

A14 Improvement Scheme TR010015 – Responses to the Examining Authority’s Second Written Questions from Mark Williams and on behalf of the Buckden Marina Resident’s Association (Registrations of Interest Numbers 10030711 and 10030713).

1. Please find below the responses to the Examining Authority’s Second Written Questions from Buckden Marina Resident’s Association and its directly associated individual interested parties.

2. **Ref No 6 - Development Consent Order Question 2.6.5** – while responses to this question were requested from Local Authorities, the Resident’s Association believes that the principles described at paragraph 3 below in relation to Q2.6.6 apply equally to Q2.6.5, regarding the need for consultation with other authorities, organisations, and individuals on planned noise mitigation measures and details before submission for approval by SofS.

3. **Ref No 6 – Development Consent Order Question 2.6.6** *At paragraph 5.7 of HE’s written submission (REP5-028) the applicant comments that “except to the extent already covered by the proposed requirements...detailed designs such as the river Great Ouse crossing including its structures, were intended to be approved by the applicant itself.” Do Interested Parties wish to comment?*

The potential adverse visual impacts on the lodges at Buckden Marina of the structures proposed to cross the River Great Ouse and East Coast Mainline railway are under discussion with Highways England through the SoCG process. Notwithstanding that, the wider adverse visual impact of these structures on the surrounding Ouse Valley landscape in general is already acknowledged as being significant. Other major structures, such as the interchanges and junctions, such as that at Brampton Hut and Buckden, will also have significant visual impacts. It is surprising that Highways England feels that it should be able to approve such significant designs unilaterally without reference to others, whether those be local authorities, other organisations, or individuals. Aside from the SofS for Transport’s public statements in support of “beautiful roads”, the SofS’s Licence to Highways England¹ appears to be quite clear on such matters. For example, the Foreword (Paragraph 5), Paragraphs 4.2 and 4.3, and Paragraphs 5.17-19 set down Highways England’s responsibilities for “going the extra mile”, minimising environmental impacts, improving quality of life, co-operating and collaborating with other authorities, organisations, and individuals, and engaging with stakeholders by establishing Stakeholder groups and Advisory Panels. In addition, there is a specific remit at paragraph 5.27 to establish a Design Panel to provide advice to Highways England, with representation on the Panel from appropriate credible experts and relevant stakeholders, with the requirement to seek advice from the Panel on design in sensitive locations or where it is expected to have a substantial impact on the surrounding landscape. Thus, Highways England should not approve such designs unilaterally and should be required to both demonstrate both its compliance with the Licence and consultation with other authorities, organisations and individuals on detailed designs before submission for approval by SofS. While this response paragraph applies to Q2.6.6 and detailed designs, the principles apply equally to Q2.6.5 and Q2.10.2 regarding noise mitigation.

¹ SofS for Transport Licence to Highways England - April 2015 at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431389/strategic-highways-licence.pdf

4. **Ref No 10 – Noise and vibration – Question 2.6.13** (was this question erroneously numbered and should have been numbered 2.10.13?) *Can the Applicant provide an update regarding discussions with Buckden Marina Resident's association about noise data and the applicant's noise model. The Resident's Association may wish to comment.*

In summary, there has been constructive engagement with Highways England since the Public Hearing at Brampton on 14 July 2015, resulting in an initial meeting on site on 20 July 2015 and a subsequent meeting with respective noise specialists on 10 August 2015, when Highways England demonstrated the noise model used to the Resident's Association and the issues were discussed. The use and application by Highways England of CRTN, DMRB, BS8233:2014 and WHO policy and guidance were agreed as appropriate and the model does include appropriate topographical (e.g. heights) data. However, it was noted that traffic flow rates have been modelled as an average of the estimated daily flow spread across the day and night (rather than proportionately modelled to account for peak times) and that the significant change in noise characteristics (point source to line source, and background noise of traffic compared to current sources) was not taken into account with regard to mitigations. It is also apparent that policy and guidance is lacking on how to deal with psychoacoustic effects and significant changes in noise characteristics, therefore, appropriate judgement will be required on these matters. The parties will exchange the underlying L3 noise data recorded by Highways England and the Resident's Association for comparative analysis and further discussion over the differences between the two ambient noise measurements. The further issues regarding coherence with other schemes, modelled noise levels and options for noise and visual landscape mitigation (noting there is a potential need to ensure that options for noise and visual mitigation are coherent) remain under discussion and development through ongoing work. Further details are contained in the SoCG, currently in draft, being developed by Highways England and the Buckden Marian Resident's Association.

5. **Ref No 7 – Economic and social Effects - Question 2.7.1** – the focus of the question appears to be on fixed installations of artificial lighting. Given the predicted high volumes of traffic on the proposed scheme, the effects and impact of lights from moving vehicles should also be considered.

6. **Ref No 10 – Other Matters – Question 2.10.2** *A new requirement to address noise mitigation has been included in the revised DCO submitted for Deadline 4 (Requirement No 12). Do local authorities and others wish to comment?*

As written, Requirement No 12 in the revised DCO simply refers to the "environmental statement" without any mention of version, amendments that may be made to the original as a result of the current process, or where any further mitigation measures that may be agreed that would improve the environmental effect. The principles described at paragraph 3 above in relation to Q2.6.6 also apply equally to Q2.10.2, regarding the need for consultation with other authorities, organisations, and individuals on planned noise mitigation measures and details before submission for approval by SofS; similar principles apply to Requirement 7 on landscaping. In general, the wording of the Requirements does not seem to have taken account of SoS's Licence to Highways England.

7. **Ref No 10 – Other Matters – Question 2.14.4** *Please provide an update on progress with each of the Statements of Common ground (SoCG) submitted in response to Deadline 3. This is to confirm which SoCGs are now finalised and which*

SoCGs are still in discussion. It is the ExAs expectation that all SoCGs will be finalised by Deadline 8. If the applicant or other interested parties foresee difficulties in meeting this deadline, they are requested to advise the ExA accordingly of the additional steps that are being taken to secure agreement.

The previous misunderstandings over communication with the Buckden Marina Resident's Association and of the private residential nature of the lodges at Buckden Marina were highlighted at the Public Hearing held on 14 July 2015. Proper communication between the right people has been established and the lodges are being treated as residential receptors; accordingly, further study, consideration and analysis is being undertaken with regard to coherence of the scheme with others, and of noise and visual impacts. In that regard, an initial meeting between Highways England and the Buckden Marina Resident's Association was held on 20 July 15 and subsequent meetings held with respective noise and landscape specialists on 10 and 12 August 2015. While the SoCG between Highways England and the Resident's Association remains in draft, there has been positive and constructive engagement to date. Nevertheless, given that the SoCG process between the parties started later than the normal timetable because of the reasons highlighted above, it is not surprising that some substantive issues remain which are the subjects of ongoing further work and discussion. As a result, while the aim is to finalise the SoCG by Deadline 8, the Examining Authority may be requested to permit some leeway, where both parties believe that an extension of time would result in securing agreement on common ground.

Mark Williams
(Registrations of Interest Numbers 10030711 and 10030713).

19 August 2015