

Written summaries of oral representations made at Issue Specific Hearing 2 by the Cambridgeshire Authorities

1. Introduction

- 1.1 This note summaries the submissions made by Cambridgeshire County Council (**CCC**), Huntingdonshire District Council (**HDC**) and South Cambridgeshire District Council (**SCDC**) (together, the **Cambridgeshire Councils**) at the Issue Specific Hearing on 23 September 2021 (the Hearing) in relation to the application for development consent for the A428 Black Cat to Caxton Gibbet Road Improvement Scheme (the Scheme) by Highways England (the Applicant).
- 1.2 This document does not purport to summarise the oral submissions of parties other than the Cambridgeshire Councils, and summaries of submissions made by other parties are only included where necessary in order to give context to the Cambridgeshire Councils' submissions in response, or where the Cambridgeshire Councils agreed with the submissions of another party and so made no further submissions themselves.
- 1.3 The structure of this document follows the order of items in the agenda for the Hearing published by the Examining Authority (ExA) on 10 September 2021 (the **Agenda**). Numbered agenda items referred to are references to the numbered items in the Agenda. The Cambridgeshire Councils' substantive oral submissions relate to items 4, 5, 6, 7, 8 and 11 of the Agenda.

2. Written summary of the Cambridgeshire Councils' oral submissions

4. Anticipated operational traffic effects on the surrounding highway network	
a. Traffic Modelling Methodology	
Agenda item	Cambridgeshire Councils' submission
i. Reasoning for concern of Local Highway Authorities (LHAs) regarding robustness of traffic modelling raised in Local Impact Reports	<p>The ExA highlighted that the ExA and the Secretary of State are under a duty to give due consideration to the impacts on local transport networks under paragraph 5.2.11 of the National Networks National Policy Statement (NN NPS) and that traffic modelling and methodology are pertinent to this matter.</p> <p>The ExA invited CCC as local highway authority (LHA) to comment at a high level on whether the Applicant had adequately responded to the concerns raised in the deadline 1 submission through the submission of the Junction Modelling Technical Note [REP1-030].</p> <p>Francis Tyrrell, Pinsent Masons LLP for CCC clarified that the reasoning for CCC's concern in relation to traffic modelling is broadly as set out in the Cambridgeshire</p>

Councils' Written Representation [REP1-048]. In summary, those concerns were threefold:

- (1) Some of the traffic flows in the routing in base and forecast years are unrealistic and insufficient information has been supplied to the LHA to allow it to check.
- (2) The model traffic flows highlight areas of concern in relation to the local road network.
- (3) The strategic model flows have been used directly to build local junction models but those models are not validated for that purpose.

Mr Tyrrell confirmed that the headline concerns remain notwithstanding the submission of the Junction Modelling Technical Note [REP1-030] and invited David Allatt and Lou Mason-Walsh to explain in further detail.

Mr Allatt explained that, at a high level, CCC are not satisfied that the junction models are robust because CCC do not have validated base models for local junctions and therefore cannot draw solid conclusions about what the impacts on the local network will be.

The ExA asked what high-level risks this poses to the LHA.

Mr Allatt explained that CCC would not understand the impacts of the A428 on the LHA's network and therefore the risk of that network being appropriately designed and mitigated. Modelling feeds into the assessment of a whole cross section of areas concerning impacts including highway design, mitigation, traffic management and noise.

Mr Allatt further explained that CCC have provided the Applicant with a whole range of existing data that would allow those base models to be validated. CCC is of the view that adding this extra level of robustness would be readily achievable so that CCC can be confident in the outputs. CCC has undertaken some spot-checks of the model and have found some disparities and are in discussions with the Applicant on this matter.

Mr Tyrrell referred to section 2.3 of the Cambridgeshire Councils' Written Representations [REP1-048] which provides some examples of the specific risks and concerns which flow from the lack of validation at various locations.

Scott Lyness QC on behalf of the Applicant explained that this issue needs to be considered in light of three

categories of junction as explained in the Junction Modelling Technical Note [REP1-030]:

- a. Junctions which do not exist in the base year, or where there are fundamental changes in layout, referred to as 'Scheme junctions'.
- b. Junctions which do exist in the base year and are not significantly changed by the Scheme, but where no base models were developed, referred to as 'existing junctions with no calibrated/ validated base models'.
- c. Junctions which do exist in the base year and are not significantly changed by the Scheme, but where observed data was available and base models were developed, referred to as 'existing junctions with calibrated/ validated base models'.

Mr Lyness explained that the third category is not relevant to the current discussions. In relation to the first category, the changes are so fundamental that existing flows are not going to be of much assistance. In relation to the second category, the basic position is that the scheme would result in either a significant capacity improvement at a junction with an existing capacity issue or, where the scheme increases traffic flows, the junction is predicted to operate under capacity by a large margin.

In response to this explanation on the second category of junctions, Mr Tyrrell explained that CCC has concerns as to whether one can be confident that there is a significant capacity improvement or an increase in flows which does not present an issue for the local highway network without the required validation.

In relation to the first category of junctions, Mr Tyrrell explained that CCC has concerns relating to the notion that some of the changes to the scheme are so fundamental that validation is not worth pursuing. Mr Tyrrell invited Lou Mason-Walsh to explain further.

Ms Mason-Walsh reiterated CCC's concerns about the way in which the modelling has been carried out because the impact on the local road network cannot be assessed. It is not sufficient to state that somewhere sees a benefit or, for example, that 4 arms of a 5 arm junction see a benefit when one arm sees a disbenefit and the impacts on the adjacent junctions have not been assessed.

Mr Allatt commented, in response to Samaya Ghosh's submission on behalf of the Applicant that validation had

	<p>been carried out where it was considered to be necessary, that it was important to factor in where the LHA considered validation to be necessary as the authority responsible for the local highway network, particularly where the data exists to validate the model.</p> <p>The ExA asked CCC whether CCC holds existing count data for some of the relevant locations and Mr Allatt confirmed that CCC does hold that data.</p> <p>The ExA asked whether CCC could assist with the provision of that count data. Mr Allatt confirmed that CCC had been in discussion with the Applicant on this matter and that links to the data had been provided. CCC have set out how CCC's concerns could be addressed.</p> <p>In response to the submission by the Applicant that validation would not assist the analysis of the category 1 'scheme junctions' as the changes were fundamental, Mr Tyrrell emphasised that CCC disagrees with this view because none of the new junctions in Cambridge are providing for any movements that are not currently possible but instead separate out the local and strategic traffic, which does not justify disregarding the local information. The Applicant is not creating something new which is non-existent and there is therefore utility and value in carrying out the validation by reference to the existing information on all of the junctions.</p> <p>Mr Tyrrell highlighted that the approach being taken is that a model conceived for strategic roads and was not conceived for local roads is being applied to local roads and, because the effects are noted as beneficial, the results are not being double-checked. It would seem that the Applicant is building assumption on assumption without an understanding of whether it reflects the reality on the ground.</p>
<p>b. Potential impacts at roads and junctions identified in CCC, HDC and SCDC Joint Local Impact Report [REP2-003]</p>	
<p>i. Great North Road, St Neots</p>	<p>The ExA asked CCC what it considers to be the impact of the modelling with a view to understanding whether the difference would be a few cars lengths in a peak time queue or the fundamental functioning of the junction or highway.</p> <p>Ms Mason-Walsh explained that the issue at Wyboston Roundabout is that the Great North Road arm is shown to perform worse and it is predicted to have a 200 passenger car unit (PCU) increase in traffic flows at both</p>

	<p>the AM and PM peak periods. That arm of that junction historically saw long queues which regularly backed past the adjacent junctions and as such CCC have asked for the adjacent junctions between Nelson Road and Wybston Road on the Great North Road to be assessed. The re-routing is a direct result of the scheme and without confidence that the intermediate junctions can work, there is a risk that the re-routing might not be secured away from the town centre. Several of the junctions are small mini-roundabouts and they would struggle to accommodate additional traffic as a result of the scheme. CCC has asked for the Wyboston Roundabout to be modelled using the best practice methodology because a count does exist for that junction, which would give greater confidence in the performance of the actual Wyboston Roundabout and then subsequently CCC has asked for the intermediate junctions to be assessed so that CCC can have confidence that the Great North Road can accommodate the additional traffic that the strategic model is suggesting will re-route away from St Neots town centre.</p> <p>The ExA requested clarification that CCC require more confidence in the information that it has been provided with rather than coming straight to the conclusion that the scheme is going to cause difficulties with that arm of the junction. Ms Mason-Walsh confirmed that this was the position.</p>
<p>ii. Coton</p>	<p>The ExA noted that the Applicant had provided a Technical Note in relation to Traffic Routeing Impacts at Coton [REP1-028] and invited CCC to confirm whether this dealt with its concerns and if not, why not.</p> <p>Ms Mason-Walsh explained that the Technical Note confirms that the model is wrong. This is consistent with CCC's conclusion and so CCC agrees with the Applicant that the predicted flows are not necessarily as shown by the model.</p>
<p>iii. Caxton Gibbet</p>	<p>The ExA asked CCC whether this was a similar scenario to the Wyboston Roundabout where CCC is looking for confidence in the model or whether there are more fundamental concerns in terms of what the queue scenarios might look like.</p> <p>Mr Mason-Walsh confirmed that CCC is looking for confidence in the model because CCC has undertaken a comparison of the turning proportions at the junctions within the model compared to the count data and whilst the proportion of traffic on each arm is correct, or within</p>

	<p>reasonable parameters, where that traffic goes is not correct. It is the turning proportions that are vital for the operational junction models and these are not necessarily accurately reflected within the strategic model. Ms Mason-Walsh confirmed that she would not expect a strategic model of the size of this one to accurately reflect individual turning movements because it would not be possible to validate the model to that level of detail. For this reason, the best practice methodology of modifying strategic model flows based on a validated base model should be carried out to give CCC the required confidence in the size of the traffic flows on the local highways that CCC is being asked to adopt.</p> <p>In response to Mr Lyness' proposal that the Applicant considers sensitivity testing for the SATURN model, Mr Tyrrell explained that this may not deal with the issue as the testing remains on the basis of the high level strategic model, which will not highlight the concerns raised by way of illustration on particular junctions which come from the observations against the existing baseline data. Mr Tyrrell emphasised that where the model had been considered further at particular locations, errors were found and so just because it is not the policy of the Applicant to carry out further modelling, does not mean it is not appropriate.</p> <p>Mr Lyness' submitted that it remains relevant to look at the overall benefits of the scheme when taking a decision on it. In response, Mr Tyrrell agreed but highlighted that this is a balancing exercise between the benefits on one hand and the impacts on the other, which is more challenging if the impacts are not known.</p>
<p>c. Whether the operation of the proposed development would ensure, as far as is reasonably practicable, the expeditious movement of traffic on the local highway network and LHAs' ability to fulfil their Network Management Duty</p>	
	<p>The ExA invited the local authorities, taking note of the points made in the written submissions, to confirm on the basis of the traffic modelling information before them, whether the operation of the proposed development would affect their ability to fulfil their network management duty as defined in the Traffic Management Act 2004, i.e. to ensure, as far as is reasonably practicable, the expeditious movement of traffic on the local highway network both for the particular LHA and on roads for which another authority is responsible.</p>

	<p>Mr Allatt explained that it was not possible to provide this confirmation pending resolution of concerns over the modelling. Mr Tyrrell explained that the position remained as set out in section 10.3 of the Local Impact Report [REP2-003].</p> <p>It was requested that the Applicant and the local highway authorities produce a joint position statement in relation to traffic modelling for Deadline 3. CCC has set out its position in detail as an Appendix to the joint position statement.</p>
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5. Highway layouts and structures

a. Approach of the Applicant to Departures from Standards (DfS) as referred to in Written Representation from CCC, HDC and SCDC [REP1-048] and b. Approach to DfS at the tie in points with affected LHA side roads

	<p>The ExA asked the Cambridgeshire Councils whether there were any particular points they wished to highlight.</p> <p>Mr Tyrrell drew the ExA's attention to section 4 of the Written Representation [REP1-048] and, particularly sections 4.6 and 4.7. In relation to the various junctions, sections 4.11 and 4.12 of the Written Representation [REP1-048] set out the main concerns about standards in those junctions.</p> <p>In response to comments from the Applicant that the DfSs proposed by the Applicant had been accepted by other LHAs, David Mitchell on behalf of CCC explained that the standards accepted in other LHA areas are for those LHAs to determine. CCC only comment in relation to its network.</p> <p>In response to comments from the Applicant that compliance with the DMRB standard in this location may give rise to road safety concerns due to changes in the width of the highway, Mr Mitchell explained that the DMRB contains specifications on 'tapers' between a 7.3 metre carriageway and the existing highway width. The key issue here is that the new A428 carriageway is being created in accordance with DMRB and the linkages to that new carriageway from the local highway network should be compliant with DMRB without DfS. Mr Mitchell highlighted that there are no real reasons why the carriageways cannot be constructed in accordance with DMRB and there are a number of issues in relation to operation, maintenance and safety that would be created for the LHA.</p>
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	<p>By way of example, Mr Mitchell explained that on a 6 metre wide carriageway, where two HGVs pass each other, they are close together. Furthermore, the wheel tracks of those HGVs will run close to the edge of the carriageway and in some cases the edge of the carriageway will not have any hard strip. There would be a significant load near to the edge of the road with no hardening and no kerb restraint. In addition, CCC's drainage assets are located at the edge of the road where there is a kerb. These assets will take extra loading and more than these assets should be taking or are designed to take.</p> <p>Mr Mitchell emphasised that this is a highway improvement scheme. CCC is not looking for betterment along the length of the network but where new roads are being constructed, these should be designed to the correct standard, i.e. DMRB.</p> <p>Mr Mitchell noted that most drivers departing from a new road will expect the standard to change at some point but that this is managed effectively through the design. Mr Mitchell also queried whether the Applicant's position was that the DMRB was unsafe.</p> <p>The ExA invited CCC to comment on the Applicant's submission in relation to the effect of changes in carriageway width on road safety.</p> <p>In response, Mr Mitchell explained that new linkages should be designed to the correct standard which is DMRB, noting that the new carriageway will be wider than the existing length but that the taper requirements within the DMRB will connect the two lengths smoothly. This will also futureproof any required updates that the LHA needs to make at a later date.</p> <p>Mr Mitchell highlighted that constructing roads to a standard that is not in accordance with DMRB gives rise to potential other safety issues. For example, if loading at the edge of the carriageway causes damage to drainage assets, this can cause pooling of water which can freeze and cause accidents.</p>
<p>c. Discussion of specific proposed highway arrangements</p>	
<p>i. Potton Road realignment</p>	<p>The ExA noted CCC's concerns as set out in section 4.11.1 of the Written Representation [REP1-048] and asked if there were any elements CCC wished to amplify.</p>

	Mr Mitchell confirmed that the main points are set out in the Written Representation.
iii. Toseland Road	The ExA noted CCC's concerns as set out in section 4.11.2 of the Written Representation [REP1-048]. Mr Mitchell confirmed that the main points are set out in the Written Representation.
iv. Caxton Gibbet services access	The ExA asked CCC whether there were any matters CCC wished to raise on this point. Mr Mitchell confirmed that he was not aware of any particular points to raise on this matter.
6. Effects on Non-motorised Users (NMU)	
a. Approach adopted by Applicant regarding the provision for NMUs	
<p>i. Accordance with the NPPS paragraphs 5.20, 5.215 and 5.216; and</p> <p>ii. Equestrian provision, including effects of 'supressed demand' in surveys.</p>	<p>The ExA asked CCC to confirm whether there are any high-level concerns in relation to the provision for NMUs by the Applicant.</p> <p>Mr Tyrrell explained that CCC's position is that there is insufficient support for NMUs and that the current position does not build upon a lot of opportunities that it could do to deliver a legacy which is an objective of the scheme. Mr Tyrrell invited Camilla Rhodes to comment further on the matter.</p> <p>Ms Rhodes confirmed that there are a number of missed opportunities that could have been taken by the Applicant to build on NMU provision. CCC has consistently provided the Applicant with details of what the provision should be and the policy framework around those proposal. The policy framework extends from the DfT policies and NPPS to the Rights of Way Improvement Plan (ROWIP), which is a statutory document. The ROWIP made specific reference to the A428 in 2006 and it was envisaged at that point that the A428 would be upgraded and this would represent an opportunity to address severance and connectivity issues. One of the points in the ROWIP is a recognition that the bridleway network is fragmented and that equestrians are very vulnerable users on the road. CCC welcomes the improvements that have been put forward but it appears to CCC that the Applicant is providing the basic amount that is required of them on the scheme where the new road intersects with existing rights of way and there is very little additional improvement benefit from the immediately impacted network, for example in upgrades from footpaths to bridleways or additional connections that could be made between rights of way</p>

and on road at junctions. CCC is of the view that it would be easy to make footpaths all inclusive NMU routes, for example.

Ms Rhodes emphasised that CCC has learnt a great amount from the delivery of the A14 scheme. The A14 scheme is a much larger scheme and CCC has had a very constructive approach with the Applicant on the topic of improvements to NMUs. CCC queries why the same approach is not being taken on the scheme.

The ExA asked whether there was an evidenced need for the requested improvement to equestrian provision.

In response, Ms Rhodes explained that CCC has not sought out evidence of the need for the improvement to equestrian provision, for example by counting numbers of stable yards, however CCC works closely with the local user groups including the British Horse Society and regional representatives and these groups are very active. Ms Rhodes highlighted that because there are so many severance issues, it is not possible to know what people would use if they could and therefore it is i) a matter of providing for that latent demand in generality; and ii) doing what one can to encourage and provide opportunities for activity and active travel which is positive to mental and physical wellbeing.

Mr Tyrrell referred to the Cambridgeshire Councils' LIR at section 6.6 [REP2-003] in relation to the circumstances experienced by NMU presently and to the Written Representation [REP1-048], in which the missed opportunities are identified. CCC has not disaggregated equestrian from other NMU and they have been treated collectively. As described in the LIR, the existing concerns and the lack of opportunity applies to all NMU, not just specifically to any particular class.

Mr Lyness on behalf of the Applicant explained that the Applicant is required to use reasonable endeavours to address severance issues under paragraph 5.205 of the NN NPS and, at 5.215 and 5.216 of the NN NPS, mitigation measures are to be proportionate and reasonable and that impacts which are worsened should be mitigated as far as reasonably possible.

In response, Mr Tyrrell acknowledged the comments that were made by Mr Lyness and noted the question of burden of proof, i.e. the party who has to demonstrate that reasonable measures have or have not been taken in accordance with the NN NPS. Mr Tyrrell assured the ExA that CCC is not asking for a 'shopping list' of

	<p>improvements but for additional improvements which are very much within the realms of the NMU provision as part of the scheme, such as rights of way of sufficient width or footpaths being available for use by a wider class of NMUs. CCC is of the view that what is being requested are reasonable measures to improve NMU provision in line with paragraph 5.215 of the NN NPS.</p> <p>The ExA asked whether the 4 km increase in length of public rights of way noted by the Applicant is reasonably proportionate.</p> <p>Ms Rhodes commented that the baseline starting point is very low and that the whole corridor from St Neots and Cambourne and on to Caxton and Cambridge is a very well documented corridor as requiring transport improvements, not only for vehicles but for sustainable travel routes as well. The Cambridgeshire Councils' Written Representation [REP1-048] cover this aspect in detail. Whilst the provision may be 4km [post hearing note: the Cambridgeshire Councils dispute this figure], the existing base level is very low. Many of the routes go across the new corridor being created rather than east-west alongside it, which is the dominant line for commuters along with links to be made with the wider network. This will allow links to be made both for commuters and for health and wellbeing. Ms Rhodes explained that it is well evidenced that the NMU provision on the A14 scheme is heavily used, even before formal opening.</p> <p>Mr Tyrrell highlighted that proportionality is a relative test compared to the scale of the overall works. If this was a very small scheme, four kilometres of footpath provision may not be proportionate but this is a significant scheme and CCC's proposals are predominantly along the line of route for the scheme. CCC is not proposing that NMU provision is upgraded a significant distance from the scheme. Those aspects are all relevant to this test of proportionality.</p>
<p>b. The appropriateness of intended NMU infrastructure provision, if applicable including any intended design changes</p>	
<p>i. At key junctions/ points along the proposed route, including Eltisley – Caxton Gibbet Junction link, Abbotsley FP1/17</p>	<p>The ExA asked CCC to confirm why the missing link is of concern to CCC.</p> <p>Ms Rhodes explained that the safe off-road NMU provision stops and CCC cannot see a reason why this should not continue to be provided. CCC understands that the Applicant sees improvements to the existing A428 to be de-trunked as being outside the scope of the</p>

scheme however anything that is within the redline boundary ought to be viewed as being within scope and clearly this is related to relevant policies that require improvements for NMUs.

The ExA asked whether the proposals would preclude the LHA carrying out these proposals at a later date. Ms Rhodes confirmed that this would be subject to funding. The concern is that this could be done as part of the legacy of the scheme and the burden should not be placed on the LHA where there is an existing scheme that can deliver this improvement. It is much more difficult to deliver the improvements as a new piece of work after the event, particularly where there is a new route being provided halfway and then stops. Ms Rhodes highlighted the importance of the corridor, that there is a lot of latent cycle demand, that there is a lot of further development taking place at Cambourne and onwards to Cambridge. This route is vitally needed.

Mr Tyrrell added that there is a further question of safety in respect of the current proposals in that there are new NMU links which cease and require the users to cross the realigned A428 with no specific provision for them. This is set out at 6.57 of the Cambridgeshire Councils' Written Representation [**REP1-048**]. Therefore the current design is an unsatisfactory and potentially unsafe provision and the link should be provided to prevent unsafe circumstances arising. This issue does not arise currently as the extended route has not been provided so this is the creation of a new issue as part of the scheme. Mr Tyrrell explained that this is relevant to the question of why this should be done now as opposed to relying on CCC to correct the situation later.

Ms Rhodes added that there were similar experiences on the A14 where similar works were not carried out at Histon Road junction in Cambridge and remedial works had to be done, which was much more costly, complicated and had to be factored in as an additional work.

The ExA turned to consider FP1/17 and asked CCC to explain the rationale behind the request that this is upgraded to bridleway status and any evidence behind this.

Ms Rhodes referred to Sheet 8 of the Rights of Way and Access Plans [**APP-013**]. Ms Rhodes acknowledged that CCC does not have evidence of current demand but explained that CCC is seeking to plan for immediate and

future demand. The opportunity is presented now for the infrastructure to be put in place and, for example, a bridleway with an underpass is being provided at Eltisley. It is more cost effective to put the infrastructure in place and the underpass that has been proposed is wide enough to accommodate the status change. If this was done, this would provide the opportunity for a circular route for people coming out from St Neots and back in. The research that was done for the ROWIP demonstrated significant demand for circular routes. This demand is likely to be increased with the major developments taking place at St Neots and so this needs to be provided wherever possible. Ms Rhodes highlighted that this upgrade represents an opportunity to do so at minimal cost.

The ExA asked if all that was required to effect this upgrade was a status change. Ted Docherty on behalf of the Applicant explained that FP1/17 crosses the footbridge, which could not be upgraded as a bridleway. This was agreed by Ms Rhodes.

Ms Rhodes highlighted that bridleways are acceptable for use not just by equestrians but by cyclists too and it is appropriate to make provision for them near a growing urban area. Ms Rhodes acknowledged that status upgrades could be undertaken by CCC outside the scheme however it is much more difficult to close the road later to put in place improved infrastructure.

In response to Mr Lyness' submission that, as far as new housing development is concerned, it would be open to CCC to seek developer contributions for NMU infrastructure through section 106 obligations, Ms Rhodes highlighted that the Wintringham Park development strategy already includes new bridleways and cycle tracks and this would be a key direct linkage to it. Ms Rhodes noted that there is evidence from a strategic point of view as to why this provision is needed. If this infrastructure is not provided now, it is much more difficult to do so later.

Mr Tyrrell highlighted that the Applicant had submitted that the provision of infrastructure is not precluded. In this respect there are three aspects: one is the official designation at the outset of the various rights of way; secondly, is the way they are constructed at the outset; and thirdly is the detailed design. Mr Tyrrell noted that it might be of comfort to CCC to hear from the Applicant as to how the detailed design of these will be progressed to make sure that subsequent use or upgrades to bridleway

	<p>is not precluded, and furthermore that those upgrades can be done in the most efficient and simplest way possible to avoid the upgrade being more expensive and complicated later.</p>
<p>ii. Along the existing A428</p>	<p>The ExA invited CCC to add further comments on their desire to see further NMU provision along the existing A428.</p> <p>Ms Rhodes highlighted LTN 1/20 is very relevant to the strategic desire to have additional NMU provision along the existing A428. The A428 corridor is not far from the A14 corridor and, with all the improvements to NMU provision as part of that scheme, there is now an opportunity to have an all inclusive NMU route running all the way from Cambridge, along the local access road and coming down to Ermine Street towards Caxton Gibbet; and there is an existing good bridleway network from Cambourne to the same local access road and bridleway. Provision along the A428 would be the next step in the provision for a complete route from Huntingdon to Cambridge, which CCC knows people will use as people already use the guided busway.</p> <p>Mr Tyrrell emphasised that the A428 is a road that is to be de-trunked and then is to be passed into the control of the local authority. Therefore in addition to the policy requirements about making provision for PROW users, the burden on the LHA once it is in their hands also needs to be borne in mind. Once the road is de-trunked, the road will have particular policies that will apply to it, in particular LTN 1/20, so if this road is handed to the LHA with unsatisfactory cycle provision, there is almost an immediate obligation on the LHA to put measures in place to deal with that.</p>
<p>iii. At and along new local highway infrastructure, including Roxton Road Bridge, Barford Road Bridge, Potton Road Bridge, and Toseland Road</p>	<p>In relation to the Potton Road Bridge, Ms Rhodes explained that CCC are seeking safe NMU provision within the verges for the realigned Potton Road which should be able to connect to FP 11 on Sheet 5 of the Streets, Rights of Way and Access Plans [APP-013] as well as to the B road. These roads have a 60mph speed limit and the new T-junction and the bridge will prevent visibility. CCC are seeking safe NMU provision segregated from the road across the new A428 and to futureproof that site for future potential to link in to cycle network improvements in that area as well as to the wider ROW network. This would make the route compliant with CCC's ROWIP statements of action.</p>

	<p>CCC notes that the Applicant is to provide further information in relation to this matter at Deadline 3.</p> <p>In relation to the Toseland Road Bridge, Ms Rhodes drew the ExA's attention to Sheet 11 of the Streets, Rights of Way and Access Plans [APP-013]. The current position is that this footway over Toseland Bridge is shown as a footway only, whereas previously this was shown as a shared use route in earlier iterations of the design and appears to have been downgraded. Ms Rhodes emphasised that this route needs to be an all-inclusive route to allow cyclists to continue north with a suitable transition from off to on road. South of the bridge, CCC are seeking a crossing to enable safe access to the Abbotsley Road on the south side of the A428.</p> <p>In response to the Applicant's explanation that the existing demand would not justify the upgrading of the status of this route, Mr Tyrrell highlighted paragraphs 315 on the national NN NPS in relation to the commitments to sustainable transport and encouraging modal shift and noted that these presumably align with the Applicant's own net zero ambitions, including net zero for road users. Therefore it is important not to place too much emphasis on current usage if the policy goals of carbon reduction along the road network and modal shift are to be achieved.</p> <p>Ms Rhodes highlighted that CCC's proposal would create an important safe, off-road circular route. In relation to the footpath diversion, CCC recognise that this is necessary however it is a lengthy diversion so it would be good to have some benefit to off-set this. Ms Rhodes highlighted the importance of this corridor and the safe connectivity with the wider network.</p>
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7. Outline Construction Traffic Management Plan (Outline CTMP)

b. Anticipated frequency and timings of road closures affecting accessibility to the local highway network during construction

	<p>Mr Tyrrell noted that the Applicant's responses to First Written Questions [REP1-022] provide more information in relation to the timings of closures. Mr Tyrrell noted that the Outline Construction Traffic Management Plan becomes effectively fixed at the time of making of the Order as it is scheduled and certified under Schedule 10 to the Order. Therefore the illustrative timings will become fixed and there is no indication as yet as to how the timings would apply in specific locations. Mr Tyrrell queried whether the information in the revised OCTMP</p>
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would contain that information so that it is available for review before the order is made.

Secondly, Mr Tyrrell noted that, when these closures are implemented, presumably under Article 55 of the Order, a four-week notice period for the making of a temporary traffic regulation order is unlikely to be sufficient as there needs to be adequate engagement and consultation with the traffic authorities ahead of that. This will ensure that, as the detailed design proceeds, the Applicant or its contractors are not proposing to close specific roads for specific periods of time, which the traffic authority could not, acting reasonably, agree to. It is key that this is an iterative process.

Mr Allatt emphasised that any requirement for road closures on CCC's network would need to be booked through CCC's permit scheme. Mr Allatt highlighted CCC's concerns in relation to re-routing of traffic on the network rather than following the strategic diversion routes as this could see HGVs coming through quiet villages and on country lanes. CCC therefore requires pre-construction surveys and traffic counts by vehicle category and ongoing monitoring during the works so that any issues can be addressed through signage, traffic calming measures etc. These need to be secured through the DCO.

The ExA invited CCC to comment on the potential implications if principles are missing from the OCTMP.

Mr Tyrrell noted that Requirement 11 of Schedule 2 [REP1-003] to the Order provides that no part of the authorised development is to commence until a traffic management plan for the construction of that part of the authorised development, substantially in accordance with the outline construction traffic management plan, has been submitted to and approved in writing by the Secretary of State following consultation with the relevant local highway authority. Therefore the OCTMP is fixed at the point of the Order but the subsidiary traffic management plans relating to different parts of the works are yet to be developed. Mr Tyrrell acknowledged that it would be unusual for these TMP to be available for review before the end of the Examination, however, CCC would need to have sight of these before the detailed design is completed. The consequence is that rather than having an evolution of a living document, there are two separate documents with no clear view of how one goes from one to the other, particularly in terms of involvement of the LHAs. For example, the illustrative

	<p>references to timings of closures may bear no relation to what may ultimately be seen in the TMP for particular works.</p> <p>In response to a question from the ExA as to whether the “substantially in accordance with” wording provides comfort on this matter, Mr Tyrrell clarified that his point applies to the narrow point of closures because they are described as indicative and the proposals are set out in broad terms.</p>
<p>c. Anticipated effects of construction traffic on local residents (as referred to in Local Authority LIRs and written submissions [REP1-048], [REP1-055])</p>	
<p>iii. Potton Road Junction</p>	<p>The ExA asked CCC whether there were any matters CCC wished to amplify.</p>
<p>iv. Cambridge Road Junction</p>	<p>Mr Allatt explained that the issues were all as set out in section 5 of the Cambridgeshire Councils’ Written Representation [REP1-048].</p> <p>CCC note that the Applicant has reviewed the routes through St Neots again and will be providing details of some changes to these routes in the future iteration of the OCTMP at Deadline 3.</p>
<p>d. Anticipated re-routing of existing traffic across the local road network, likely effects and mitigation (as referred to in Local Authority LIRs and written submissions [REP1-048], [REP1-055])</p>	
<p>i. Toseland</p>	<p>Mr Tyrrell noted that the specific impacts are set out in the Cambridgeshire Councils’ Written Representation [REP1-048].</p>
<p>ii. Yelling</p>	
<p>iii. Caxton</p>	<p>Mr Allatt noted that the point was less about the impacts on specific villages and more about monitoring of impacts within the study area and having a mechanism to address issues identified where there is an increase as a result of scheme construction.</p>
<p>e. Approach to securing the proposed mitigation of adherence to construction routes in the absence of formal enforcement</p>	
	<p>Mr Tyrrell noted that there are two categories of potential mitigation:</p> <p>(1) in terms of HGVs, the LHAs would look to Highways England to use its powers under the Order or assist and fund the authorities to use their powers to make regulation orders to prevent HGVs using unsuitable roads; and</p> <p>(2) in relation to ordinary traffic, CCC takes the point that there is nothing the Applicant can do prevent vehicles</p>

	<p>going where they wish to go on a general basis. However, the LHA has asked that there be traffic counts and condition surveys carried out ahead of other works and at relevant points during them. It is not clear whether this is proposed in the traffic management plans or not.</p> <p>CCC would be looking to the Applicant to work with them on this matter and to assist CCC in the funding of any of those temporary measures that might be required in those villages, such as temporary HGV bans, temporary traffic calming measures.</p> <p>In response to comments by Julian Sea, on behalf of the Applicant, that temporary traffic measures were not likely to be enforceable and so were not proposed in these locations, Mr Tyrrell noted this was an odd point as the Applicant is taking a number of powers under Article 55 of the Order to make temporary traffic regulation orders, which if they were unenforceable, one would query the necessity of. CCC's view is that these are enforceable and would support their inclusion in the Order in principle.</p>
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8. Good Design

b. Views from Local Authorities and other Interested Parties if the further information could enable the assessment of the Proposed Development against policy requirements in the NPS NN, NPPF and local planning policies

	<p>Mr Tyrrell noted that the Cambridgeshire Councils welcomed the Applicant's proposal to provide further information and would comment on that once the detail is known.</p> <p>Mr Tyrrell noted that Mr Rooney on behalf of the Applicant had helpfully outlined the national policies applicable to the design. Mr Tyrrell highlighted that in the Cambridgeshire Councils' response to the First Written Questions [REP1-051] in response to question 1.7.5.4 a list of the local design plans and policies is included and noted that the submitted documents do not contain reference to these local policies. Mr Tyrrell requested that these policies are taken into account in the updated information.</p> <p>Mr Tyrrell noted that paragraph 5.149 of NN NPS notes that the impact of the project needs to be considered in light of the local landscape and so that is most usefully set out in the local design policies and documentation.</p>
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	<p>Mr Tyrrell also queried how the new information being produced, or local plans more broadly will be integrated in the detail design moving forward.</p> <p>Mr Tyrrell drew the ExA's attention to Requirement 12 which sets out that the detailed design must be developed in accordance with the preliminary scheme design shown on the works plans, the general arrangement plans, the engineering section drawings and the principles set out in the environmental master plan. Mr Tyrrell requested clarification as to how regard will be had to local design considerations.</p> <p>The ExA asked whether the Cambridgeshire Councils' concerns are separate from the proposal to make this new design document part of the EMP and therefore being secured in the DCO that way. Mr Tyrrell explained that this may come down to how best to secure it within the DCO context and considered that a requirement about detailed design might be the best place to house this type of requirement. Whilst securing this via the EMP may work, Mr Tyrrell noted that the EMP has a particular role and function and is produced in accordance with the DMRB which does not address the concern raised. If the design detail to be provided doesn't address the local policy concerns then this point will remain outstanding.</p>
<p>c. Applicant's proposed iterative design development process for detailed design (if consent is granted), and how that can be secured</p>	
	<p>In response to a question from the ExA as to whether local authorities have any comments on the Applicant's approach to the detailed design development process, Mr Tyrrell queried how the Examination could fulfil the function of being an iterative process when detailed design has not been carried out before the Order is made and commented that much would need to be taken on faith if the examination process did not adequately set out the principles to be applied.</p>
<p>11. Draft Development Consent Order</p>	
<p>a. Pre-commencement</p>	
<p>i. Comments on the definition of pre-commencement [REP1-022, Q1.7.2.1]</p>	<p>The ExA invited the Cambridgeshire Councils to comment on the Applicant's proposed definition of "pre-commencement".</p>
<p>ii. Including further protection and approvals to the various in pre-commencement activities, in the First</p>	<p>Mr Tyrrell noted that the Cambridgeshire Councils are in discussions with the Applicant on the changes that the Cambridgeshire Councils would like to see to the draft</p>

<p>Iteration Environmental Management Plan (EMP) and Traffic management Plan</p>	<p>DCO generally. Mr Tyrrell drew the ExA's attention to the comments provided further to the request at the Issue Specific Hearing 1 on the activities which can be done outside the definition of commence [REP1-103]. Mr Tyrrell noted that the primary concern is that matter, rather than whether or not there is a definition of "pre-commencement works", however, if a definition of "pre-commencement works" was to be included, the Cambridgeshire Councils may have some comments on it.</p> <p>Mr Tyrrell explained that some of the works which are proposed to fall outside the definition of "commence" are quite substantial and could have quite significant impacts if not controlled correctly, for example remediation works. A number of the works, including demolition works and contamination remediation works, could have significant traffic impacts and there would not be a traffic management plan applicable at that point because of the way in which the requirements are structured. These works could have significant HGV movements associated and securing the timing of lorry movements for example is important.</p>
<p>b. Extents of land to be de-trunked, particularly near Croxton Park and whether all land meets requirements of being 'necessary for highways purposes' [REP1-048, paragraph 3.10]</p>	
	<p>The ExA asked the Cambridgeshire Councils to clarify why the land to be de-trunked might not always be necessary for highways purposes and how this would be adequately defined.</p> <p>Mr Tyrrell explained that the issue at the particular location of concern is one of scale in that there is quite a lot of land to be de-trunked including some land which is held by the Applicant but does not have a functional relationship with the road itself.</p> <p>Ms Rhodes referred to Sheet 11 on the De-Trunking Plans [APP-012] and commented that there are two large areas: one to the north and one to the south of the road to be de-trunked. These are areas which were likely to have historically been S bends in the road which have been smoothed out at some point. These are areas of mature trees and the highway should, at the time the road was realigned, been stopped up and the land handed back to the landowner. Ms Rhodes highlighted that trees are a significant liability for a LHA and the LHA would not wish to take on this additional burden.</p>

	<p>In response to an explanation given by Lorrae Hendry on behalf of the Applicant that it was not the intention to impose unnecessary burden on the LHA and that this matter could be picked up in discussions so that the extent of the highway could be agreed, Ms Rhodes agreed that this was helpful. Ms Rhodes commented that a further matter in relation to de-trunking is raised at 3.11 of the Cambridgeshire Councils Written Representations [REP1-048] where the new local road is to be built on the footprint of the old A428. CCC's experience on the A14 is that the Applicant cannot hand over the new local road until it has been de-trunked so this creates an issue around timing. Mr Tyrrell noted that discussions between CCC and the Applicant are ongoing and one of the requests made of the Applicant is that the extent of the road in each case to be de-trunked will be agreed between the Applicant and the LHA. This will then form part of the mechanism in the Order so that the road to be de-trunked has a defined and agreed boundary. This will provide certainty for all parties going forward.</p>
<p>c. Article 9 – Limits of deviation</p>	
<p>i. regard to accuracy of any changes to Public Rights of Way</p>	<p>Mr Tyrrell highlighted that CCC would expect to see specific or clear limits of deviation applicable to each public right of way in a similar way, as is done for the utilities works at the moment in the plans to the order. In relation to the required updates to the Definitive Map under the Wildlife and Countryside Act 1981, CCC will need to be provided with as built plans. There will need to be an involvement of the LHA at detailed design so that the LHA can assist with ensuring that the as built plans are within the limits of deviation. This has been a concern on other schemes such as the A14.</p> <p>In response to Ms Hendry's proposal that the scheme-wide limits of deviation would apply to the public rights of way rather than having a specific limit of deviation for each right of way, Mr Tyrrell commented that this could give rise to a circumstance where, for example, a particular right of way intended to be on the east of the road could end up on the west.</p>
<p>e. Article 13 – Construction and maintenance of new, altered or diverted streets and other structures and Article 14 – Classification of roads, etc</p>	
<p>i. Overview of the components of a 'Handover Plan' as referenced in</p>	<p>The ExA invited comments from CCC on this matter. Mr Tyrrell agreed with the Applicant that discussions on the Handover Plan are ongoing. The Handover Plan will set out how the existing road is to be de-trunked, including</p>

responses to ExA's WQ1 [REP1-051, Q1.7.3.10, Q1.7.3.11]

its condition by reference to a variety of factors such as age, condition of the carriageway, drainage, signage, lighting, fencing, etc. There should then be an agreement as to what activities would need to be undertaken to bring the road to be de-trunked up to the relevant standards that the LHA has in terms of its own network. This would all be required to take place before the road is de-trunked. Experience on the A14 is that by operation of the Order, roads have been de-trunked ahead of or not withstanding that they do not conform to local authority standards. Mr Tyrrell emphasised that it was therefore important that the handover plan, which contains the detail, sits alongside changes to the Articles of the Order, particularly Articles 13 and 14 so that de-trunking does not occur until the certification process is complete.

The Applicant submitted that including provision for this in the legal agreement should be sufficient and that including this mechanism in the DCO would result in duplication and would clutter the Order. In response, Mr Tyrrell confirmed that the handover plan itself could be secured in the legal agreement, however it is important that the DCO provides for the roads to be de-trunked effectively on a date that is agreed between the parties, notwithstanding that the agreement can provide the detail of how that agreement is to be reached.

Ms Hendry for the Applicant commented that, in the event that de-trunking were to take place on a date to be determined by the Applicant, the Applicant should not determine that date until the agreement had been complied with, therefore there was no need to include this mechanism in the DCO. In response, Mr Tyrrell noted that sometimes things go awry or it is a third party which is carrying out the functions and the date may simply be determined without compliance with the agreement. Once that is done it cannot be undone and although the LHA may have a breach of contract claim, the LHA will retain the de-trunked assets and be obliged to bring them up to the relevant standards.