Traffic, transport and all travellers

### 15.1 General provisions

- 15.1.1 The main contractors will implement traffic management measures during the construction of the scheme on or adjacent to public roads, cycle tracks and other paths as necessary. A lead-in notice period may be required prior to the implementation of certain temporary traffic management measures associated with the occupation or temporary closure of existing roads in accordance with relevant statutory requirements. Traffic management works will comply with the provisions of the *Traffic Signs Manual: Chapter 8: Traffic Safety Measures and Signs for Road Works and Temporary Situations*. Traffic signs will comply with the *Traffic Signs Regulations and General Directions* (Highways England, 2002).
- 15.1.2 The design of traffic management schemes by main contractors will ensure the safe transition for road users from existing roads to the traffic managed sections of road. In accordance with the *Traffic Signs Manual: Chapter 8*, the main contractors will ensure that any temporary signs are consistent with permanent signs, that the choice of sign location accords with actual site conditions and that signs are placed where they will be clearly seen and cause minimum inconvenience to road users.
- 15.1.3 A traffic management working group (TMWG) will be formed for the scheme at the construction phase which will be chaired by the employer's representative and includes representatives from the employer, main contractors, local roads authorities and the emergency services. The main contractors will consult with the TMWG regarding traffic management and other traffic related measures (including NMU issues) to be implemented in accordance with the *CoCP*. The members of the TMWG will agree a resolution procedure to be followed if there are any disputes regarding the traffic management and other traffic related measures to be implemented.
- 15.1.4 The scheme includes the provision of an intelligent transport system (ITS), which will include a system to implement variable speed limits, lane control and variable message signs. To the extent available and where reasonable and practicable, the main contractors will liaise with ~~the~~ [Highways AgencyEngland](#) to use the ITS to complement traffic management schemes implemented during construction of the scheme to assist in the control and management of traffic on the road network. The main contractors will also provide ~~the~~ [Highways AgencyEngland](#) with regular updates regarding any disruption caused by construction works on the road network. The information website described in *Section 4* will provide a link to the ~~the~~ [Highways AgencyEngland](#) website to provide access to traffic information.

15.1.5 The main contractors will each prepare a traffic management plan which will describe the traffic management, safety and control measures proposed during construction of the scheme. The traffic management plan will include details of the following, as appropriate:

- measures to provide for the safety of traffic, the public and construction staff during traffic management works and temporary traffic control measures;
- procedures to be followed for the temporary or permanent closure or diversion of roads or accesses;
- procedures to be followed to obtain consent to work on or over railways;
- existing pedestrian, equestrian and cyclist routes, including whether the routes are used by one or more of these groups of road users;
- measures to be implemented to reduce construction traffic impacts or impacts associated with over-parking on residential streets;
- temporary and permanent access to the works;
- permitted access routes for construction traffic;
- monitoring requirements in relation to the plan;
- a programme of traffic management measures to be implemented and details of traffic management proposals for the works on or adjacent to public roads;
- details of phasing of works;
- drawings showing traffic management layouts, signing and apparatus to be implemented, including proposed routes for pedestrians, equestrians and cyclists;
- timing of operations;
- a list of roads which may be used by construction traffic in the vicinity of the site including any restrictions to construction traffic on these routes;
- the name and contact details of the contractor's traffic safety and control officer and information and advice for the public regarding ways to raise complaints or request information; and
- a register of applications for consents associated with temporary traffic management measures.

15.1.6 The responsibilities of the traffic safety and control officer will include:

- all management and implementation of traffic management measures associated with the scheme;

- ensuring that all equipment is in place and in full working order;
- ensuring compliance with all relevant health and safety directives in liaison with the contractor's Health and Safety Manager, relating to operations and live traffic;
- management of the layout of site access points;
- liaison with the employer's representative, the construction design and management (CDM) co-ordinator, the relevant authorities, the traffic safety and control officers on adjacent construction sites and continued monitoring of the traffic management measures adopted; and
- arranging for site inspections at regular intervals and equipment attended to and maintained and in the case of accidents or incidents having replacement signs, cones, bollards and lights and the like erected without delay.

## **15.2 Construction workers travel plan**

15.2.1 Construction workforce travel plans will be prepared by the main contractors with the aim of encouraging the use of sustainable modes of transport to reduce the impact of workforce travel on local residents and businesses. The plans will include:

- identification of a travel plan co-ordinator and a description of their responsibilities;
- key issues to consider for each compound/construction site or group of sites;
- site activities and surrounding transport network including relevant context plans;
- anticipated workforce trip generation and how it may change during the construction process;
- travel mitigation measures that will be introduced to reduce the impact of construction workforce on the transport network;
- target to reduce individual car journeys by the construction workforce;
- methods for surveying workforce travel patterns; and
- the process for monitoring and reviewing the construction workforce travel plan.

## **15.3 Travel safety and control**

15.3.1 The main contractors will take appropriate actions, including the design and installation of traffic management schemes:

- to accommodate the safe passage of traffic through any road works;
  - to reduce the likelihood of traffic diverting onto alternative routes, which may have negative impacts upon the local community;
  - to mitigate potential impacts on the local community and keep delays and disruptions to traffic to a reasonably practicable minimum.
- 15.3.2 This will include traffic control on local roads as may be necessary as part of the traffic management schemes. The main contractors will avoid leaving traffic management measures in place unnecessarily.
- 15.3.3 The main contractors will consult with the TMWG regarding the traffic management measures proposed and will undertake Road Safety Audits in accordance with the Design Manual for Roads and Bridges for complex or major traffic management schemes. Regular meetings will be held with the TMWG during the construction period.
- 15.3.4 Where required, as determined through consultation with the relevant authorities, the main contractors will provide speed detection cameras at temporary traffic management schemes.
- 15.3.5 When necessary during construction on the line of the trunk roads, the main contractors will operate a vehicle recovery system to minimise the impact of breakdowns or accidents on the flow of traffic. This will cover the removal of shed loads and vehicles that are stationary due to mechanical breakdowns, accident damage or abandoned in the trafficked road within the works to a safe location out of the works site.
- 15.3.6 The main contractors will operate a CCTV system for use in monitoring traffic management schemes, should this be necessary for the safe and effective monitoring of the schemes, maintaining traffic flow and operation of the vehicle recovery system.
- 15.3.7 The main contractors will consult with the operators of railways regarding construction works on, over or adjacent to railways or other works which may affect railways and will obtain any consents necessary for the works to be undertaken.
- 15.3.8 The main contractors will notify the police, the highway authorities or bridge and structure owners, as appropriate, in moving abnormal loads through the works. The main contractors will provide the employer's representative with a schedule of abnormal loads prior to commencement of construction.
- 15.3.9 The main contractors will consult with:
- relevant roads authorities;
  - ~~the~~ [Highways Agency](#) [England](#);

- the organisers of major or significant local events, and owners of significant local visitor attractions, in adjacent local authority areas; and
- other relevant organisations regarding traffic management and control measures to be implemented to accommodate abnormal traffic or unusually high traffic demands or material disruption.

15.3.10 The main contractors will ensure as part of the temporary traffic management schemes or at times of material disruption that appropriate alternative routes are signposted for currently signed destinations and visitor attractions and the contractor will agree those routes with the TMWG. The main contractors will also consult with, and take appropriate consideration of the views of, the owner and operator of the visitor attraction.

15.3.11 The main contractors will work with the relevant local authorities and Police regarding monitoring and appropriate measures to address any issues associated with hazards created by the public parking on roads to view construction of the scheme. This matter will also be considered by the TMWG.

## **15.4 Temporary or permanent closure or diversion**

15.4.1 Where the main contractors propose to provide a temporary or substitute road or access or the like, the width and standard of construction and any lighting and signage required will be suitable for the traffic anticipated to use the route. The contractor will maintain the temporary or substitute road or access or the like to provide adequately for the traffic using the route. The contractor will apply for any consents and prepare any orders or regulations required for temporary traffic management schemes or road closures and comply with the requirements of the relevant roads authority in this regard and to ensure that temporary or substitute roads have the appropriate legal status.

15.4.2 If a road needs to be closed temporarily to facilitate construction works, for example to enable the lifting of bridge beams over an existing road, the contractor will comply with the requirements of ~~the~~ Highways ~~Agency~~[England](#), Cambridgeshire County Council and the Police. The contractor will demonstrate to these authorities that the construction work cannot be carried out safely without the road closure.

## **15.5 Public transport, pedestrian, equestrian or cycle routes**

15.5.1 The main contractors will consult with relevant local authorities and relevant public transport and local bus operators regarding traffic management schemes that may affect the flow of buses and will implement appropriate measures to mitigate disruption to bus services.

- 15.5.2 Where separate routes used by pedestrians and other non-motorised users are affected by construction works, the main contractors will provide alternative separate routes within the traffic management scheme being implemented.
- 15.5.3 The information in the traffic management plan relating to traffic management layouts, signing and apparatus to be implemented will include details of any temporary measures or signing to be implemented to maintain access to and signing of National Cycle Network routes and other existing routes designated for pedestrians or cyclists.
- 15.5.4 Where new routes for pedestrians and other non-motorised users are provided as part of the scheme, the main contractors will make these routes available for use and signpost them appropriately when they are constructed to a condition and approved as being safe for use and any traffic regulation orders necessary to designate them for use are in place.

## **15.6 General measures to reduce construction traffic impacts**

- 15.6.1 Where appropriate, the main contractors will provide haul routes through the works for use by construction vehicles to reduce the need to use public roads. Site access points will be positioned to enable the use of haul routes to be maximised, subject to safety considerations in the design and construction of appropriate access points.
- 15.6.2 The main contractors will comply with the requirements of the relevant roads authority regarding the layout and positioning of site accesses.
- 15.6.3 Where site accesses and at-grade crossings of public roads are required for construction vehicles, the contractor will provide traffic management measures as required and design these measures to avoid unnecessary delay to vehicles on the public road.
- 15.6.4 The main contractors will keep roads, accesses and the like free from mud and other loose materials arising from the works, as far as reasonably practicable.
- 15.6.5 Where reasonable and practicable, construction vehicles will avoid travelling in convoys on public roads.
- 15.6.6 The design of temporary traffic management schemes will maintain an appropriate number of lanes on public roads in line with the requirements of *Section 15.1*. Lane closures will only be permitted with the approval of the employer's representative and the relevant roads authority.

## 15.7 Access routes for construction traffic

- 15.7.1 The main contractors will consult with local roads authorities regarding access routes that may be used by the main contractors to access the construction sites, including consultation regarding any particular timing restrictions on the use of roads. Signing will be provided by the contractor, including seeking any approvals or consents necessary.
- 15.7.2 Access routes for construction traffic will be limited, as far as reasonably practicable, to the trunk road network and main roads on the local road network. Access along other local roads will be restricted but may be necessary, for example, to enable transport or delivery of locally sourced materials. Access along residential roads will generally be prohibited. In instances where access along lower class local roads and roads within residential areas is required, the contractor will keep this to a reasonably practical minimum. Information regarding public roads to be used by construction traffic will be provided on the website referred to in *Section 4*.
- 15.7.3 The main contractors will keep site access points clear at all times and will design and construct site access points to a suitable standard to enable the smooth access and egress of vehicles in a forward direction to limit disruption to road users due to use of the access points. The main contractors will consult with the relevant roads authorities and emergency services regarding the positioning of site access and egress points.
- 15.7.4 Site access points will be required for each of the site offices and compounds. The positioning of access for the site offices and compounds will take cognisance of the restrictions set in relation to access routes for construction traffic and layouts detailed in the traffic management plan.

## 15.8 Monitoring

- 15.8.1 The main contractors will monitor traffic management schemes to maintain their effectiveness and condition and to provide for the safety of traffic, the public and construction staff during traffic management works and temporary traffic control measures. The main contractors will provide information regarding any delays to traffic due to construction works to ~~the~~ Highways [AgencyEngland](#). Any relevant safety issues will be fed back into the school engagement programme (refer to *Section 5.7.2*).
- 15.8.2 The main contractors will monitor traffic levels on roads, including undertaking monitoring where reasonably required by the police or the relevant roads authority.
- 15.8.3 The main contractors will monitor site accesses and public roads adjacent to access points to enable measures to keep accesses and roads clean to be implemented as required.



## 16 Glossary

<b>Borrow pit</b>	An area where engineering fill material is extracted for use at another location, for example as part of the scheme embankments.
<b>BPM</b>	Best practicable means - defined in the Control of Pollution Act 1974 and Environmental Protection Act 1990 as measures which are 'reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to financial implications'.
<b>BS</b>	British standard.
<b>CCTV</b>	Closed circuit television.
<b>CDM</b>	Construction design and management in relation with Construction (Design and Management) Regulations 2007.
<b>CEMP</b>	Construction environmental management plan.
<b>CIRIA</b>	Construction Industry Research and Information Association.
<b>CL:AIRE</b>	Contaminated land: applications in real environments – an organisation dedicated to raise awareness of practical sustainable remediation technologies.
<b>Considerate Constructors Scheme</b>	A UK national scheme which promotes good practice on construction sites through its codes of considerate practice, which commit registered sites to be considerate and good neighbours, as well as being respectful, environmentally conscious, responsible and accountable. For more information see: <a href="http://www.ccscheme.org.uk">www.ccscheme.org.uk</a>
<b>DCO</b>	Development consent order - the means of obtaining permission for developments categorised as nationally significant infrastructure projects (NSIP).
<b>DEFRA</b>	Department for Environment, Food and Rural Affairs.
<b>EIA</b>	Environmental impact assessment. A process by which information about environmental effects of a proposed development is collected, assessed and used to inform decision-making. For certain projects, EIA is a statutory requirement.
<b>Employer's representative</b>	A representative employed to act on behalf of the client organisation. This role covers a variety of areas, from contract management and cost control to stakeholder relations and so on. It can be an employee of the client or a bought in service from an organisation.
<b>EMS</b>	Environmental management system.
<b>EOC</b>	Explosive ordnance clearance.
<b>Environmental statement</b>	A document produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations to report the results of an EIA.
<b>Flood zones</b>	Flood Zones refer to the probability of river and sea flooding. They are shown on the Environment Agency's Flood Map for Planning (Rivers and Sea), available on the Environment Agency's web site.

<b>HAIL</b>	<del>The</del> Highways <del>Agency</del> England Information Line - provides information on anything related to <del>the</del> Highways <del>Agency</del> England's 24 hours a day.
<b>Highways Agency</b>	<del>The</del> Highways <del>Agency</del> England is an Executive Agency of the Department for Transport (DfT), and is responsible for operating, maintaining and improving the strategic road network in England on behalf of the Secretary of State for Transport.
<b>HSE</b>	Health and Safety Executive.
<b>National Highways Sector Scheme 18</b>	National Highways Sector Schemes (NHSS) are quality management systems for organisations working on the UK road network. They are based on the ISO9001:2008 standards. Scheme 18 relates to landscaping.
<b>Network Occupancy Criteria</b>	The time stipulated for the onset of traffic management up until the complete removal of the traffic management system. The times vary from road to road dependent upon traffic volumes.
<b>Main contractor(s)</b>	The main contractor on a construction site responsible for planning, managing and co-ordinating themselves and all other contractors working on site.
<b>LEMPs</b>	Local environmental management plans.
<b>Luminosity</b>	The relative quantity of light.
<b>NPPF</b>	National planning policy framework.
<b>Planning Inspectorate</b>	The Planning Inspectorate deals with planning appeals, national infrastructure planning applications, examinations of local plans and other planning-related and specialist casework in England and Wales.
<b>PPGs</b>	Pollution prevention guidelines – EA guidance and advice on the law and good environmental practice.
<b>PPV</b>	Peak particle velocity.
<b>PRoW</b>	Public rights of way.
<b>Section 61</b>	Section 61 of the Control of Pollution Act 1974 (which sets out procedures seeking and obtaining local authority consent to measures for the control of noise and vibration on construction sites).
<b>SSSI</b>	Site of Special Scientific Interest.
<b>SWMP</b>	Site waste management plan.
<b>SuDS</b>	Sustainable drainage systems.
<b>TMWG</b>	Traffic management working group.
<b>UXO</b>	Unexploded ordnance.
<b>WSI</b>	Written scheme of investigation (a programme for archaeological investigation works).

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## 18 Annex 1: Local environmental management plan template

The LEMPs will set out any site specific local control measures additional to the measures set out in the CoCP. The LEMPs are expected to follow the layout and cover, as appropriate, the broad issues outlined below.

Local authority: <Insert name>

Location/name of site(s): <Insert location of sites covered by the LEMP>

Anticipated worksite activities: <e.g. online, viaduct, bridges>

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### General site operations

Community relations – any specific local requirements for the advance notification of construction works.

Working hours – any local variations to core working hours to be agreed under third party consents (e.g. online road surface work or different working hours for works in the vicinity of the operational railway, where possessions may be needed).

Site lighting – identifying any sensitive receptors and local control measures.

Worksite security and hoardings – site specific measures relating to appearance and height of security fencing and hoardings.

Pollution incident control – any local requirements to be included in the main contractors' pollution incident control plan.

Extreme weather events – any receptors, and/or construction related operations and activities considered sensitive to the impacts of extreme weather events and related conditions to have additional contingency mitigation measures developed and implemented as necessary and appropriate to monitor and manage the effects of extreme weather events and related conditions during construction.

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### Air quality

Highlight any of the worksites that lie within or adjacent to any sensitive areas for air quality (e.g. air quality management areas) or other sensitive receptors.

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### Cultural heritage

Known or potential heritage assets (both designated and undesignated) will be identified, and any specific local control measures outlined.

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### Community & private assets

Identifying sites of particular interest.

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### **Geology & soils**

Site-specific local controls will be set out as required for any known sites of geological interest (both designated and undesignated), together with areas of known or potential land contamination.

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### **Landscape**

Where landscapes, townscapes or views of particular sensitivity have been identified, local control measures e.g. screening and treatment of stockpiles to reduce the impact during construction will be set out.

---

### **Materials**

Any local site-specific requirements for the management of construction waste.

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### **Nature conservation**

Any local site-specific requirements and protection measures will be set out to avoid or limit the potential impact on ecological resources. Where known invasive, non-native species are known to be present, site specific control measures will be included.

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### **Noise and vibration**

Particularly sensitive receptors to construction noise or vibration will be identified, and any relevant site-specific controls proposed.

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### **Road drainage and water environment**

Measures to protect particularly sensitive water resources (watercourses, water bodies, groundwater and abstractions) will be identified. Any site-specific measures required to limit the risk of flooding will also be identified. These will also be subject to relevant third party consents and notifications.

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### **Traffic and transport**

Local proposals for the management of construction traffic, including any required alterations to local roads, proposed access routes for site traffic, and for all heavy vehicle movements. These will also be subject to relevant third party consents and notifications.

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## 19 Annex 2: Example application form for Section 61 Consent

### *CONTROL OF POLLUTION ACT 1974*

#### *EXAMPLE APPLICATION FORM FOR SECTION 61 CONSENT*

To be developed further (with explanatory notes) in consultation with the relevant local authorities

Submission No:	
Local Authority Reference:	

To the<sup>1</sup>

I/WE HEREBY MAKE APPLICATION for prior consent in respect of works to be carried out on the [construction] site(s) specified below, under Section 61 of the Control of Pollution Act 1974.

Signed †.....  
Date.....

Name and address of applicant †  
(in block letters please)

.....

Telephone No: .....  
email: .....

<sup>1</sup> Insert name of Local Authority.



4. Methods to be used in each stage of development	
5. Hours of Work	
6. Number, type and make of plant and machinery (including heavy vehicles) stating Sound Power Levels	

7. Proposed steps to manage noise and vibration	
8. Predicted Noise Levels	
9. Approximate duration of works	

10. Site Plan (Attached, yes/no)	
11. Other Information	
12. List of Plans and documents attached	

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## APPENDIX 5

### COMMENTS ON CAMBRIDGESHIRE COUNTY COUNCIL'S WRITTEN REPRESENTATIONS ON SECURING BORROW PIT RESTORATION

1. At the DCO Issue Specific Hearing on 15 July 2015, Cambridgeshire County Council sought a response to its written representation in respect of securing the restoration and aftercare of the borrow pits.
2. Highways England assumes these relate to the representations predominantly at paragraphs 11.1.7 and 11.2.11-13 of its written representations (*Examination Library reference REP2-159*).
3. Highways England responded to these representations in its *Response to written representations (Report 1: Local Authorities)* (document ref. HE/A14/EX/49 (or REP4-011 in the Examination Library)). The relevant responses are set out at paragraphs 4.7.6, 4.7.7, 4.12.2 and 4.12.8.
4. In summary, the requirement contained in paragraph 11 of the latest draft of Schedule 2 to the DCO states that the restoration and aftercare of the borrow pits must be carried out in accordance with the 'borrow pits restoration plan'.
5. This document is defined in article 2 of the DCO and refers to appendix 3.3 of the environmental statement. However, it is recognised by Highways England that this does not provide enough detail. As such, Highways England is developing, through the examination process, a revised borrow pit restoration plan and will look for input from the local authorities and other stakeholders on this. The intention is then for this document to be finalised by the end of the examination process.
6. Should the application for the DCO be granted, the intention is for the restoration plan to be certified under article 41 of the DCO, which would effectively 'crystallise' this document. The definition of the 'borrow pits restoration plan' would be amended to refer to this document.
7. As a result, under the relevant requirement in Schedule 2 to the DCO, Highways England would be obliged to carry out the restoration and aftercare of the borrow pits in accordance with this plan.
8. Cambridgeshire County Council would have had an opportunity to 'feed into' the process of developing the plan during the examination. As such, Highways England does not consider that any further consultation is required on the plan under the requirement. Full engagement on this will have already taken place prior to the end of the examination. As such, any commitments Cambridgeshire County Council require in respect of the restoration and aftercare would have been considered during this process.

## APPENDIX 6

### NOTE ON FOUNDATION OF DRAFT REQUIREMENTS

1. The requirements currently included in Schedule 2 to the DCO are largely drawn from other made DCOs, aside from those when bespoke provision has been required. The foundation of each requirement (aside from that in paragraph 1 of the Schedule, as this is simply interpretation) is considered in turn below.

#### Time Limits (paragraph 2)

2. This requirement is in standard form, has been taken from other made DCOs, and is considered not controversial.

#### Detailed design (paragraph 3)

3. This requirement has precedent in the two made Highways Agency DCOs to date, namely the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (see paragraph 15 of Schedule 2) and the A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (see paragraph 3(1) of Schedule 2).
4. Highways England considers that this adequately secures the outline or conceptual design of the scheme and reflects the fact that there will be no detailed design in place at the time of the making of the DCO (if the application is granted) and it would not be appropriate for there to be a 'blanket' detailed design requirement, due to the nature and scale of the scheme and long established practice with strategic road network improvement schemes.

#### Code of construction practice (paragraph 4)

5. This is a bespoke requirement for this DCO. Its intention is to secure a finalised and certified Code of Construction Practice, which is developed during the examination, giving interested parties a chance to feed into this process. Highways England considers this is a simple, clean way to achieve this.
6. This requirement ensures that Highways England must comply with the terms of the Code of Construction Practice, including the production of various plans, including a Construction Environmental Management Plan and Local Environmental Management Plans. Where appropriate, the Code of Construction Practice provides for consultation in the production of these, particularly with local authorities.

#### Protected species (paragraph 5)

7. This requirement has broad precedent in the A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (see paragraph 9 of Schedule 2), as well as in the Galloper Wind Farm Order 2013 (see paragraph 33(1) of Part 3 of Schedule 1) and the East Anglia ONE Offshore Wind Farm Order 2014 (see paragraph 27(1) of Part 3 of Schedule 1), amongst others.
8. The wording differs slightly from the precedents, in that it makes clear that the scheme of protection and mitigation measures must include design elements for approval. This was amended to take into account comments received from Natural England.
9. It is anticipated that this wording will be tweaked to take into account further comments from Natural England, in respect of management aspects.

#### Contaminated land and groundwater (paragraph 6)

10. This effect of this requirement is relatively standard in made DCOs to date. The precise wording reflects that found in the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (see paragraph 7 of Schedule 2) and the A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (see paragraph 8 of Schedule 2).

#### Implementation and maintenance of landscaping (paragraph 7)

11. The wording and effect of this requirement is standard across a number of made DCOs to date and does not depart materially from the precedents. Examples of where this wording has been mirrored elsewhere is in the A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (see paragraph 5 of Schedule 2) and the Thames Tideway Tunnel Order 2014 (throughout Schedule 3).

#### Archaeology (paragraph 8)

12. Again, this wording broadly follows precedent wording found in other made DCOs, particularly the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (see elements of paragraph 8 of Schedule 2). Indeed, the concept of securing an archaeological written scheme of investigation through the requirements of a DCO is found in numerous precedents.

#### Traffic management (paragraph 9)

13. This requirement has its foundations in both the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (see paragraph 12 of Schedule 2) and the A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (see paragraph 13 of Schedule 2).

#### Surface water drainage (paragraph 10)

14. This is a relatively uncontroversial requirement, the wording of which again has precedent in the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (see paragraph 16 of Schedule 2) and the A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (see paragraph 10 of Schedule 2).

#### Borrow pits (paragraph 11)

15. This requirement is bespoke and has no precedent, as far as Highways England is aware.
16. It broadly reflects the mechanics of the Code of Construction Practice requirement, in that it states that the restoration and aftercare of the borrow pits must be carried out in accordance with the 'borrow pits restoration plan'.
17. This document is defined in article 2 of the DCO and refers to appendix 3.3 of the environmental statement. However, it is recognised by Highways England that this does not provide enough detail. As such, Highways England is developing, through the examination process, a revised borrow pit restoration plan and will look for further input from the local authorities and other stakeholders on this document. The intention is then for this document to be finalised by the end of the examination process and certified under article 41 of the DCO.

#### Noise mitigation (paragraph 12)

18. This recently-added requirement is, again, bespoke. It broadly reflects the mechanics of the other requirements in the DCO, whereby a set of design details for the noise mitigation is submitted and approved, with a further obligation to carry out the

development in accordance with the approved details. As such, Highways England considers this should not be a controversial requirement.

19. The requirement makes clear that the details submitted must either reflect the mitigation in the environmental statement or it must be shown that the proposed mitigation would not give rise to materially new or materially worse environmental effects than those reported in the environmental statement, taking into account the mitigation identified in it.

Amendments to approved details (paragraph 13)

20. This requirement simply allows the discharging body the opportunity to approve amendments to details that have received an earlier approval by the discharging body. The wording for this reflects the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (see paragraph 17 of Schedule 2) and the A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (see paragraph 17 of Schedule 2).

Procedure for discharge of requirements (Part 2 of Schedule 2)

- 20.1 Part 2 of Schedule 2 sets out the procedure for the discharge of requirements. It echoes elements of the wording in Schedule 17 to the Thames Tideway Tunnel Order 2014 and Schedule 7 to the Knottingley Power Plant Order 2015, albeit that it does not deal with fees or appeals.
- 20.2 The 8 week period has been selected to reflect the provisions in article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, which provides that the time period for a local planning authority to grant a consent, agreement or approval required by a condition attached to a planning permission is 8 weeks. Highways England considers it appropriate for these regimes to mirror one another, and that this is a reasonable time period within which the discharging body should be able to make an informed decision.
- 20.3 Highways England also considers that the 21 business day deadline (from receipt of the application) for requests for further information is reasonable, to ensure that the time limit for determination of the application is not overly extended. This 21 day deadline will also require the discharging body to undertake an initial review of the application within the first 21 days, ensuring that issues are identified early, supporting an efficient and streamlined approvals process. Should the discharging body require additional time to request further information, this can be agreed with Highways England under the relevant provisions.
- 20.4 Upon the expiry of the 8 week period, the requirement in question is deemed to be discharged if the discharging body has not refused the application (subject to the exception in paragraph 14(3)). Highways England considers this appropriate on the basis that if there were any material issues with the details submitted, these would have been identified early in the process, with discussions on-going between the parties. Indeed, it should encourage engagement to ensure a robust approvals process, whilst allowing Highways England an element of certainty as regards its construction programme. The previous government's approval of this general approach can be seen in the recent introduction of deemed discharge of conditions under the Town and Country Planning (Development Management Procedure) (England) Order 2015.