

Heritage, Ecology, Highways, M&W and EHO answered.

Application by Highways England for an Order Granting Development Consent for A428 Black Cat to Caxton Gibbet Improvements

The Examining Authority's written questions and requests for information (WQ1)

Issued on Wednesday 21 July 2021

The Examining Authority (ExA) is providing all parties advance access to the intended list of the ExA's First Written Questions and requests for information (WQ1), in order to facilitate the conduct of the Examination. WQ1 will be issued formally after the close of the Preliminary Meeting, and as soon as the Examination starts. Any amendment will be limited to additional questions, in the form of an addendum. Responses are due on **Tuesday 31 August 2021**, which is **Deadline 1** in the draft Examination timetable (Rule 6 letter, Annex D). **Please do not submit any responses before the start of the Examination.**

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues (Rule 6 letter, Annex C). Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 1 sets out the unique reference number to each question which starts with 'Q1' (indicating that it is from WQ1), followed by an issue number, a sub-heading number and a question number. When you are answering a question, please start your answer by quoting the unique reference number.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. Please provide a substantive response to the questions directed at you, or indicate why the question is not relevant to you. You may also respond to questions that are not directed at you, should the question be relevant to your interests.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact A428.Blackcat@planninginspectorate.gov.uk and include 'A428 Black Cat to Caxton Gibbet' in the subject line of your email.

Responses are due by Deadline 1, Tuesday 31 August 2021

List of abbreviations

PA2008	The Planning Act 2008	LA	Local Authority
AP	Affected Persons	LIR	Local Impact Report
BBC	Bedford Borough Council	LLFA	Lead Local Flood Authority
BMV	Best and Most Versatile	LHA	Local Highway Authority
BNG	Biodiversity Net Gain	LPA	Local Planning Authority
BoR	Book of Reference	LVIA	Landscape and Visual Impact Assessment
CA	Compulsory Acquisition	NE	Natural England
CBC	Central Bedfordshire Council	NMU	Non-Motorised User
CCA	Climate Change Allowance	NPS	National Policy Statement
CCC	Cambridgeshire County Council	NPS NN	National Networks National Policy Statement
CTMP	Construction Traffic Management Plan	NR	Network Rail
dDCO	Draft Development Consent Order	NSER	No Significant Effects Report
EA	Environment Agency	NSIP	Nationally Significant Infrastructure Project
ECML	East Coast Mainline	OS	Ordnance Survey
EIA	Environmental Impact Assessment	PRoW	Public Rights of Way
EM	Explanatory Memorandum	R	Requirement
EMP	Environmental Management Plan	RR	Relevant Representation



ES	Environmental Statement	SCDC	South Cambridgeshire District Council
EWR	East West Rail Company Limited	SoS	Secretary of State
ExA	Examining Authority	SAC	Special Area of Conservation
FRA	Flood Risk Assessment	SPA	Special Protection Area
HDC	Huntingdonshire District Council	TP	Temporary Possession
HE	Highways England	TA	Transport Assessment
HistE	Historic England	TAR	Transport Assessment Report
IP	Interested Parties	WCH	Walkers, Cyclists and Horse-riders

Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in [the Examination Library](#). The Examination Library will be updated regularly as the Examination progresses.

Index	
Q1.1. General and Cross-topic Questions	
Q1.1.1 General and Cross-topic.....	6
Q1.2. Air Quality	6
Q1.2.1 Effects on human and ecological receptors	6
Q1.3. Biodiversity and Ecological Conservation	7
Q1.3.1 General	7
Q1.3.2 Biodiversity Net Gain (BNG)	8
Q1.3.3 Hedgerows	8
Q1.3.4 European Designated Sites.....	8
Q1.3.5 Habitat Fragmentation.....	9
Q1.3.6 Aquatic Environment and Biodiversity	10
Q1.3.7 Arboreal Environment.....	10
Q1.4. Climate Change and Carbon Emissions	10
Q1.4.1 Emissions	10
Q1.4.2 Climate Change Adaptation	11
Q1.5. Compulsory Acquisition and Temporary Possession	11
Q1.5.1 Compulsory Acquisition schedule.....	11
Q1.5.2 Protective Provisions	11
Q1.6. Construction methods and effects	12
Q1.6.1 Approach to construction and proposed programme.....	12
Q1.6.2 Borrow pits, construction compounds, waste management	13
Q1.6.3 Environmental Management Plan	13
Q1.7. Draft Development Consent Order (dDCO) ...	14
Q1.7.1 General	14
Q1.7.2 Definitions	15
Q1.7.3 Articles.....	16
Q1.7.4 Schedules	21
Q1.7.5 Requirements	21
Q1.8. Diversion of high-pressure pipeline	
Q1.8.1 Application material	22
Q1.8.2 Determining if the pipeline diversion would be an NSIP	23
Q1.8.3 Excavating the archaeological remains	24
Q1.8.4 Environmental effects	24
Q1.9. Flood Risk	25
Q1.9.1 Sequential approach to route selection and design	25
Q1.9.2 Interactions between different sources of flooding	25
Q1.9.3 Passing the Exception Test	25
Q1.9.4 Climate Change resilience.....	26
Q1.10. Good Design.....	27
Q1.10.1 Visual appearance and design principles	27
Q1.10.2 Design development process.....	27
Q1.11. Highways – network and structures	
Q1.11.1 Transport Modelling	
Q1.11.2 Road layout, junctions and bridges	28
Q1.11.3 Signage and lighting	29
Q1.11.4 Operational effects beyond the extent of the proposed scheme	31
Q1.11.5 De-trunking proposals and new local highway infrastructure	32
Q1.11.6 Non-motorised users.....	32
Q1.11.7 Construction traffic impacts	33
Q1.12. Historic Environment	34
Q1.12.1 Methodology	37
Q1.12.2 Brook Cottages	37
Q1.12.3 Milestone and Mileposts.....	37
	38

Q1.12.4	Archaeological Remains.....	39	Q1.19.1	General	50
Q1.13.	Landscape and Visual Effects	40			
Q1.13.1	General	40			
Q1.13.2	Visual Impact	40			
Q1.13.3	First Iteration EMP and Landscape and Ecology Management Plan.....	41			
Q1.14.	Land use including open space and green infrastructure.....	41			
Q1.14.1	Geology and Soils.....	41			
Q1.14.2	Cumulative effects.....	42			
Q1.15.	Need for Development and Consideration of Alternatives				
Q1.15.1	Need for the development	42			
Q1.15.2	Business case	43			
Q1.15.3	Cost benefit analysis.....	43			
Q1.15.4	Alternative modal solutions.....	44			
Q1.16.	Noise and Vibration	44			
Q1.16.1	Construction and Operational effects on sensitive receptors	44			
Q1.16.2	Proposed mitigation, management and monitoring	46			
Q1.17.	Significant Cumulative Effects				
Q1.17.1	Approach to assessment.....	47			
Q1.17.2	Assessment of cumulative effects	48			
Q1.17.3	Assessment of combined effects	48			
Q1.17.4	East West Rail	48			
Q1.18.	Socio-economic effects	49			
Q1.18.1	Methodology.....	49			
Q1.18.2	Local and national economic activity and employment	49			
Q1.19.	Water quality and resources	49			

Responses due by Deadline 1: Tuesday 31 August 2021

Q1.1. General and Cross-topic Questions		
Q1.1.1 General and Cross-topic		
Q1.1.1.1	Applicant	<p>Decarbonising Transport</p> <p>The Government recently published "<i>Decarbonising Transport</i>" document in response to the UK's 6th Carbon Budget (2033-2037). What are the implications of "<i>Decarbonising Transport</i>" for the Proposed Development, including in terms of the Environmental Impact Assessment?</p>
Q1.1.1.2	Applicant	<p>Accordance with National Networks Policy Statement</p> <p>To assist all parties in their understanding of the Proposed Development and to signpost parties to relevant sections of the Application, the Applicant may consider it appropriate to provide a summary in tabular form to demonstrate how it is considered the Proposed Development accords with each relevant section of the NPS NN.</p>
Q1.1.1.3	Applicant Interested Parties Other Persons	<p>National Planning Policy Framework</p> <p>Explain giving reasons, if you believe that aspects of the application need to be updated in light of the revised National Planning Policy Framework published on 20 July 2021.</p>
Q1.2. Air Quality		
Q1.2.1 Effects on human and ecological receptors		
Q1.2.1.1	Local Authorities Public Health England	<p>Effects on receptors</p> <p>ES [APP-074, paragraphs 5.9.38 – 5.9.40] states that the Proposed Development would have no significant adverse effects on human health or designated habitats sites during either construction or operational phases of the scheme. Do LAs and PHE agree with this conclusion? Explain with reasons. Bedford Borough Council Environmental Health does not agree with this. At this time there has been little information supplied as to the potential impact of the construction of the borrow pits on nearby residents through dust. Without adequate information I cannot be satisfied that harm will not occur.</p>

Q1.2.1.2	Central Bedfordshire Council	Sandy Air Quality Management Area ES [APP-074, paragraphs 5.9.12–5.9.13] states that the magnitude of NO2 change is predicted to be imperceptible at the 7 identified receptors in Sandy.
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Responses due by Deadline 1: Tuesday 31 August 2021

		Does CBC agree with this assessment? If not, explain with reasons. Are there other design options or measures that should be considered to improve air quality at this location?
Q1.2.1.3	Applicant	Future vehicle fleet The ES [APP-161] explains that the methodology used by the Applicant to undertake the Air Quality assessment. For clarity, does the methodology followed account for the phasing out of new petrol and diesel vehicles as described in the Government's Road to Zero Strategy, 2018 and Transport Decarbonisation Plan, 2021? If so, how?
Q1.2.1.4	Applicant Local Authorities Public Health England	Dust control With specific regard to the control of construction dust, are LAs and PHE satisfied with the measures proposed in the first iteration EMP and the level of detail that will be secured in the dDCO through the First Iteration EMP [APP-234, Annex A, Tables A-1, A-2, A-3]. The Council is concerned that the only control over the borrow pits appears to be through the Environmental Management Plan (EMP). The EMP sets out a list of standard practices that could be applied to any similar development and is not site specific. The EMP contains no assessment of any potential impacts. The DCO contains two requirements for iterations of the EMP. Whilst the second iteration EMP may be expected to contain more detail on the borrow pits proposals, it is not clear what further impact assessments will be provided at this stage. This brings into question whether the DCO currently contains a sufficient description of the proposal or a proper environmental assessment.
Q1.3. Biodiversity and Ecological Conservation		
Q1.3.1 General		

Q1.3.1.1	Applicant Natural England Environment Agency Local Authorities	<p>Protecting and improving biodiversity</p> <p>Have all reasonable opportunities for protecting and improving biodiversity been taken, in line with the policy requirements in the NPS NN (paragraphs 5.20-5.38)?</p> <p>The applicant has completed a suitable range of up-to-date ecological surveys which are based on evidence from the Bedfordshire & Luton Biodiversity Recording and Monitoring Centre and pre-application discussions. There are Phase 1 maps for the whole of the DCO area with suitable habitats surveyed in more detail for a range of notable species or wildlife assemblages. These surveys include invertebrates, reptiles, Great-crested Newts, breeding and wintering birds along with specific surveys for Barn Owl, Red Kite and Hobby, bats and Badgers. The results of these surveys have been used to design the scheme, propose mitigation and include enhancements. The timing of many of these measures will be critical to their ability to protect and improve biodiversity. For example, in Bedford Borough woodland planting is included along some sections of the route to add height to the landscaping to try and avoid Barn Owls being involved in traffic collisions. Whilst this would probably work well once the woodland is established this takes time, therefore the timing of the planting to maximize the height of the landscaping upon the route becoming operational is important. The ongoing monitoring and management of the landscaping and key mitigation measures, such as the bat tunnel, are also vital to the delivery of the biodiversity mitigation and enhancement measures. More information on both these topics is expected in the second iteration of the Biodiversity Management Plan.</p>
Q1.3.1.2	Applicant	<p>Objectives of the Proposed Development</p> <p>To maintain existing levels of biodiversity is an overarching objective of the Proposed Development, but why is BNG not included, particularly when the scheme would achieve BNG [APP-071, Section 2.2]?</p>
Q1.3.1.3	Applicant	<p>Surveys</p> <p>The EA makes reference to updating ecological surveys as the scheme progresses [RR-036]; NE also refers to various updated surveys [RR-076]. Do you intend to undertake</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		any specific updates to ecological surveys to provide up-to-date information as the scheme progresses? If so, which and when; if not, why not?
Q1.3.2 Biodiversity Net Gain (BNG)		
Q1.3.2.1	Applicant Natural England	<p>Metric for calculating BNG</p> <p>The Applicant has calculated that the Proposed Development would deliver 20.5% BNG using the HE metric. The BNG is primarily due to the creation of new woodland and grassland habitats, together with the creation of wetland habitats, and restoration works to sections of watercourses [APP-077, paragraph 8.10].</p> <p>Applicant, what would the BNG score be using the DEFRA 2.0 metric? NE, in your RR you have stated that DEFRA 2.0 is your preferred metric because it considers habitat condition and other key criteria [RR-076, paragraph 2.12.9]. Provide further explanation.</p> <p>The ExA is aware of the more recent NE Biodiversity Metric 3.0. In light of this, can NE confirm that DEFRA 2.0 metric is still the preferred metric to calculate the BNG on the Proposed Development, or update your position?</p> <p>NE and Applicant, explain the differences between the three Metrics in temporal, qualitative and quantitative terms, and how the measure of BNG would change?</p>
Q1.3.3 Hedgerows		
Q1.3.3.1	Applicant	<p>Clarification on net loss</p> <p>A net loss of hedgerows within the Order Limits is shown in Table 8-9, but a net gain in Table 8-10 – which is it [APP-077]?</p> <p>Provide clarification on any other related inconsistencies in the ES.</p>
Q1.3.4 European Designated Sites		
Q1.3.4.1	Natural England	<p>Ouse Washes SPA, SAC and Ramsar site and Portholme SAC</p> <p>The RR from NE [RR-076, paragraph 3.5.1] states that the NSER [APP-233] demonstrates beyond reasonable scientific doubt that the Proposed Development will not have an adverse effect on the integrity of the Ouse Washes SAC, SPA and Ramsar site and Portholme SAC.</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		Can NE confirm that it is content that the measures incorporated within the Proposed Development to mitigate for pollution events and polluted surface water runoff are not necessary for a negative screening, and, that the intervening distance and natural dilution and settlement rates are sufficient on their own to conclude no likely significant effect on the relevant European Sites listed above?
Q1.3.4.2	Applicant Natural England	<p>Eversden and Wimpole Woods SAC</p> <p>NE does not consider there is sufficient information available in the NSER [APP-233] to rule out likely significant effects with regard to the Eversden and Wimpole Woods SAC Barbastelle bat population [RR-076, paragraph 3.5.1].</p> <p>Applicant, are you intending to undertake the assessments and bat surveys requested by NE? When will these be completed, and submitted to the Examination?</p> <p>NE, in the absence of information on the home range of the maternity colonies, main foraging area and flight lines as well as the seasonal changes in habitat use in the SAC Barbastelle bat population, can sufficient mitigation measures be proposed to conclude that the Proposed Development will not adversely affect the integrity of the site?</p>
Q1.3.5 Habitat Fragmentation		
Q1.3.5.1	The Applicant Natural England Local Authorities	<p>Adequacy of mitigation measures</p> <p>The Proposed Development includes a four-lane highway, three grade separated junctions and associated works; the existing A428 would be retained and de-trunked. Roads are barriers to the movement of various terrestrial and aquatic species, and the scheme proposes various measures, such as underpasses and culverts, to mitigate this, which are partially referenced in the Schedule of Mitigation [APP-235, Table 4]. Habitat creation and restoration are also proposed.</p> <p>NE and LAs, with reference to the habitats to be lost and gained in the area [APP-077, Table 8-9], is the provision of certain types of habitat particularly important to biodiversity in this area, and if so which types?</p> <p>With reference to the habitats to be lost and gained in the area [APP-077, Table 8-9], would there be an increase or reduction of such habitats as a result of the proposed mitigation?</p> <p>NE and LAs, Would the design, number and location of underpasses and culverts be sufficient to prevent aquatic and terrestrial habitat fragmentation?</p>

Responses due by Deadline 1: Tuesday 31 August 2021

Applicant, why are only some of these measures referenced in the Schedule of Mitigation [APP-235], and then only in limited terms (e.g. mammal ledges)? NE and LAs, would the size and locations of the proposed habitats be sufficient to create or link to existing functional habitats and so support biodiversity?

- A) Most of the Scheme's area in Bedford Borough is characterized by arable farmland with hedgerows and small woodlands. It supports a good assemblage of farmland birds, bats and other wildlife. The provision of a strong network of diverse and well-managed hedgerows which link the woodlands is of particular importance along with the habitats along the River Great Ouse. There are few wildflower rich grasslands in this area and so the creation of this habitat would be welcomed.
- B) Table 8-9 is for the whole scheme and not broken down into local authority areas. This makes analysis of the impacts on each habitat within each local authority's area difficult. It seems likely that Bedford Borough would see a net gain in woodland and grassland and a net loss in hedgerows and cultivated land which reflects the pattern over the scheme as a whole.
- C) In Bedford Borough the most significant aquatic feature is the River Great Ouse. The river is an important habitat in itself as well as a main commuting and foraging route which is crossed by the scheme. It is one of the main points where bats cross the route and the bankside habitats were also used by badgers. Otters are also known to use the area, although no evidence of a holt was recorded. The road crosses the river on a viaduct which is a continuation of the structure used to cross the Black Cat Quarry area. There are no piers in the river and during normal river flow some bank would be available on both sides of the river under the viaduct. This would allow species like badgers and otters to pass easily. There would be a break in the bankside vegetation as a result of the deep shade cast by the road. Overall, it is unlikely to provide a significant barrier to movement along the river corridor. Terrestrial habitat fragmentation is more of a concern. The hedgerows to the north of St John's Wood were highlighted in the results of the surveys as key commuting and foraging routes for both badgers and bats, including Barbastelle bats, between the woodlands. The bat underpass is located along the line of the most used hedgerow, however, wider connectivity in this area will be lost. There is some evidence that bat tunnels work, however, much more research is needed into their effectiveness generally. Although just outside the Bedford Borough boundary, the habitats along the sides of the East Coast Mainline Railway are of significance for some species, particularly reptiles, and it also provides a corridor for wildlife movement. Measures to protect wildlife during construction and maintain connectivity will be required.
- D) The proposed woodland, hedgerow and grassland planting in the area north of St John's Wood CWS does link to some of the smaller woods in the wider landscape beyond the Scheme's limits. The ongoing management of these habitats would be important to ensure they successfully develop and maintain any benefits to local biodiversity.

Q1.3.6 Aquatic Environment and Biodiversity		
Q1.3.6.1	Environment Agency	<p>Mitigation measures</p> <p>How should the various measures identified under Biodiversity, in the appendix to your RR [RR-036], be addressed by the Proposed Development, such as by updating the dDCO or through the EMP iterations?</p> <p>When should works to watercourses be restricted to support fish spawning times?</p>
Q1.3.7 Arboreal Environment		
Q1.3.7.1	The Woodland Trust	<p>Arboreal Environment</p> <p>With reference to the application documents, identify all veteran trees and groups, ancient woodland and protected trees that you are concerned about relative to the Proposed Development [APP-183]–[APP-187]</p> <p>In your RR [RR-111], why has specific reference been made to trees at Reference G61, instead of to others of seemingly, at least comparable value [APP-183]–[APP-187]?</p>
Q1.4. Climate Change and Carbon Emissions		
Q1.4.1 Emissions		

Q1.4.1.1	Applicant	<p>Emissions</p> <p>The Applicant considers that the impacts of the Proposed Development, in the context of overall UK emissions, would not materially affect the UK Government meeting its legally binding carbon reduction targets [APP-083, paragraphs 14.9.17–14.9.28].</p> <p>What is the cumulative effect of the Road Investment Strategy 2 (RIS2) schemes in terms of Greenhouse Gas (GHG) emissions?</p> <p>What is / would be the cumulative impact of the various Road Investment Strategies on UK Carbon budgets?</p>
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Responses due by Deadline 1: Tuesday 31 August 2021

		<p>What consideration has been given to the likely future operational emissions over the lifetime of the Proposed Development?</p> <p>What is the likely effect of the Proposed Development on the 6th Carbon budget (2033-2037) and on future carbon budgets up to 2050?</p> <p>Have all reasonable opportunities to limit carbon emissions during construction and operation been taken?</p>
Q1.4.1.2	Transport Action Network Interested Parties	<p>Emissions</p> <p>A number of Interested Parties make reference to the Proposed Development increasing carbon emissions by over 3 million tonnes, and to being the third worst scheme in the RIS2 such as [RR-116].</p> <p>Provide evidence to support your claims of GHG emissions for the proposed scheme, including relative to other RIS2 schemes.</p> <p>What sources of GHGs are considered to be missing from the applicant's approach?</p> <p>What would be the implications of the scheme on carbon emissions given the ban on the sale of new petrol and diesel vehicles from 2030 and the expected increased future use of electric or non-GHG emitting vehicles in the future?</p>
Q1.4.2 Climate Change Adaptation		
Q1.4.2.1	Applicant	<p>Resilience</p> <p>Are you satisfied that the Proposed Development is sufficiently resilient to climate change adaptation, in line with NPS NN (paragraphs 4.36-4.47)? Explain with reasons.</p>
Q1.5. Compulsory Acquisition and Temporary Possession		
Q1.5.1 Compulsory Acquisition schedule		
Q1.5.1.1	Applicant	<p>Compulsory Acquisition schedule</p> <p>Complete the Compulsory Acquisition Objections Schedule found in Annex A.</p>
Q1.5.2 Protective Provisions		
Q1.5.2.1	Applicant	<p>Protective Provisions</p> <p>The BoR [APP-032] includes a number of Statutory Undertakers with interests in land.</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		<p>Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement from them.</p> <p>State whether there are any envisaged impediments to the securing of such agreements.</p> <p>Provide a list of additional Statutory Undertakers have been identified since the submission of the BoR, and answer the above two questions, for the additional Statutory Undertakers</p>
Q1.5.2.2	Bedford Borough Council	<p>Access to land for development</p> <p>In addition to your RR [RR-008b] as landowner, provide a plan of the land marked for development and indicative access requirements. Also highlight the “landlock effect” resulting from the utility diversions and construction works.</p> <p>Provide your suggested covenants or management agreements for the 12 hectares of land identified for permanent acquisition for flood compensation. Separate submission being made by deadline.</p>
Q1.5.2.3	Applicant	<p>Changes to CA and TP</p> <p>National Farmers Union [RR-074] and Bedford Borough Council [RR-008b], have expressed concerns that areas identified for CA and TP are excessive.</p> <p>Does the Applicant believe that the land identified for CA and TP can be further rationalised or reduced? Explain with reasons.</p> <p>If so, provide a timetable of how these changes could be reasonably accommodated within this Examination. State the Applicant’s intentions.</p> <p>If not, would the Applicant like to provide any further justification (in addition to the responses to the relevant representations) to the Statement of Reasons and annexes [APP-030]?</p>
Q1.6. Construction methods and effects		
Q1.6.1 Approach to construction and proposed programme		
Q1.6.1.1	Applicant	<p>Approach to construction</p> <p>The ES states that construction will take place in six stages. Should tie-in works and de-trunking be included in the stages of construction and in the construction programme. Explain with reasons.</p>

Responses due by Deadline 1: Tuesday 31 August 2021

Q1.6.1.2	Applicant	<p>Construction programme</p> <p>Update the construction programme in the ES, if required [APP-071, Section 2.6]. What confidence is there that the length of the construction programme will not be exceeded?</p> <p>What are the principal risks of delay and what contingencies have been included? What allowances for variations in the construction programme have been included in the assessments? Please provide references.</p> <p>What is the potential for a longer construction programme to give rise to any materially new or materially worse adverse environmental effects in comparison with those assessed in the ES?</p>
<p>Q1.6.2 Borrow pits, construction compounds, waste management</p>		
Q1.6.2.1	Bedford Borough Council	<p>Borrow pits</p> <p>BBC, you have expressed concerns about the level of detail about the borrow pits, how they will be worked and restored, and about the first iteration EMP [RR-008a]. What further detail do you think should be provided for Examination, and secured in the dDCO?</p>
<p>The DCO should contain a detailed description of how each will be worked based upon a worst case scenario of extraction to the maximum depth identified for each of them. This would include:</p> <ul style="list-style-type: none"> • Identifying the area, height and location of soil stockpiles. • Method of extraction and numbers of plant and machinery on site. • The method of delivery to the road scheme. • Maximum daily numbers of HGV/material moving vehicles using haul routes. • Any processing of material on site. • Any phasing of the site. • How waste materials will be backfilled. • Operating times. • What happens if the amount of material extracted does not equal the amount of material backfilled. 		

- Appropriate plans and cross sections to support the above.
- Each section of the ES to be updated to assess the impact of the proposals.
- The noise levels of equipment used within the borrow pits and the level of attenuation towards the nearby sensitive premises. What level of impact will remain and how that impact will be mitigated to ensure an acceptable acoustic environment.
- Details of control of dust emissions from the site for material heaps and other sources of dust beyond the tractor and bowser attempt to control dust on roadways.

Q1.6.2.2	Applicant Local Authorities	Construction compounds Should the maximum heights for any hoarding that may be required be secured in the Construction compound management plan, and the dDCO [APP-234, Annex K] Ideally yes
Q1.6.3 Environmental Management Plan		
Q1.6.3.1	Applicant Local Authorities	Pre-commencement works plan Pre-commencement works plan is a certified document in Schedule 10 of the dDCO [APP-025]. When will this be submitted to Examination? If this is to be prepared on a later date, can you submit a draft or outline for consideration in the Examination? Have local authorities seen a draft or outline of the pre-commencement works plan? Not that we are aware of
Q1.6.3.2	National Farmers Union	Clarity of content in Relevant Representation The NFU RR [RR-074] refers to various matters, referencing the dDCO and First Iteration EMP. For clarity please explain what is meant by an "ALO" and where in either of the two

Responses due by Deadline 1: Tuesday 31 August 2021

		documents, or wider application such a role is referred to. If this was in error please confirm which of the named roles in the First Iteration EMP those comments relate to.
Q1.6.3.3	Applicant Local Authorities	Roles and responsibilities Provide a list of roles that are named in the EMP, CTMP or any other certified document, that would specifically be appointed for mitigating the effects of the Proposed Development. Provide a brief description of duties and reporting lines. Refer to related questions in <i>Draft Development Consent Order</i> .
Q1.7. Draft Development Consent Order (dDCO)		
Q1.7.1 General		
Q1.7.1.1	Applicant	Template and best practice guidance Confirm that the submitted dDCO has been drafted using the Statutory Instrument template. Confirm that the submitted dDCO and EM follows best practice drafting guidance from the Planning Inspectorate set out in Advice Note 15, providing in tabular format, brief explanation of how each aspect of Advice Note 15 has been addressed.
Q1.7.1.2	Discharging Authorities	Discharging Requirements and Conditions All discharging authorities to check the Schedules in the dDCO for accuracy and provide the ExA with suggested corrections and amendments.
Q1.7.1.3	Applicant	Authorities and Statutory Undertakers Provide a list or table of specifically named authorities and undertakers that are relevant in the dDCO for each and every reference to the following. Please list separately, instances where any of the following, for example 'local authority', refers to different body or bodies. <ul style="list-style-type: none"> • highway authority or highways authority • lead local flood authority • local highway authority • local planning authority • street authority • traffic authority

Responses due by Deadline 1: Tuesday 31 August 2021

		<ul style="list-style-type: none"> • local authority • public authority • acquiring authority • fire and rescue authority • internal drainage board • drainage authority • sewerage undertaker • statutory undertaker • crown authority <p>The ExA acknowledges that such a list would be subject to change over the course of the Examination and afterwards.</p> <p>Provide a list or table of all relevant discharging authorities for all requirements and conditions.</p>
<p>Q1.7.2 Definitions</p>		
<p>Q1.7.2.1</p>	<p>Applicant</p>	<p>Pre-commence and pre-commencement</p> <p>The definition of commence in the dDCO [APP-025] excludes a number of activities from “operations consisting of archaeological investigations and mitigation works” to “the temporary display of site notices or advertisements”. The EM [APP-028, paragraph 4.1.6.a] refers to these excluded activities as pre-commencement operations, and the dDCO refers to a pre-commencement works plan as a certified document.</p> <p>Should “pre-commence” and “pre-commencement” be defined in the dDCO? Explain with reasons.</p> <p>Provide suitable wording for a definition.</p>
<p>Q1.7.2.2</p>	<p>Applicant</p>	<p>Maintain</p> <p>The ExA notes that the definition of maintain includes reference to materially new or materially different environmental effects to those identified in the environmental statement. Explain the limits that would need to be placed on activities to alter, remove, reconstruct, and replace any part of the authorised development to ensure the effects are within those identified in the environmental statement, especially the effects on the local highway network and non-motorised users.</p>

Responses due by Deadline 1: Tuesday 31 August 2021

Q1.7.2.3	Applicant	<p>Secretary of State</p> <p>Should there be a definition for Secretary of State, in light of Section 6 in Advice Note 15?</p> <p>If a definition is deemed essential, then should there be a definition for Secretary of State for Department for Business, Energy and Industrial Strategy, in the event that the diversion of the high pressure pipeline does qualify as an NSIP in its own right?</p>
Q1.7.3 Articles		
Q1.7.3.1	Applicant	<p>Article 2(4) and 2(5) – Interpretation</p> <p>Should Article 2(4) clarify that measurements and distances in this dDCO, while ‘approximate’ will remain within the limits of deviation in Article 9. Explain giving reasons and provide suitable wording.</p> <p>In Article 2(5), what is the expected tolerance for the areas described in the book of reference? Would the limits of deviation be applicable here? If yes, should there be a reference to the limits of deviation in Article 9? Explain giving reasons and provide suitable wording.</p>
Q1.7.3.2	Environment Agency Internal drainage boards Lead local flood defence authorities Natural England	<p>Article 3 – Disapplication of legislative provisions</p> <p>Do you have any concerns regarding the disapplication of consents under Article 3? Explain with reasons. No comments to make</p>
Q1.7.3.3	Applicant	<p>Article 4 – Development consent etc. granted by the Order</p> <p>Define the scope and extent of land adjacent to and outside Order limits in Article 4. Where is the scope and extent secured in the dDCO?</p>
Q1.7.3.4	Applicant Local Highway Authorities	<p>Article 5 – Maintenance of authorised development, and Article 13 – Construction and maintenance of new, altered or diverted streets and other structures</p> <p>Applicant, are there any other instances, other than those identified in Article 13, where an agreement made under this Order would constitute the exception referred to in Article 5.</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		LHAs, comment on the provision in Article 13 in relation to maintenance of new, altered or diverted streets and other structures.
Q1.7.3.5	Applicant Local Authorities	<p>Article 6 – Application of the 1990 Act</p> <p>Applicant, list the instances where the temporary construction works will be delivered under Article 6, identifying the relevant local authorities and effected landowners. LAs, comment on reasonableness of Article 6(3), in particular “any temporary works constructed under <i>this Order may be retained permanently</i>”, and highlight any concerns. . No concerns from Bedford Borough Council</p>
Q1.7.3.6	Applicant Local Authorities	<p>Article 7 – Planning permission</p> <p>Applicant, should (1) appear at the start of the first line? LPAs and Applicant, are there any extant Planning Permissions issued pursuant to the 1990 Act within he Order Limits that will be relevant under Article 7(2)?</p>
Q1.7.3.7	Applicant Local Authorities	<p>Article 9(1) – Limits of deviation</p> <p>The Applicant proposes differing maximum limits of deviation, depending on the works number, represented by coloured shading on each works plan. Why has the Applicant not proposed a consistent, specific maximum distance limit of horizontal deviation in the dDCO (as has been adopted for vertical limits of deviation)? Do Local Authorities consider the approach taken to be acceptable? If not, explain why.</p>
Q1.7.3.8	Applicant	<p>Article 9(2) – Limits of deviation</p> <p>Justify the provision for exceedances beyond the stated vertical limits of deviation. At what stage and how will the Applicant demonstrate to the Secretary of State's satisfaction that exceeding the limits of deviation (if required) would not lead to materially new or different environmental effects from those reported in the Environmental Statement? If this would be through post consent change request, should that be clarified in the dDCO [APP-025], and justified in the EM?</p>
Q1.7.3.9	Applicant	<p>Article 11 – Consent to transfer benefit of Order</p> <p>The EM [APP-028] states that the “<i>equivalent provision in this article is drafted more widely</i>”. Provide justification of the instances where the provision in this article are more widely drawn.</p>

Responses due by Deadline 1: Tuesday 31 August 2021

Q1.7.3.10	Applicant Local Highway Authorities	<p>Article 13 – Construction and maintenance of new, altered or diverted streets and other structures</p> <p>Applicant, explain the meaning of “from its completion”; what would determine “completion” of any highways that would be constructed under this Order? Where is this described, and where in the dDCO is the meaning of ‘completion’ secured? LHAs, do you have any concerns with the provisions in Article 13?</p>
Q1.7.3.11	Applicant Local Highway Authorities Local Authorities	<p>Article 14 – Classification of roads, etc.</p> <p>Applicant, explain the meaning of “<i>completed and open for traffic</i>”; what would determine the roads described in the dDCO are “completed” and ‘open for traffic’? Where is this described, and where in the dDCO is the meaning of “completed” and “open for traffic” secured?</p> <p>Should “authorised vehicle” be defined in Article 2? Explain giving reasons, and provide suitable wording.</p> <p>LHAs and LPAs, do you have any concerns with the provisions in Article 14?</p> <p>BBC feel the definition of completed and open for traffic should be more explicit.</p>
Q1.7.3.12	Applicant	<p>Article 17 – Temporary alteration, diversion, prohibition and restriction of the use of streets</p> <p>Can you define “<i>reasonable time</i>” in Article 17(1)?</p>
Q1.7.3.13	Local Highway Authorities	<p>Article 20 – Clearways, prohibitions and restrictions</p> <p>Are LHAs in agreement with the intended role and powers of a Traffic Officer? If not, explain why. BBC are in agreement with the provision of this role.</p>
Q1.7.3.14	Cambridgeshire County Council	<p>Traffic Manager responsibilities</p> <p>CCC describe the Traffic Manager responsibilities in the dDCO as being unacceptable [RR-013], provide more detail, including appropriate referencing and any suggested amendments.</p>

Q1.7.3.15	Applicant Local Authorities Affected Persons	Article 22(4) – Protective work to buildings Is 14 days adequate notice for the undertaker to serve notice on the owners and occupiers of the building of its intention of carrying out protective works under this article, specifying the works proposed to be carried out?
Q1.7.3.16	Applicant	Article 23 - Authority to survey and investigate the land

Responses due by Deadline 1: Tuesday 31 August 2021

		<p>Provide further details about the type and quantity of soil and water referred to in Article 23(1)(b)(ii).</p> <p>Provide further details about scope and size of the excavations or trial holes referred to in Article 23(1)(b)(iii).</p> <p>Define the scope and extent of land which is adjacent to, but outside the Order limits, in Article 23(1).</p>
Q1.7.3.17	<p>Local Authorities</p> <p>Affected Persons</p> <p>National Farmers Union</p> <p>Applicant</p>	<p>Article 23 - Authority to survey and investigate the land</p> <p>Comment on the provision in Article 23(1) for the undertaker to, for the purposes of the construction, operation or maintenance of the authorised development, enter any land which is adjacent to, but outside the Order limits.</p> <p>In Article 23(2), is 14 days adequate notice for the undertaker to enter land and place equipment for the purposes of survey or investigation? Applicant to comment.</p>
Q1.7.3.18	Applicant	<p>Article 25 – Compulsory acquisition of land</p> <p>Should Article 25(1) reference the certified land plans, securing the compulsory acquisition of land to the order limits marked in the land plans? Explain with reasons.</p>
Q1.7.3.19	Applicant	<p>Article 27 – Time limit for exercise of authority to acquire land compulsorily</p> <p>How long after taking possession of land (if the undertaker took possession within the 5 years limit) would the undertaker keep possession of land acquired for temporary use under Article 40?</p>
Q1.7.3.20	Applicant	<p>Article 28 – Compulsory acquisition of rights and imposition of restrictive covenants</p> <p>Confirm this Article applies only to Compulsory Acquisition of land by the undertaker.</p> <p>If so, explain why the undertaker would need to impose restrictive covenants on land that it has acquired. In that regard, also explain Article 28(4).</p> <p>Schedule 5 sets out the new rights for the benefit of relevant statutory undertakers or landowners. Where is the corresponding list of restrictive covenants for the undertaker?</p> <p>In Article 28(6), what do you mean by ‘greater interest’ in that land?</p>
Q1.7.3.21	Applicant Affected Persons	<p>Article 40 – Temporary use of land for carrying out the authorised development and Schedule 7 – Land of which temporary possession may be taken</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		<p>List the plots effected by Article 40(1)(d), and indicate if you have or have not reached agreement with landowners.</p> <p>In Article 40(3)(a), what determines “the date of completion of the part of the authorised development specified in relation to that land” and where is this secured?</p> <p>Applicant provide justification for the significant exclusions listed in Article 40(4)(a)-(f).</p> <p>Affected Persons, comment on Article 40(4) and 40(7) if it effects your plot.</p>
Q1.7.3.22	Applicant	<p>Article 40 – Temporary use of land for carrying out the authorised development and Article 41 – Temporary use of land for maintaining the authorised development</p> <p>Why is the notice period 14 days in Article 40 and 28 days in Article 41, given that both Articles make provision for the undertaker to take temporary possession of land?</p> <p>Is 14 days adequate notice for the undertaker to take temporary possession of land? Explain with reasons.</p> <p>Do you mean paragraph (6) rather than paragraph (5) in EM [APP-028, paragraph 4.1.152]?</p> <p>Where is “so long as may be reasonably necessary” in Article 41(5) determined for all plots effected by this provision? If it is determined by Article 41(13), then where is “the date on which that part of the authorised development is first opened for use” determined?</p>
Q1.7.3.23	Applicant Local Highway Authorities	<p>Article 55 – Traffic regulation</p> <p>Who will determine the date of “opening of the authorised development for public use” referred to in Article 55(3) and (7), and how? Where is this set out and secured?</p> <p>Traffic Authorities to comment? BBC will require dates for the implementations of TROs.</p>
Q1.7.3.24	Applicant Environment Agency	<p>Article 58 – Works in the River Great Ouse</p> <p>Why are there word in brackets () in Article 58(1) and (2)?</p> <p>Does the EA have any comments on the provisions of Article 58?</p>
Q1.7.3.25	Applicant	<p>Article 59 – The Cadent Diversion Works</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		Submit Article 4 of the Hinkley Point C (Nuclear Generating Station) Order 2013. Describe briefly the specific circumstances for the Hinkley Point C project to give context to the relevant provisions in Article 4 of the order.
Q1.7.3.26	Applicant	<p>Article 60 – Use of private roads for construction</p> <p>Given the similarity between Article 60 and temporary possession rights in Article 40, should there be a schedule, similar to Schedule 7, for all private roads likely to be affected by this provision. Explain with reasons.</p>
Q1.7.4 Schedules		
Q1.7.4.1	Applicant	<p>Schedule 1</p> <p>The EM states that the Applicant has chosen not to differentiate the NSIP and associated development works in Schedule 1 to the Order [APP-028, paragraphs 2.1.24, 2.1.25].</p> <p>Justify then the inclusion of ‘further associated development within the Order limits’ listed in paragraphs (a) – (u).</p> <p>In line with the position stated in the EM, why have specific instances of works listed in paragraphs (a) – (u) not been identified with works numbers in the works plans and Schedule 1?</p> <p>Do all the works listed in the paragraphs (a) – (u) meet the Guidance on associated development issued by the Secretary of State for Communities and Local Government?</p> <p>The ExA finds that many of the works described in paragraphs (a) – (u) could give the undertaker powers to do any works within the order limits, potentially making redundant the more specific, tightly defined, and controlled provisions within the dDCO. Explain giving reasons why this is necessary. For instance, do the powers in (a) give much wider powers than the provisions in Article 16 and 17?</p>
Q1.7.5 Requirements		
Q1.7.5.1	Applicant	<p>Requirement 3 – Second Iteration EMP and Requirement 4 – Third Iteration EMP</p> <p>Explain if Requirements 2 and 3 should state which party (undertaker, contractor, operator) would be responsible for consultation and for seeking the approval.</p>
Q1.7.5.2	Applicant	<p>Requirement 6 – Landscaping</p> <p>The ExA finds the word ‘reasonable’ in Requirement 6(4) superfluous. Comment or revise.</p>

Responses due by Deadline 1: Tuesday 31 August 2021

Q1.7.5.3	Applicant	<p>Requirement 11 – Traffic management</p> <p>The ExA is concerned about the use of the phrase ‘substantially in accordance’ in Requirement 11. Does this indicate that there could be changes to outline CTMP after Examination, and before commencement? Comment or revise.</p>
Q1.7.5.4	Applicant Local Authorities	<p>Requirement 12 – Detailed design</p> <p>Should this secure the Engineering sections?</p> <p>Should this include requirement for design principles and detailed design proposals for structural elements of the Proposed Development, such as bridges, viaduct, gantries, and underpasses, and other fixtures, such as street lighting, signages and railings?</p> <p>NPS NN states that design should be an integral consideration from the outset of a proposal, and Applicant should demonstrate how the design process was conducted and how the proposed design evolved. Should this requirement secure such a design development process for elements that are not yet in the Application material?</p> <p>LPAs, are there local design policies that would be relevant for the design development process, and design outcomes, particularly in areas that will affect conservation areas and sensitive landscapes? Should the EMP and Requirement 12 make reference to these local design policies? Applicant to comment.</p>
Q1.7.5.5	Applicant	<p>Requirement 16 – Brook Cottages</p> <p>When would the Method Statement to be prepared by the Archaeological Contractor be available? Is it likely that a draft or outline would be available for Examination?</p>
Q1.7.5.6	Applicant Local Authorities	<p>Requirement 19 – Construction hours</p> <p>Requirement 19(2) provide widely drawn exceptions to defined construction hours, in particular (k), (m), and (n), which could enable general construction activities. Provide justification. Local Authorities to comment. Where construction activities occur in close proximity to Noise Sensitive Receptors, operation of extended construction hours may have a negative impact on amenity for residents over a significant period of time. S61 consent orders may be more appropriate than DCO extended hours as they would allow consideration for sensitive receptors.</p>
<p>Q1.8. Diversion of high-pressure pipeline</p>		

Q1.8.1 Application material

Q1.8.1.1

Applicant

Advance works

In the EM [APP-028, paragraph 2.1.12] and the Pipeline Statement [APP-248, paragraph 1.1.6], states that the excavation of the archaeological remains in the location of the

Responses due by Deadline 1: Tuesday 31 August 2021

		Pipeline diversion, and the Pipeline diversion works themselves, are programmed as 'advance works'. Where is 'advance works' defined in the dDCO?
Q1.8.1.2	Applicant	<p>Environmental Statement</p> <p>The ExA notes the Screening Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008 [APP-158, Table 1.1]. Confirm that the all chapters, figures, appendices and supporting documents of the ES assess the likely effects of the Proposed Development, including the worst case scenario where the diversion of high-pressure pipeline would have a significant effect on the environment and be deemed an NSIP in its own right.</p>
Q1.8.1.3	Applicant	<p>Huntingdon to Little Barford gas pipeline</p> <p>The ExA notes that the ES includes reference to a pipeline in Field 34 [APP-075, Table 6-4]. Confirm whether or not this pipeline is part of the high-pressure pipeline to be diverted, which is located in Field 44. Explain how this pipeline has been considered in the ES and the reasons for the seemingly different approach taken than for the high-pressure pipeline, relative to the Proposed Development.</p>
Q1.8.2 Determining if the pipeline diversion would be an NSIP		
Q1.8.2.1	Applicant	<p>Determining if the pipeline diversion would be an NSIP</p> <p>Provide in the form of a flowchart, the sequence of events that would need to take place, identifying timescale and parties involved in order to determine if the diversion of the pipeline would be an NSIP?</p>
Q1.8.2.2	Applicant	<p>Alternatives</p> <p>Provide the alternatives (description, process and accompanying plans) currently being considered for the pipeline diversion and alignment, and timing of the diversion works, identifying the alternatives that are likely to be deemed an NSIP and those that would not. The ExA notes that in advance of the Planning Permission that is currently awaited from CBC, this assessment may not be possible, but would like to see any information that would enable the ExA prepare for the Examination of all possible scenarios within the timescales of this Examination.</p>
Q1.8.2.3	Applicant	<p>Precedence</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		Provide precedence if it exists, of two NSIPs being determined within a single examination, that relate to two distinct designated NPSs and would be determined by two different Secretaries of State.
Q1.8.3 Excavating the archaeological remains		
Q1.8.3.1	Central Bedfordshire Council Historic England	<p>Planning Permission for excavations</p> <p>The Applicant has stated that a planning application to excavate archaeological remains has been submitted to CBC [APP-158, paragraph 1.4.3]</p> <p>CBC, provide an update on the status of the Planning Application.</p> <p>If the Planning application has been determined, provide a summary of conditions.</p> <p>CBC, is the Applicant's approach to these excavations in accordance with the Archaeological Mitigation Strategy [APP-238]?</p> <p>HistE, were you consulted on this application, and if so, what were your views, including with reference to the overall road scheme?</p>
Q1.8.3.2	Applicant	<p>Excavating the archaeological remains</p> <p>Applicant, explain what is the purpose of excavating the archaeological remains?</p> <p>Assuming planning permission is granted, what are the timescales for completing these excavations, and how would this be controlled?</p> <p>Have these excavations been considered in the ES, including any cumulative impact?</p> <p>Is there any alignment of the diverted pipeline that would not require the excavation of the archaeological remains?</p>
Q1.8.4 Environmental effects		
Q1.8.4.1	Applicant	<p>Construction, operation and decommissioning effects</p> <p>If the pipeline diversion were deemed to be an NSIP, would it be relevant to provide an assessment of the construction, operation and decommissioning effects (in addition to the Screening Assessment [APP-158]) for Examination? Explain with reasons.</p> <p>Should this be required, when can the Applicant make this assessment available for Examination?</p>
Q1.8.4.2	Applicant	Other assessments

Responses due by Deadline 1: Tuesday 31 August 2021

		Would other assessments be required to demonstrate compliance with policy requirements in NPS EN-1 and NPS EN-4, such as Health and Safety and Major Accidents, as well as any legislative requirements?
Q1.9. Flood Risk		
Q1.9.1 Sequential approach to route selection and design		
Q1.9.1.1	Applicant Environment Agency	<p>General</p> <p>Part of the Proposed Development would be located in Flood Zones 3a and 3b near to the River Great Ouse. Consequently, the scheme must pass the flood risk Exception Test. As essential infrastructure the scheme must also be designed and constructed to be operational and safe for users in time of flood and, should result in no net loss of floodplain storage and should not impede water flow (NPS NN, paragraphs 5.90 – 5.115)</p> <p>How was a sequential approach to flood risk used in determining the preferred route / junction design?</p> <p>For both Construction and Operational phases, have all reasonable opportunities to protect and promote biodiversity as part of scheme drainage and flood risk management been taken?</p> <p>EA, comment on the Applicant’s approach.</p>
Q1.9.2 Interactions between different sources of flooding		
Q1.9.2.1	Applicant Environment Agency Local Authorities	<p>Grade separated junctions</p> <p>Has there been an assessment of the interactions between groundwater and surface water at the three grade separated junctions, the various underpasses and culverts, and, any geographical low points?</p>
Q1.9.2.2	Applicant	<p>Black Cat Quarry</p> <p>Provide an update regarding the expected completion of the restoration of Black Cat Quarry, and an explanation of the implications of a delay to the quarry restoration works for the Proposed Development in terms of flooding and other relevant aspects.</p>
Q1.9.3 Passing the Exception Test		

Responses due by Deadline 1: Tuesday 31 August 2021

Q1.9.3.1	Applicant	<p>Exception Test</p> <p>To pass the Exception Test the proposed scheme must demonstrate that it provides wider sustainability benefits to the community that outweigh flood risks; and, that it will be safe for its lifetime, without increasing the risk of flooding elsewhere and where possible will reduce flood risk overall (NPS NN, paragraph 5.108).</p> <p>Please identify the wider sustainability benefits of the Proposed Development to the community in terms of the Exception Test.</p> <p>Please explain why the Proposed Development’s classification as an NSIP would satisfy the wider sustainability benefits to the community part of the Exception Test [APP-220, paragraph 10.5.5].</p>
Q1.9.4 Climate Change resilience		
Q1.9.4.1	Applicant Environment Agency	<p>Climate Change</p> <p>Given the 60-year life of the scheme, has the correct CCA for the Anglian River Basin District been used, including in the Flood Risk Assessments [APP-221] [APP-222] and in the dDCO [APP-025]?</p> <p>Why is the River Great Ouse subject to a lower CCA than the ordinary watercourses?</p>
Q1.9.4.2	Environment Agency Cambridgeshire County Council Bedford Borough Council Central Bedfordshire Council	<p>Flood Risk and Pollution Control</p> <p>With reference to the Exception Test, does the FRA demonstrate that the project will be safe for its lifetime, without increasing flood risk elsewhere (NPS NN, paragraphs 5.90 5.115)?</p> <p>Will the users of the Proposed Development remain safe in time of flood, even when climate change is considered?</p> <p>Will the River Great Ouse replacement floodplain storage be adequate, including with regard to the ongoing quarry restoration works?</p> <p>Have all sources of flooding been adequately considered in this assessment, including in-combination effects and the likely effects of climate change?</p> <p>Have all reasonable opportunities been taken to reduce overall flood risk as part of the Proposed Development?</p> <p>Are the proposed pollution control mechanisms sufficient to protect the environment, including with regard to Climate Change? Council Flood Officer raises no objections.</p>

Responses due by Deadline 1: Tuesday 31 August 2021

Q1.10. Good Design		
Q1.10.1 Visual appearance and design principles		
Q1.10.1.1	Applicant	<p>Visual appearance</p> <p>When is it proposed to produce design proposals for structural elements of the Proposed Development, such as bridges, viaduct, gantries, and underpasses, and other fixtures, such as street lighting, signages and railings?</p> <p>Is it likely to be submitted to Examination?</p> <p>How can the ExA advise the SoS on matters relating to visual appearance, in particular scale, height, massing, alignment, and materials in the absence of this information (NPS NN, paragraphs 4.28 – 4.35)?</p>
Q1.10.1.2	Applicant Local Authorities	<p>Design principles for the Proposed Development</p> <p>The ExA has seen the alternatives considered for different types of bridges in the ES [APP-072, Table 3-3], and finds that the accompanying design appraisal is an early stage assessment of structural typologies, and only for one structural element (bridges) in the Proposed Development. We understand that the Applicant cannot provide detailed design proposals at this stage, however, would it be reasonable to set out design principles (other than HE’s design principles [APP-071, Section 2.2]) for Examination, and to be secured in the dDCO? [NPS NN paragraph 4.28 – 4.35]</p>
Q1.10.2 Design development process		
Q1.10.2.1	Applicant Local Authorities	<p>Design development process</p> <p>What will be the design development process for the structural elements of the Proposed Development described above? How will biodiversity, cultural heritage noise and landscape mitigation be addressed?</p> <p>Which parties will be consulted?</p> <p>Would it be reasonable to set out design development process for Examination, and for it to be secured in the dDCO?</p>
Q1.10.2.2	Applicant Local Authorities	<p>Design Review</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		<p>Has the Proposed Development been for independent design review? Do you intend to take it for independent design review? Provide details. (NPS NN, Paragraph 4.33, footnote 63)</p> <p>LAs to comment.</p>
<p>Q1.11. Highways – network and structures</p>		
<p>Q1.11.1 Transport Modelling</p>		
<p>Q1.11.1.1</p>	<p>Applicant Local Highway Authorities</p>	<p>Involvement of LHAs</p> <p>Various LA Adequacy of Consultation Responses and associated RRs refer to the input to date of LHAs in the modelling undertaken by the Applicant.</p> <p>How have existing LHA traffic and transport models informed the modelling undertaken by the Applicant?</p> <p>How have LHAs been involved in the checking of modelling undertaken by the Applicant?</p> <p>Do LHAs agree with the methodology adopted by the Applicant in demonstrating the effects of the Proposed Development, particularly on the local highway network? If not, why not? BBC has been kept informed of the development of the traffic model for the scheme and is in agreement with how it reflects the situation in Bedford Borough in current and future years.</p>
<p>Q1.11.1.2</p>	<p>Local Highway Authorities Applicant</p>	<p>Methodology, inputs and outputs</p> <p>Paragraph 5.203 of the NPS NN explains that the Applicant should have regard to policies set out in local plans and 5.204 states that the Applicant should consult relevant LHAs and LPAs, as appropriate on the assessment of transport impacts. S16 The Traffic Management Act 2004, places a Network Management Duty (NMD) on local traffic authorities, or a strategic highways company (the network management authority), so far as is reasonably practicable, to ensure the expeditious movement of traffic on the authority's road network and facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.</p> <p>Do LHAs have any concerns with the data used to underpin the modelling undertaken? If so, please explain your reasoning.</p> <p>If further transport modelling is considered necessary, please explain why and where this is needed?</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		<p>Do LHAs consider the Proposed Development accords with requirements of the NMD in all regards? Explain with reasons.</p> <p>Applicant to comment. BBC has been kept informed of the development of the traffic model for the scheme and is in agreement with how it reflects the situation in Bedford Borough in current and future years.</p>
Q1.11.1.3	Campaign to Protect Rural England	<p>Comments on transport modelling</p> <p>RR-023, on behalf of CPRE, refers to the modelling undertaken by the Applicant as not being adequate, explain why this considered to be the case.</p>
Q1.11.1.4	Cambridgeshire County Council	<p>Cambridgeshire traffic impacts</p> <p>RR-013, received from CCC, makes specific to reference to further information being needed to understand the impacts of the scheme on the local road network in St Neots, at Girton Interchange, Coton and 'others'. Please provide more detail to explain what additional information is required, where and why.</p>
Q1.11.1.5	Applicant	<p>COVID-19</p> <p>The Strategy for Dealing with the Uncertain Outcomes Arising from COVID-19 document [APP-257, paragraph 1.3.8], explains that in order to consider the potential impacts of COVID-19, sensitivity testing is intended to occur following acceptance of the DCO application.</p> <p>When will the Applicant provide this information to the ExA and other interested parties to consider?</p> <p>What are the implications of the likely outcomes of the sensitivity testing to the conclusions drawn in the ES?</p>
Q1.11.2 Road layout, junctions and bridges		
Q1.11.2.1	Applicant Local Authorities	<p>Road design and layout</p> <p>The ExA notes that ES [APP-072] provides an overview of alternatives considered and further details about the selection of the preferred option.</p> <p>Applicant, provide further information how the proposed highway layouts incorporated feedback from Local Authorities and stakeholders?</p> <p>Local Authorities to comment how feedback has shaped the proposals, or not been taken on board. BBC views have been considered during this process.</p>

Q1.11.2.2	Applicant	Black Cat Junction
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Responses due by Deadline 1: Tuesday 31 August 2021

	<p>Local Authorities</p>	<p>Further to the USI1 [EV-001] and consideration of the Black Cat Junction Design Options document [APP-247], the ExA would request clarification as to how the Applicant determined it to not be feasible to move the junction to the east of that proposed?</p> <p>How would the proposed arrangement accommodate access to the intended development near the junction as outlined in the RR received from BBC [RR-008a]?</p> <p>Do LAs agree that the proposal presented for the Black Cat Junction is the best design and route alignment option overall?</p> <p>(See related questions to <i>Historic Environment</i>)</p> <p>With regard to Brook Cottages, the application to date provides insufficient information on the Heritage Asset to fully inform what, if any, viable mitigation options are available to avoid full demolition. This includes a detailed survey and a study concerning the feasibility of its potential relocation. As such, Bedford Borough have not been able to assess the precise level of impact of the new junction on Brook Cottages. However, Document 7.7. 'Black Cat Junction Design Options' states that demolition would occur in all three options put forward at the non-statutory consultation stage in 2017, and so it is likely that the impact of the scheme on Brook Cottages would be the same if any of those three options were implemented.</p>
<p>Q1.11.2.3</p>	<p>Applicant</p>	<p>Services slip road</p> <p>RR-118 from Welcome Break Services states that other design options were put forward for the link road to the services by the company, albeit these proposals have not been provided to the ExA. Why were the proposals discounted?</p>
<p>Q1.11.2.4</p>	<p>Applicant</p>	<p>Eltisley Roundabout</p> <p>RR-033, received from Eltisley Parish Council, suggests the creation of a new roundabout directly linking with the B1040 and thereby preventing vehicles travelling through village. Provide assessment of this proposed alternative.</p>

Q1.11.2.5	Applicant	<p>Roxton Road Bridge</p> <p>RR-093 received from Roxton Parish Council suggests the creation of a roundabout instead of T-junction at the bridge and the C44 road. Provide assessment of this proposed alternative.</p> <p>Various RRs, including RR-108 from the British Horse Society and RR-008a from BBC, also suggest amendments to the link to allow better access for horse-riders. Please respond to these suggestions.</p>
Q1.11.2.6	Applicant	<p>Business and property accesses</p> <p>Various RRs refer to a lack of detail regarding proposed accesses to business and properties, including intended dimensions and materials. Will this detail be provided during the Examination period, if not how will these matters be dealt with and secured?</p>
Q1.11.2.7	Applicant	<p>Loss of rest areas and service station at Black Cat.</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		<p>Various RRs, including from Shell UK LTD [AS-001] refer to the proposed loss of service and rest areas as a result of the Proposed Development in the vicinity of the Black Cat junction.</p> <p>Where are the nearest alternative facilities (including access for HGVs) located on the strategic road network for those highway users intending to use the Proposed Development?</p> <p>Do these sites currently have adequate facilities to replace that which would be lost? If not, how would such facilities be improved and how would this be secured?</p> <p>How would highway users be made aware of nearest alternatives?</p>
Q1.11.2.8	Applicant	<p>Monitoring of transport and traffic effects</p> <p>The Applicant intends to adopt a monitor and manage approach, in the operational phase of the Proposed Development, including as referenced in TA Annexe [APP-243]. The outline CTMP [APP-244] also explains that traffic would be monitored during construction phases.</p> <p>Provide examples of where such an approach has been taken on other NSIPs? What led to any subsequent intervention? What the intervention(s) was?</p>
Q1.11.3 Signage and lighting		
Q1.11.3.1	Applicant Local Authorities	<p>Gantries and signage</p> <p>Confirm the likely timescale for submission of detailed signing proposals, including gantries, to the examination.</p> <p>If the Applicant is not intending to provide this detail as part of the Examination, how can the ExA be satisfied that specific matters relating to design and visual impact (NPS NN paragraphs 4.28 to 4.35), matters raised in RRs, including [RR-001], relating to signage and highway safety, would be considered?</p> <p>Local Authorities to comment.</p> <p>(See related questions in <i>Good Design</i>)</p>
Q1.11.3.2	Applicant	Lighting arrangements

Responses due by Deadline 1: Tuesday 31 August 2021

	Local Authorities	<p>Confirm the likely timescale for submission of lighting proposals to the Examination. If the Applicant is not intending to provide this detail to the Examination, how can the ExA be satisfied that the Proposed Development would not have adverse significant effects regarding artificial lighting? Local Authorities to comment.</p> <p>(See related questions in <i>Landscape and Visual Effects</i>)</p>
Q1.11.4 Operational effects beyond the extent of the proposed scheme		
Q1.11.4.1	Applicant Local Highway Authorities	<p>M11 Junction 13</p> <p>The TA Annex [APP-243, Section 3.9] provide analysis of the above Junction and associated roads, explaining that the location is known to suffer severe congestion and would experience additional congestion as a result of the Proposed Development.</p> <p>Have any proposals for improvements at this junction been progressed since the time of the consultation and application for the Proposed Development? What are the indicative timescales for improvements at the location? How confident can the ExA be, with reference to what is secured in the dDCO, that improvement works will be undertaken at this location in future?</p>
Q1.11.4.2	The Applicant	<p>Girton Interchange</p> <p>TA Annex [APP-243, Section 3.10] provide analysis of the Girton Interchange and explains that although observed to have been recently upgraded in May 2020, congestion is anticipated at the eastbound merge with the A428 in the 2025 DS AM peak and in the 2040 AM Peak for both DM and DS scenarios. Given the DS scenario is stated to be a 19% increase compared to the DM scenario why does the Applicant not consider amendments should be made to the merge as part of, or at the same time, as the Proposed Development rather than adopt a 'monitor and manage' approach?</p>
Q1.11.5 De-trunking proposals and new local highway infrastructure		
Q1.11.5.1	The Applicant Local Highway Authorities	De-trunking proposals

Responses due by Deadline 1: Tuesday 31 August 2021

		<p>The Case for the Scheme document [APP-240, paragraph 1.1.3 g], refers to existing safety and maintenance issues along the existing A428. The ExA have visited the route intended to be de-trunked and would request further information as detailed below:</p> <p>Please explain what these maintenance issues are. Has the detail of current and proposed asset condition been shared with LHAs? If not, explain with reasons. No BBC has not received the data on existing infrastructure.</p> <p>What certainty do LHAs currently have with regard the intended condition of those highway assets that will be their responsibility in future, particularly at the point of handover? None at this time.</p> <p>Will the identified 'maintenance issues' be resolved prior to handover to LHAs and how will this be secured? BBC await details from the applicant.</p> <p>At the point of LHA adoption, how will any outstanding required maintenance be funded and secured? Via agreement prior to asset transfer</p>
Q1.11.5.2	<p>Local Highway Authorities Applicant</p>	<p>Speed limits</p> <p>It was apparent at the time of USI1 [EV-001] that both the existing local and strategic highway network in the area has differing speed limits. ES [APP-071, paragraphs 2.5.101 and 2.5.102] refer to proposed speed limits of the Proposed Development.</p> <p>If applicable, do the existing and proposed speed limits of those sections of highway intended to be de-trunked and other sections to be made the responsibility of LHAs meet locally adopted speed limit policies? Explain with reasons. BBC agree.</p> <p>How would any necessary amendments be secured? Via agreement with BBC.</p>
<p>Q1.11.6 Non-motorised users</p>		
Q1.11.6.1	<p>Applicant Local Highway Authorities Interested Parties</p>	<p>Providing opportunities for NMUs</p> <p>To what extent does the Proposed Development comply with the NPS NN paragraphs 3.3, 3.17, 5.205 and 5.216, and any other relevant policies, which relate to providing opportunities for walking and mitigating impacts for non-motorised users?</p> <p>To what extent have pre-existing severance issues, within the extent of the proposed scheme, been addressed as part of the Proposed Development?</p>

Q1.11.6.2	Local Highway Authorities Interested Parties	WCHAR Survey data The TA [APP-242, Section 2.21] explains that no new pedestrian, cyclist or equestrian usage data has been collected since July and August, 2016. Do LHAs and IPs consider that
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Responses due by Deadline 1: Tuesday 31 August 2021

		the information provided gives an acceptable and up to date picture of current usage by walkers, cyclists and horse-riders of the local road and PRow network? BBC agree.
Q1.11.6.3	Applicant	<p>Provision for horse-riders</p> <p>Various RRs make reference to a perceived lack of facilities for horse-riders being provided as part of the Proposed Development. Explain why the proposed facilities for walking and cycling do not accommodate equestrians by default.</p> <p>In advance of responding to RRs the Applicant is requested to specifically address the points raised by the British Horse Society in RR-108.</p>
Q1.11.6.4	Applicant	<p>Clarification of PRow crossing points</p> <p>For clarity, does the ES [APP-071, paragraph 2.5.96] include all PRow severed by the Proposed Development? If not, please list all other at grade PRow crossing points of the Proposed Development.</p> <p>Also, in tabular form, for each intended PRow diversion please confirm the net increase or decrease in length of the PRow as a result of the associated diversion in kilometres.</p>
Q1.11.6.5	Applicant Interested Parties	<p>Clarification of other known NMU routes</p> <p>The ES [APP-071, paragraph 2.5.97] refers to other existing routes requiring modification to maintain connectivity. Confirm the net increase or decrease in length of each route as a result of the proposed modification in kilometres.</p> <p>Do IPs consider any other existing routes should be considered for modification? If so, why?</p>

Q1.11.6.6	<p>Bedford Borough Council Applicant</p>	<p>Sustainable development</p> <p>Provide further detail and plans to support the comments in your RR regarding access to EWR stations and, space to accommodate other modes of travel on Barford Road overbridge, adjacent to the ECML and under the new road [RR-008a]. Applicant to comment. Bedford Borough Council is of the view that where possible, new major infrastructure should be capable of accommodating the potential for future journeys, even when the scheme in question is not necessarily catering for those journeys. BBC has asked to be reassured that the design of the A428 is technically capable of accommodating a junction which could link to a new station on the proposed EWR line if a station is to be provided in the vicinity of the new highway.</p> <p>The request to consider facilities for cyclists and pedestrians adjacent to new infrastructure accords with national and sub-national guidance and policy on decarbonising transport and increasing opportunities for active travel. Where these facilities are in an area which has been allocated for growth (Ox-Cam Arc), it is incumbent on the local authorities to highlight such opportunities to all stakeholders. Inclusion of provision at the design stage has the potential to reduce costs to the public purse at scheme development stage. Please see attached separate sheet for plans and further details.</p>
<p>Q1.11.7 Construction traffic impacts</p>		
Q1.11.7.1	Applicant	<p>Outline CTMP Clarification – Travel Plan</p> <p>TAR [APP-241, paragraph 9.3.10] explains how the term construction traffic is defined. For clarity, does this term include workers commuting to and from the Proposed</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		Development's construction site(s)? Does the Applicant intend to produce a Travel Plan for employees and contractors involved in the construction of the Proposed Development and if so, how would this be secured?
Q1.11.7.2	Local Highway Authorities	<p>Outline CTMP Consultation</p> <p>Are LHAs content with the scope and content of the outline CTMP [APP-244]? Please provide reasons for any concerns with any aspect of it. BBC is satisfied with the scope and content of the outline OCTMP and has no additional comments to make.</p>
Q1.11.7.3	Network Rail Applicant	<p>Operational impacts on the East Coast Mainline</p> <p>The ES [APP-071, paragraph 2.6.147] states there would be minimal impact on operation of the ECML during the construction of the bridge foundations, piers and abutments.</p> <p>Can the Applicant define what is meant by 'minimal' and what the effects will be? Do NR agree with this statement? Explain with reasons.</p> <p>What elements of construction would have greater than 'minimal' effects on the operation of the ECML? Explain what these effects would be, how regularly and over what duration.</p>
Q1.11.7.4	Applicant	<p>Significant effects of construction traffic</p> <p>The TAR [APP-241] [APP-242] does not describe and explain the criteria for establishing significant effects. Can the Applicant clarify what criteria were applied for establishing the significance of the effects of construction?</p>
Q1.11.7.5	Local Authorities	<p>Cumulative Effects</p> <p>The ES [APP-084, paragraph 15.3.22] states that full details of the other development projects included within the traffic model (covering developments in Bedford, Central Bedfordshire, Huntingdonshire, Cambridge City and South Cambridgeshire) and the factors applied during the modelling process, are presented within the TA [APP-241] [APP-242]. Confirm whether or not you are satisfied with the shortlist of projects that have been considered. BBC has no additional comments to make</p>

Q1.11.7.6	Applicant	<p>Outline CTMP Real-time monitoring</p> <p>The Outline CTMP [APP-244] explains that traffic monitoring sensors ma' be used to identify hot spots on key routes that can automatically notify Highways England control rooms and the travelling public.</p> <p>What are the circumstances under which these would be required?</p>
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Responses due by Deadline 1: Tuesday 31 August 2021

		How would this information be shared with LHAs in real time?
Q1.11.7.7	Applicant	<p>Compliance with construction route restrictions</p> <p>At US1 [EV-001], the ExA observed many of those routes proposed to be permitted for use by construction traffic and subject to restriction for construction traffic. How would the proposed restrictions described in the outline CTMP [APP-244, Section 3] be enforced and what discussion has taken place with any organisation(s) responsible for such enforcement?</p>
Q1.11.7.8	Applicant	<p>Construction road closure timings and frequency</p> <p>Table 3.4 of the outline CTMP [APP-244] infers that full road closures would occur only at night. Can the Applicant confirm that this is the case?</p> <p>In order to better understand the impacts of full road closures on highway users and local communities please provide fuller detail on the anticipated number and frequency of such closures.</p> <p>Likewise, confirm whether access to businesses and homes on affected routes will be maintained during any road closures.</p>
Q1.11.7.9	Applicant Local Highway Authorities	<p>Frequency and timing of construction HGVs</p> <p>At US11 [EV-001], the ExA observed, as stated in various RRs, many permitted construction routes appear to be residential in nature, particularly in and around St Neots.</p> <p>When does the Applicant intend to provide detail regarding the likely timing and frequency of HGVs using permitted routes?</p> <p>If the Applicant does not intend to provide this information for the Examination how can the ExA be satisfied of the assessment of adverse effects and mitigation of construction traffic?</p> <p>LHAs to comment BBC does not propose to comment on construction routes which primarily affect CBC or CCC. BBC will continue to engage with Highways England on the detailed construction routes, and to work towards an effective monitoring strategy which represents local concerns.</p>

Q1.11.7.10	Cambridgeshire County Council Huntingdonshire District Council South Cambridgeshire District Council	Local Highway Impacts Clarify and expand on the bullet points raised in your RRs when submitting your LIRs.
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Responses due by Deadline 1: Tuesday 31 August 2021

Q1.11.7.11	Applicant	<p>Highway condition</p> <p>How does the Applicant intend to ensure no damage occurs to the local highway network as a result of construction traffic using it for access during construction and how will this be secured?</p>
<p>Q1.12. Historic Environment</p>		
<p>Q1.12.1 Methodology</p>		
Q1.12.1.1	<p>The Applicant Local Authorities Historic England</p>	<p>Methodology and mitigation</p> <p>The construction of the Proposed Development would result in significant adverse effects on designated heritage assets and archaeological remains, including from the Iron Age and Roman times [APP-075].</p> <p>In light of the residual adverse effects to the historic environment, are parties and Applicant satisfied that the Proposed Development meets the policy requirements regarding sustaining and enhancing the historic environment in the NPS NN (paragraphs 5.120-5.144)? The applicant has set out the likely harms to the historic environment that are likely to occur, including setting impacts, if the proposal goes ahead. Whilst we may disagree with some of the terminology used when assessing significance and level of impact in general we agree that in all cases (aside from Brook Cottages) the level of harm is likely to be less than substantial. The applicant has proposed an Archaeological Mitigation Strategy which is currently being revised in discussion with the Local Authorities</p> <p>Is the proposed mitigation in the ES adequate, given the residual adverse effects [APP-075, paragraphs 6.9.286 and 6.9.287]?</p> <p>The Archaeological Mitigation Strategy is currently being revised in discussion with the Local Authorities. Discussions regarding appropriate mitigation for Brook Cottages are ongoing, this is hampered by the lack of assessment undertaken to date.</p>
<p>Q1.12.2 Brook Cottages</p>		

Q1.12.2.1	The Applicant Historic England Bedford Borough Council	Demolition of Brook Cottages What is HistE's view on the Applicant's justification for the proposed demolition of Brook Cottages? For HE to advise. Applicant, when will you know whether it is technically feasible to re-locate Brook Cottages, and whether a museum is willing to accept them [APP-240, Appendix E]? For the applicant to advise. Has any consideration been given to re-locating Brook Cottages nearby, and would this be more effective mitigation and reduce the residual adverse effect? As Brook Cottages have not been surveyed, it is currently unclear whether the building can be reasonably relocating whilst retaining sufficient historic fabric and what impact this might have upon its heritage significance. There is no evidence within the application to suggest that an alternative location has been considered by the applicant. However, this ought to be given due consideration as it may be a more sensitive approach than being relocated to a museum. For example, its existing use (likely optimum viable use) would be retained, and its evidential and historic use would be experienced within a context closer to its original state, thereby likely preferable (east Bedfordshire worker's cottage). Too little is known about the alternative at this stage to understand any potential benefits.
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Responses due by Deadline 1: Tuesday 31 August 2021

Q1.12.2.2	The Applicant Historic England Bedford Borough Council	<p>Black Cat Junction Options</p> <p>Are BBC and HistE satisfied with the Applicant’s design approach to the alignment of the A1 and the Black Cat junction, with respect to the adverse effects on Brook Cottages?</p> <p>There is no evidence to suggest that the revised alignments proposing the retention of Brook Cottages were submitted to the LPA during the non-statutory consultation process for feedback. Following email correspondence with the Manager for Heritage in August 2018, a request for pre-application advice was submitted to the Council by Highways England (our ref: 18/00413/PREAPP), but no further dialogue occurred. Therefore, there would appear to have been no formal advice given regarding Brook Cottages prior to the statutory consultation process, but will await confirmation from the applicant. The Council accept that Option C+ (in document 7.7) is unfeasible, but this is predicated on the alternative being Option C. The Council are therefore unaware of a feasible alternative which might have retained Brook Cottages <i>in situ</i>, and alongside Historic England have instead considered relocation of the asset to avoid its total loss. The Council will await clarification from the applicant as to why an alternative alignment to the east of the junction was not favoured, as this would likely have resulted in the retention of Brook Cottages.</p>
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Q1.12.2.3	The Applicant Historic England Bedford Borough Council	<p>Black Cat Quarry</p> <p>The Black Cat Quarry is located to the east of the existing roundabout and is referenced at various places within the ES [APP-076, paragraph 7.6.90].</p> <p>Applicant, how was the operation of the Black Cat Quarry considered in determining the preferred junction option at Black Cat?</p> <p>HistE and BBC to comment. No archaeological comment to make as all required fieldwork within the quarry area has already been completed, post-excavation analysis and reporting also completed to approved draft stage.</p> <p>In terms of the impact on Brook Cottages, relocating the junction further east and towards the quarry would likely allow for the asset to be retained <i>in situ</i>. The Council are unaware that this was put forward as a feasible option in early, non-statutory consultation discussions for comment, or how this was adjudged to be less preferable than the currently proposed scheme. The Council await further clarification from the applicant on these matters.</p> <p>When did the Applicant know that the Black Cat Quarry was to be closed, and would a different design approach have been taken had the quarry been closed rather than operating? No archaeological comment to make as all required fieldwork within the quarry area has already been completed, post-excavation analysis and reporting also completed to approved draft.</p>
Q1.12.3 Milestone and Mileposts		
Q1.12.3.1	Historic England Cambridgeshire County Council	<p>Removal and re-location</p> <p>The Proposed Development would entail the removal and subsequent relocation nearby of designated heritage assets, causing a permanent moderate adverse effect [APP-075,</p>

	Huntingdonshire District Council South Cambridgeshire District Council	Section 6.9]. CCC, HDC and SCDC, and HistE, what is your view on the removal and subsequent re-location of the Milestone and Mileposts?
Q1.12.4 Archaeological Remains		

<p>Q1.12.4.1</p>	<p>The Applicant Historic England Local Authorities</p>	<p>General</p> <p>There are a number of archaeological remains, in and close to the Order Limits, which would be adversely affected by the construction of the Proposed Development. Furthermore, the proposed diversion of a gas pipeline to enable the scheme to proceed would entail disturbance to archaeological remains [APP-158]</p> <p>Applicant, explain how the ES has considered the effects of the proposed pipeline diversion on archaeological remains? Is this the same approach for archaeological remains as for the remainder of the Proposed Development?</p> <p>Applicant, provide more detailed justification for concluding moderate adverse residual effects from the Proposed Development on the archaeological remains [APP-075, Section 6.9]? HistE and LAs to comment.</p> <p>It is not clear from Section 6.9 whether the moderate adverse effects on the archaeological remains are 'residual' or are the level if no mitigation takes place? Whilst the archive created from investigating the remains ahead of construction is not as valuable as retaining them the work will go some way to mitigating the effects.</p> <p>Applicant, what consideration has been given to the of the effect of the Proposed Development on all these remains, combined? HistE and LAs to comment.</p> <p>It is not clear to us that the effects as a whole have been considered.</p> <p>The ES states that for Phase 1 of the trial trench evaluation, the original scope of the works required 771 trenches, but 95 trenches were de-scoped and removed [APP-173, paragraph 4.1.2]. What is the justification for the reduction in scope of the works and what effect would it have on the evaluation, including spatially? HistE and LAs to comment.</p> <p>Certain trenches were removed due to changes in the redline boundary of the scheme.</p> <p>Are parties satisfied with the approach, scope and conclusions of the archaeological assessment, and proposed mitigation? In general we consider the approach, scope, and conclusions of the archaeological assessment to be satisfactory. The proposed Archaeological Mitigation Strategy is being revised by Highways England following discussions.</p> <p>BBC, you state that the focus of the assessment seems to be 'changes to the visual setting of the monument' [RR-008a, paragraph 4.5]. Clarify whether you are referring to a specific monument; if so which one? Or are you referring to the assessment of all assets in general? The comment relates to the overall approach to assessing setting impacts on designated heritage assets. We take the view that setting is the environment in which you experience a heritage asset (in line with Historic England guidance The Setting of Heritage Assets, 2017) and as such in order to fully understand changes to that setting you need to consider more than just visual changes but also account for other environmental changes such as increased (or</p>
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Q1.12.4.2	The Applicant Historic England	<p>(or decreased) noise for example.</p> <p>BBC, submit the Archaeological Design Brief prepared jointly by BBC, CBC and CCC, mentioned in RR [RR-008a] and at Appendix B [APP-238].</p> <p>A copy of the latest version of the Design Brief is attached as amended following discussions with the applicant.</p>
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Responses due by Deadline 1: Tuesday 31 August 2021

Local Authorities

BBC, submit the Archaeological Design Brief prepared jointly by BBC, CBC and CCC, mentioned in RR [RR-008a] and at Appendix B [APP-238].

Certain trenches were removed due to changes in the redline boundary of the scheme. A copy of the latest version of the Design Brief is attached as amended following discussions with the applicant.

Applicant, provide a brief summary of the relevance of the Archaeological Design Brief to this Examination, with respect to NPS NN and local planning policies.
BBC, provide proposed wording for Requirement

The authorised development shall be carried out in accordance with an Archaeological Mitigation Strategy and individual Site Specific Written Schemes of Investigation to be submitted to and approved by the relevant planning authority.

The Archaeological Mitigation Strategy shall include a timetable and the following components:

(i) fieldwork and/ or preservation "in situ" of archaeological remains;

(ii) a post-excavation assessment report and updated project design;

(iii) a post-excavation analysis report, preparation of site archive ready for deposition at a store approved by the relevant Planning Authority, completion of an archive report, and submission of a publication report.

Q1.13. Landscape and Visual Effects

Q1.13.1 General

	Historic England Local Authorities	Methodology Within a predominantly rural landscape the ES states that the proposed scheme would have significant adverse residual effects, both during construction and operation [APP-076, section 7.9]. LAs, are you content with the Landscape and Visual Impact Assessment (LVIA) methodology, including the locations of viewpoints and photomontages [APP-123 – APP-137]? HistE's views are sought in light of heritage assets that are present, including scheduled monuments such as a Bronze Age barrow and medieval moated sites [APP-075, Paragraph 6.6.15], within the affected landscape.
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Q1.13.2 Visual Impact

Q1.13.2.1	Applicant Local Authorities	Design and visual appearance Applicant, in the Schedule of Mitigation [APP-235, EMB – LV8] you have identified " <i>Factoring landscape and visual considerations into the form and design of permanent structures (for example footbridges)</i> " as a commitment. The ExA notes that there is limited detail about the design and visual appearance of permanent structures, besides the engineering sections [APP-019] and the limited visuals in the ES [APP-072].
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Responses due by Deadline 1: Tuesday 31 August 2021

		<p>In the absence of this information, please elaborate on how the design and visual appearance of the various permanent structures of the Proposed Development such as the grade separated junctions, bridges, gantries and signs, have been considered in LVIA?</p> <p>Local Authorities to comment.</p>
<p>Q1.13.3 First Iteration EMP and Landscape and Ecology Management Plan</p>		
<p>Q1.13.3.1</p>	<p>Applicant Local Authorities Natural England</p>	<p>Mitigation</p> <p>LAs, are you satisfied with the level of detail regarding the proposed mitigation that would have been secured through the First Iteration EMP, including the Landscape and Ecology Management Plan [APP-234] and the dDCO [APP-025]?</p> <p>The ES states that one of the measures to mitigate the effects of construction activities includes sympathetic lighting to minimise disturbance to nearby receptors. Applicant, are you intending to provide any further information about the objectives for lighting measures, than is already provided in the First Iteration EMP [APP-234, Section 1.4]? LAs and NE to comment.</p> <p>LAs, would the Proposed Development be sufficiently screened, particularly relative to existing settlements, such as Roxton, St Neots, or Caxton-Toseland?</p> <p>CCC, elaborate on your concerns regarding HE's commitment to timing of planting, maintenance regime, and planting mixes [RR-013]</p>
<p>Q1.14. Land use including open space and green infrastructure</p>		
<p>Q1.14.1 Geology and Soils</p>		
<p>Q1.14.1.1</p>	<p>Applicant Local Authorities Interested Parties</p>	<p>BMV agricultural land</p> <p>The ES states that some 348 hectares of the BMV agricultural land will be permanently lost because of the Proposed Development, with some 512 hectares used temporarily, in association with the construction of the scheme [APP-078, paragraph 9.9.25].</p> <p>Applicant, please explain in what specific ways consideration was given to BMV during design of the Proposed Development and provide the justification for the acknowledged harm [APP-078, Table 9-14]. For land that is to be returned to agricultural use following the construction of the scheme, what consideration has been given to its soil condition?</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		Interested Parties, your RRs refer to land that has been subject to regenerative agricultural practices to improve it [RR-039] [RR-061] [RR-083] [RR-113]. Provide further details about the effects of these practices. LAs and Applicant to comment. Applicant, how has the route / junction option selection process considered BMV agricultural land, including in terms of spatial functionality of remaining BMV agricultural land? LAs to comment.
Q1.14.1.2	Applicant	Surveys The Applicant expressed an intention to submit further information regarding soil resources, subject to Covid-19 restrictions easing to allow surveys to take place [APP-078, paragraph 9.4.6]. What is the status of these surveys and further information and when do you expect to submit it?
Q1.14.2 Cumulative effects		
Q1.14.2.1	Applicant	Cumulative effects What are the cumulative effects of the Proposed Development on Geology and Soils and explain how this is assessed in the ES [APP-084] [APP-229]?
Q1.15. Need for Development and Consideration of Alternatives		
Q1.15.1 Need for the development		
Q1.15.1.1	Applicant	Parameters and description of the scheme What effect would widespread and long-term changes to people’s working patterns, such as working from home for some or part of the time as experienced during the Covid-19 restrictions, have on the assessment of need for the scheme? What effect would the changes in ways of working, as a result of the ongoing rollout of high speed broadband infrastructure as referenced in the Government’s National Infrastructure Strategy, have on the assessment of need for the scheme? With reference to Scheme Objective a Connectivity [APP-071, Section 2.2], what is the current and projected road journey time between Cambridge and Milton Keynes, with and without the scheme? What is the difference as a proportion of the overall journey time?

Responses due by Deadline 1: Tuesday 31 August 2021

		<p>With reference to Scheme Objective c. Economic Growth [APP-071, Section 2.2], describe spatially and locationally the people and jobs that would be served by the Proposed Development.</p> <p>List other development projects that would be enabled by the Proposed Development. LAs may also identify development projects. What would be the planned increase in dwellings/ population served by the Proposed Development upon completion?</p> <p>Explain what you mean by "Wider Economic Benefits" and "Journey Time Reliability" identified as benefits in the ES [APP-240, Table 4-4]. How are these benefits different to the previously identified "Commuting User benefits", "Other User benefits" and "Business User benefits" in the same table?</p>
Q1.15.2 Business case		
Q1.15.2.1	Applicant	<p>Construction and operation cost</p> <p>Please explain what the Indirect Tax Revenues of £83.8m in of the ES [APP-240, Table 4-4] refers to and how the scheme delivers them.</p> <p>Notwithstanding the different base year, explain how the stated (construction) cost of the scheme in the ES at paragraph 4.7.8 (£812.5 million) corresponds with the figures in Table 4-4 [APP-240].</p> <p>Notwithstanding the different base year, explain how the stated annualised operation and maintenance costs of £6.3 million per annum at paragraph 4.7.9 of the ES [APP-240] corresponds with the figures in Table 4-4.</p>
Q1.15.3 Cost benefit analysis		
Q1.15.3.1	Applicant	<p>Effect on air quality</p> <p>Explain how the overall negative benefit of the scheme in terms of air quality is consistent with the scheme objectives.</p> <p>(See related questions under Air Quality)</p>
Q1.15.3.2	Applicant	<p>Effect on BMV agricultural land</p> <p>How has the loss of 348 hectares of BMV agricultural land been considered in making the case for the Proposed Development? What would be the local economic benefits of the scheme given this loss?</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		(See related questions under Land use including open space and green infrastructure)
Q1.15.3.3	Applicant	<p>Climate change</p> <p>Have other costs of future climate change, such as extreme weather conditions, flooding, heatwaves, droughts, food and water supplies and including costs to the Health Service, been considered over the expected lifetime of the scheme, in addition to the Greenhouse Gas cost [APP-240, Table 4-4]?</p>
Q1.15.4 Alternative modal solutions		
Q1.15.4.1	Applicant East West Rail Company	<p>East West Rail</p> <p>Additional Submission from EWR Company [AS-004], various RRs, including from BBC [RR-008a] and the TA [APP-242, Section 2.5] refer to the proposed EWR scheme that would provide a new railway linking Bedford to Cambridge. Applicant, explain your engagement with EWR Company in the development of the Proposed Development? EWR Company to comment.</p>
Q1.15.4.2	Applicant	<p>Assessment of need</p> <p>NPS NN (paragraph 4.27) states that all projects should consider viable modal alternatives and may consider other options. It also makes numerous references to modal shifts from road to rail (NPS NN paragraphs 2.37, 2.40). Have you had regard to the proposed EWR scheme on the assessment of need for the Proposed Development? If so, please explain the findings of your assessment. If not, why not?</p>
Q1.16. Noise and Vibration		
Q1.16.1 Construction and Operational effects on sensitive receptors		
Q1.16.1.1	Applicant	<p>Additional Receptors</p> <p>ES [APP-080, paragraph 11.3.11] explains that receptors not present in Ordnance Survey (OS) data sets were identified during discussions with the Statutory Consultees during 2019 and 2020. The RR received from BBC [RR-008a] also questions the reliability of data as it is understood monitoring was undertaken in 2017 and as such is more than three years old. Can the Applicant explain how the baseline monitoring remains representative</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		of the current environment in light of this additional development being identified and time that has elapsed since the monitoring was undertaken.
Q1.16.1.2	Applicant	<p>Additional monitoring</p> <p>ES [APP-080, paragraph 11.3.11] states that consultation has been carried out with the Environmental Health Departments of BBC, CBC, HDC and SCDC and that discussions during 2019 and 2020 confirmed the councils' agreement in principle to conducting further baseline noise monitoring at one location in each local authority. It is noted that this additional monitoring was not progressed during 2020 due to the Covid-19 pandemic. The Applicant is asked to confirm the status of this data request. Provide any new data that has since been acquired.</p>
Q1.16.1.3	Applicant	<p>Construction – methodology</p> <p>Given ES [APP-080, paragraph 11.4.4] explains that the exact construction method would be determined during the detailed design stage, can the Applicant confirm whether or not there is potential for alternative piling methods to be used to construct new bridges and retaining walls?</p>
Q1.16.1.4	Applicant	<p>Operation – methodology</p> <p>ES [APP-080, paragraph 11.3.15] explains that operational impacts resulting from vibration are scoped out of further assessment in accordance with DMRB. Impacts relating to vibration are considered to be more likely where receptors are identified as being within 100m of affected routes. As receptors are identified as being within 50m of affected routes can the Applicant provide the reasoning and evidence to support this decision.</p>
Q1.16.1.5	Applicant	<p>Significant noise effects of construction</p> <p>Significant construction noise effects are identified at the closest receptors to the construction works. The affected receptors/locations are listed in ES [APP-080, paragraph 11.9.8]. The document states that as these effects would be of very short duration they are not identified as significant effects. Can the Applicant clarify what is considered to be a very short duration?</p>
Q1.16.1.6	Local Authorities	<p>Significant noise effects of construction</p> <p>ES [APP-080, paragraph 11.3.11] states that consultation has been carried out with the Environmental Health Departments of BBC, CBDC, HDC and SCDC. Can the LAs confirm</p>

Responses due by Deadline 1: Tuesday 31 August 2021

		that they are in agreement with the assessment of significance and that there are no concerns regarding the mitigation provisions outlined, including the subsequent assessment stage? The Council is not aware of the mitigation proposed for the borrow pits as there has not been any assessment. The applicant has suggested that Best Practicable Means would be sufficient to satisfy any concerns over noise from the borrow pits but has failed to show any assessment so far that this would reduce noise impacts to acceptable levels. Without that information Bedford Borough Council is unable to have confidence that the borrow pits would not cause significant impact on nearby Noise Sensitive Receptors
Q1.16.2 Proposed mitigation, management and monitoring		
Q1.16.2.1	Applicant	Effects of construction noise mitigation measures ES [APP-080, Paragraph 11.8.12] explains that proposals for potential noise mitigation have been developed in conjunction with other environmental disciplines e.g. landscape and visual impacts. It is not obvious that the impacts of site hoardings and noise barriers and the potential interaction with landscape and visual impact has been addressed in either the assessment of noise and vibration or in Landscape and visual effect. Can the Applicant confirm how this has been considered within the assessments?
Q1.16.2.2	Applicant	Design and limits of deviation ES [APP-080, Section 11.4] considers the design and limits of deviation. As length, elevation, proximity to receptors and the materials used can alter and potentially change noise and or vibration impact, and as the proposals for the use of hoardings and noise barriers would not be developed until detailed design stage, can the Applicant explain how the certainty of the effectiveness of the mitigation within the limits of deviation has been determined.
Q1.16.2.3	Applicant	Mitigation at specific receptors The EMP lacks clarity regarding the mitigation measures proposed at specific receptors, and the likely effectiveness of such mitigation. The Applicant is asked to provide this information in a table format.

Q1.16.2.4	Applicant	Offsite noise barriers Can the Applicant confirm whether or not the use of offsite noise barriers has been considered as a potential means of reducing adverse effects. Can the Applicant explain how it has been determined that the additional reductions would be limited to 1dB(A)
Q1.16.2.5	Local Authorities	Monitoring

Responses due by Deadline 1: Tuesday 31 August 2021

		<p>Monitoring requirements are described in the ES [APP-080, Section 11.10]. The LAs are asked to confirm whether or not they are satisfied with the monitoring arrangements proposed. The monitoring arrangements are much too vague and there is no Requirement for a more detailed scheme covering this element.</p>
<p>Q1.16.2. 6</p>	<p>Applicant</p>	<p>Consultation</p> <p>The RR provided by BBC [RR-008a] raises queries regarding the detail of proposed borrow pits and their associate impacts. Predicted noise levels at selected representative receptors during the construction phase are presented in the ES [APP-212, Appendix 11.3].</p> <p>Can the Applicant confirm which receptors have been considered representative in the assessment of background noise for each of the short-listed potential borrow pit sites?</p> <p>Construction works listed in the noise report include utility works, site clearance, earthworks wall construction bridge demolition and road works.</p> <p>Can the Applicant specify what the earthworks are and if this description includes the borrow pits?</p> <p>Can the Applicant provide further information regarding the means of mitigation for, and more specifically to the potential re-siting of borrow-pits.</p> <p>(See related questions in <i>Construction Methods and Effects</i>)</p>
<p>Q1.17. Significant Cumulative Effects</p>		
<p>Q1.17.1 Approach to assessment</p>		

Q1.17.1. 1	Applicant Local Authorities	Methodology and mitigation The Applicant has drawn a distinction between combined effects (where an individual receptor is affected simultaneous by more than one type of impact, such as noise, air quality and visual impact, as a result of the Proposed Development) and cumulative effects (where the effects of the Proposed Development are assessed alongside the effects of other proposed schemes on a single receptor) [APP-084, Section 15.3]. Have you assessed cumulative and combined effects for receptors effected by construction traffic? Explain with reasons. LAs to comment. Noise and dust impact from construction traffic in and around the borrow pits has not been assessed
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Responses due by Deadline 1: Tuesday 31 August 2021

Q1.17.2 Assessment of cumulative effects		
Q1.17.2.1	Local Authorities Applicant	<p>Approach</p> <p>LAs, are you satisfied with the Applicant’s approach to shortlisting other proposed schemes for assessing cumulative effects [APP-084, Section 15.3]?</p> <p>LAs, do you agree with the five other proposed schemes that have been included in the assessment of cumulative effects [APP-084, Section 15.6]? Yes</p>
Q1.17.2.2	Local Authorities Applicant	<p>Proposed mitigation</p> <p>The ES states that three other proposed schemes are predicted to cause significant cumulative effects with the Proposed Development. However, the Applicant has proposed no additional mitigation measures above those presented within the First Iteration EMP [APP-084, Section 15.7] [APP-229].</p> <p>LAs are you content with this approach.</p> <p>Applicant provide justification.</p>
Q1.17.3 Assessment of combined effects		
Q1.17.3.1	Local Authorities Applicant	<p>Proposed mitigation</p> <p>Applicant, you have identified four receptors which would experience large adverse combined effects, and numerous others would experience moderate adverse effects [APP-084] [APP-112].</p> <p>Applicant, explain your position that no additional mitigation measures are proposed to alleviate the combined effects.</p> <p>LAs, do you agree with Applicant’s position. If not, what additional mitigation would be appropriate and effective, particularly for the four receptors that are worse effected.</p>
Q1.17.4 East West Rail		

Q1.17.4. 1	East West Rail Company Limited Applicant Local Authorities	East West Rail EWR, provide brief background for the EWR scheme and any specific national policy positions (such as NPS NN, NPPF) or local policy positions or approvals that would support your representation.
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Responses due by Deadline 1: Tuesday 31 August 2021

		<p>EWR, your submission [AS-004] states that there are likely to be significant engineering interfaces between your scheme and the Proposed Development. Explain what these are.</p> <p>EWR, explain if the Proposed Development could, and in what ways, affect the likely deliverability of the intended EWR scheme?</p> <p>EWR, what is the appropriate protection that you wish to seek for your scheme that you believe can be secured in this Examination. How do you believe these protections can be secured?</p> <p>EWR, explain the modification to the dDCO that you would require. Applicant may comment to any of the questions above.</p> <p>Applicant, with reference to Advice Note 17, explain with reasons if EWR should be included in the assessment of cumulative effects in the ES? EWR may comment.</p> <p>Applicant and EWR, explain if efficiencies could be made if there was greater collaboration between the Proposed Development and the EWR scheme, particularly in terms of land take and loss of functional BMV agricultural land? LAs may also comment.</p>
Q1.18. Socio-economic effects		
Q1.18.1 Methodology		
Q1.18.1.1	Applicant Local Authorities	<p>Human health study area</p> <p>The ExA notes that study area for human health in the ES [APP-081, Section 12.5]. Should the effect on mental and physical health also be considered for receptors (particularly residential receptors) that will experience large and moderate adverse combined effects [APP-084] [APP-112]? LAs to comment.</p>
Q1.18.2 Local and national economic activity and employment		
Q1.18.2.1	Applicant	<p>Economic activity and employment</p> <p>Highlight the benefits of the Proposed Development in terms of direct and indirect job creation.</p>
Q1.19. Water quality and resources		

Responses due by Deadline 1: Tuesday 31 August 2021

Q1.19.1 General		
Q1.19.1.1	Environment Agency Local Authorities Natural England	General There is scope for the construction and operation of the proposed scheme to affect the water environment, including water quality. Are you satisfied that construction activities and water use from the scheme would not cause harm to the water environment and the species that live in or around it [APP-082]? Are you satisfied that the risk of pollution from the scheme, both during construction and operation and both direct and indirect, would not cause harm to the water environment and the species that live in or around it [APP-082]?

Responses due by Deadline 1: Tuesday 31 August 2021

ANNEX A List of all objections to the grant of Compulsory acquisition or Temporary Possession powers A428 Black Cat to Caxton Gibbet Improvements

In the event of a new interest in the land, or Category 3 person, being identified the Applicant should inform those persons of their right to apply to become an Interested Party under s102A PA2008.

Obj No. ⁱ	Name/ Organisation	IP/AP Ref No ⁱⁱ	RR Ref No ⁱⁱⁱ	WR Ref No ^{iv}	Other Document Ref No ^v	Interest ^{vi}	Permanent/ Temporary ^{vii}	Plot(s)	CA? ^{viii}	Status of objection

i Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ii Reference number assigned to each Interested Party (IP) and Affected Person (AP)

iii Reference number assigned to each Relevant Representation (RR) in the Examination library

iv Reference number assigned to each Written Representation (WR) in the Examination library

v Reference number assigned to any other document in the Examination library

vi This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

vii This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

viii CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.