

A428 Black Cat to Caxton Gibbet improvements

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Volume 9

9.35 Written submission of oral case Issue Specific Hearing 2
on 23 September 2021

Planning Act 2008

Rule 8(1)(k)

The Infrastructure Planning (Examination Procedure)
Rules 2010

October 2021

Infrastructure Planning

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(Examination Procedure) Rules 2010**

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Development Consent Order 202[]

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1 Introduction

- 1.1.1 This document summarises the case put forward by National Highways (the Applicant), at the Issue Specific Hearing 2 on highways matters including the draft Development Consent Order which took place via MS Teams on 23 September 2021.
- 1.1.2 Scott Lyness QC of Landmark Chambers represented the Applicant and was assisted by experts at AECOM, National Highways, Skanska and Womble Bond Dickinson LLP.
- a. Terri Harrington (National Highways) represented the Applicant on the need for the proposed development.
 - b. Steven Wood (AECOM) represented the Applicant on the need for the proposed development and the anticipated operational traffic effects on the surrounding highway network.
 - c. Samya Ghosh (AECOM) represented the Applicant on the anticipated operational traffic effects on the surrounding highway network.
 - d. Andrew Cuthbert (AECOM) represented the Applicant on the Outline Construction Traffic Management Plan **[APP-244]**.
 - e. Ted Doherty (AECOM) represented the Applicant on highway layouts and structures and the effects on Non-motorised Users (NMU).
 - f. Julian See (Skanska) represented the Applicant on the Outline Construction Traffic Management Plan **[APP-244]** and good design matters.
 - g. Jon Rooney (AECOM) represented the Applicant on good design matters.
 - h. Pamela Lowery (AECOM) represented the Applicant on noise matters.
 - i. Elisha Coutts (AECOM) represented the Applicant on air quality matters.
 - j. Jamie Gleave (AECOM) represented the Applicant on environmental matters.
 - k. Lorrae Hendry (Womble Bond Dickinson LLP) represented the Applicant on matters relating to the draft Development Consent Order (dDCO) **[REP1-003]**.
- 1.1.3 The summary of the submissions below broadly follows the Examining Authority's (ExA's) Agenda for those items that were covered at the Issue Specific Hearing. It should be noted that due to time constraints not all Agenda items were covered during the Issue Specific Hearing and as such those items are not covered below.

2 Representations at the Issue Specific Hearing 2

Table 2-1 - Written summaries of oral submissions made at Issue Specific Hearing 2

Item	ExA Question/Context for discussion	Applicant's Response
AGENDA ITEM 3 – Need for the Proposed Development		
a.	Additional evidence, if any, given for the inclusion of the Proposed Development in Road Investment Strategy 2 2020-2025 that is not before the ExA	The Applicant confirmed that they did not believe any additional information was within the Road Investment Strategy 2 that should now be in front of the Examination. The Applicant confirmed that the Scheme was originally committed within Road Investment Strategy 1 and followed into Road Investment Strategy 2. The Applicant confirmed that during Road Investment Strategy 1 an outline business case approvals process was completed so that the Scheme was approved up to Ministers for continuation and due to this the Scheme followed into Road Investment Strategy 2. The Applicant offered to provide an explanation as to why the Scheme was included in Road Investment Strategy 1 if this was helpful. The Examining Authority confirmed that such information was not required.
b.	The reasoning for the revised Benefit Cost Ratio of the proposed Development presented in Economic Sensitivity Technical Note – Rev 1 [REP-027]	<p>The Applicant explained that the sensitivity test was primarily to assess the impact of the revised projections of economic growth forecasts issued by the office for budget responsibility in March 2020 and the revised impacts as a result of COVID-19. The Applicant assessed that the sensitivity tests took account of revised economic parameters and that the reduction in benefits of 19% were found; lowering the benefit cost ratio from 1.91 to 1.55.</p> <p>It was confirmed by the Applicant that the Scheme costs had not changed from the original assessment and the sensitivity tests and that the results were driven by time and vehicle operating costs. The Applicant confirmed that the latest intelligence was currently still with the DFT and the latest best estimate is that this would be received by early 2022, although there is no guarantee that this will occur.</p>
i.	Methodologies used to calculate the lifetime maintenance and construction costs of the Proposed Development.	The Applicant explained that the construction and operational maintenance costs were based on 2019 Q1 prices and then discounted. The methodology that construction costs would be incurred sooner than maintenance costs (over a 60 year period) was expanded upon in order to explain the difference in the construction and operational figures provided. The Applicant added that these figures were also inputted into a TUBA cost benefit programme which applies the discount rate and that the analysis of these figures is contained within the TUBA programme because this programme calculates the benefit and the cost.

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	ii. Methodology for calculating indirect tax revenues, including differences between current and future free-flowing travel.	This agenda item was not covered in the hearing and would be dealt with by way of written questions.
AGENDA ITEM 4 – Anticipated operational traffic effects on the surrounding highway network		
a.	<p>Traffic modelling Methodology:</p> <p>i. Reasoning for concern of Local Highway Authorities (LHAs) regarding robustness of traffic modelling raised in Local Impact Reports.</p>	<p>The Applicant explained that as the junction modelling technical note explains within [REP1-030] that there were 3 types of junctions, 1) junctions that don't exist in the base year or are impacted by a fundamental change in the layout (Scheme junctions), 2) junctions that do exist in the base year which are not significantly changed by the Scheme where there aren't any base models being developed and 3) junctions which do exist in the Scheme but are not significantly changed but where base models have been developed. The Applicant explained that within the Scheme the junction base models were not developed for Scheme Junctions as the change was so fundamental to the junction that the existing traffic flows would not be relevant. In terms of the second type of junctions, the Applicant explained 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 junctions continues to operate under capacity by a large margin so it wouldn't be proportionate or necessary to assess the effects of the Scheme across the wide area with those junctions. In any event, the Applicant stated that it would not be possible to conduct that form of assessment now due to the traffic conditions that are being affected by COVID-19.</p> <p>The Applicant explained the reasoning behind their methodology and that not only have they prepared a Transport Assessment [APP-241] but have gone beyond to develop the Transport Assessment Annex [APP-243] and had developed junction assessment and modelling for a number of junctions in the wider network where they appreciated there could be impact from the Scheme. The Applicant added that whilst going through the screening process and choosing which junctions to select for further modelling it was junctions within the Scheme alignment and all of those junctions have changed fundamentally both in terms of shape, directional movements and the number of tiers. The Applicant confirmed that where the Scheme was showing an improvement the strategic model flow was used as this gave the best representation. The Applicant added that they had also undertaken calibration and validation where they felt it was necessary.</p> <p>The Applicant confirmed that they had used most of the junctions that Cambridgeshire County Council had asked for in validation including National Highways data from 2016 and 2017 but added that since</p>

Item	ExA Question/Context for discussion	Applicant's Response
		<p>those years the type of traffic had changed significantly as a result of the routing for the A14 scheme and then COVID-19.</p> <p>The Applicant further explained that the local data available had been used for the M11 microsimulation models and at the other junctions where local data was available it was in the form of turning movement counts. It was explained that at the Abbotsley/Toseland crossroads the form of junction remains the same but the operation will be completely different. It was added that the Wyboston and Barford Road junctions will be fairly well trafficked once opened. The Applicant explained that the case had been built using the models run.</p>
b.	<p>Potential impacts at roads and junctions identified in CCC, HDC and SCDC Joint Local Impact Report including:</p> <p>i. Great North Road, St Neots.</p>	<p>The Applicant responded that in respect of concern in traffic flow on the Great North Road arm, that it is not appropriate to remodel based on the deterioration of one arm where overall the Scheme is beneficial to traffic flow. The Applicant submitted that the Scheme is bringing substantial benefits to traffic flow but cannot bring benefits on every arm of every junction. It was acknowledged by the Applicant that an increase on traffic flow would occur on the Great North Road but the Scheme would provide a benefit and that it was not within the remit of the Scheme to mitigate localised impacts located far away from the Scheme.</p>
	<p>ii. Coton.</p>	<p>It was accepted by the applicant that the strategic model used for this area was incorrect and the changes to the traffic flow are not as shown. The Applicant confirmed that this was a model coding issue.</p>
	<p>iii. Caxton Gibbet.</p>	<p>The Applicant confirmed that in terms of providing confidence in the modelling they would consider how to progress sensitivity testing and reflect whether there is anything more they can do in providing confidence in the modelling. The Applicant stated that they did not think it necessary to prepare new base models but will see if there is an acceptable way forward and were not being complacent in this regard.</p>

Item	ExA Question/Context for discussion	Applicant's Response
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.	The Applicant did not accept the position that any of the authorities should conclude that they were unable to discharge their duty. The Applicant submitted that it was important to look at the overall impact of the Scheme and that they will take the issue of providing further sensitivity testing away. A hearing action was recorded for the Applicant to consider and progress sensitivity testing.
AGENDA ITEM 5 – Highway layouts and structures		
a.	Approach to the Applicant to Departures from Standards (DfS) and referred to in Written Representation from CCC, HDC and SCDC [REP1-048].	<p>The Applicant stated that the key issue was in terms of the approach to Departures from Standards in relation to the cross-section width for the side roads. The Applicant confirmed that they had developed the design generation in accordance with the DMRB standards and that included the local roads. The Applicant confirmed that they were looking to maintain the existing width of the road or a minimum of 6 metres.</p> <p>The Applicant stated that increasing the width of the carriageway on the B1046 and Toseland Road to 7.3m was an issue on the grounds of introducing safety risks due to the likelihood of increased speed and the temptation for drivers to overtake.</p> <p>The Applicant added that Toseland Road and the B1046 roads were rural in character and that their current design bears no resemblance to DMRB; which is the design standard for high speed principal roads. The Applicant provided the example of the A14 where stage 3 RSA identified issues very similar to those that the Applicant is trying to avoid in the Scheme e.g. overtaking and speed.</p>
	i. Potton Road alignment.	The Applicant confirmed they had reviewed the relevant representation REP 1048 and had nothing further to add.
	i. Black Cat (to be discussed at ISH3).	This agenda item was not covered in the hearing and would be dealt with by way of written questions.
	ii. Toseland Road.	Please refer to the points above made by the Applicant in respect of Toseland Road.

Item	ExA Question/Context for discussion	Applicant's Response
	iii. Caxton Gibbet services access.	The Applicant confirmed that the right turn into the service station facility would be maintained in the same way as the current position. The Applicant added that the point around the island would be deferred to detailed design.
AGENDA ITEM 6 – Effects on Non-motorised Users (NMU)		
a.	<p>Approach adopted by Applicant regarding the provision of NMUs in relation to:</p> <p>i. Accordance with the NPPS paragraphs 5.20, 5.215 and 5.216.</p>	<p>The Applicant referred to NPS NN 5.205 which mentions using "reasonable endeavours" to address severance issues and provide mitigation which is proportionate and reasonable and that this must be recognised in expectations. The Applicant submitted that a balance must be struck here and this was the approach taken in Part 2 (of the Transport Assessment [APP-242]).</p> <p>The Applicant stated that a process was followed which identified new and improved opportunities but that the approach within the Scheme was to address severance issues directly caused by the dual carriageway where a footpath or bridleway separates a specific link provided and mitigating this. The Applicant further confirmed that they had looked for opportunities to address pre-existing issues and that overall the Scheme goes beyond the minimum required with the overall net gain in Public Rights of Way (PROW) being 4.13km and in NMU is 2.3km. The Applicant submitted that in applying the NPS NN policy they are being proportionate.</p>
	ii. Equestrian provision, including effects of 'suppressed demand' in surveys.	This agenda item was not covered in the hearing and would be dealt with by way of written questions.
b.	<p>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 Applicant confirmed that they have not proposed any changes to the NMU provision. The Applicant confirmed that they would be responding to the comment made in respect of an additional cycleway link on the northern roundabout at Deadline 3. The Applicant added that there is a proposal that signalling crossing would be provided at the northern arm of the Cambridge Road junction and that signalling crossings will be incorporated at detailed design.</p> <p>The Applicant submitted that they believe they are providing a safe route and the NMUs referred to by the authorities are not existing NMUs and if the authorities are proposing to develop these then it was not something the Applicant felt they needed to provide.</p> <p>The Applicant stated that they did not preclude the future provision of bridleways referred to by the authorities but added that their main concern was that there are no bridleways within the area to connect</p>

Item	ExA Question/Context for discussion	Applicant's Response
		<p>onto. The Applicant added that there was so much uncertainty as to what can be delivered and as far as equestrian usage is concerned there was no evidence of current demand, therefore it was not currently possible for them to make provision for bridleways and there would be opportunity through a section 106 agreement with a third party to do so.</p> <p>The Applicant added that the Scheme was also not precluding Hen Brook from being updated as a bridleway in the future. It was further stated by the Applicant that the provision of the circular route strategy had been to rationalise the existing PROW network and that they were also linking up on the southern side of the proposed road Scheme all of the PROW that run through that area which will deliver significant benefit to the area.</p>
	<p>ii. Along the existing A428.</p>	<p>The Applicant confirmed that the Application is not proposing any changes in this location. The Applicant added that in respect of the approach with Eltisley, Caxton and Cambourne they have tied in with the proposed cycleway provision to be provided by Cambridgeshire County Council which is proportionate and reasonable. The Applicant stated they had a differing view to Cambridgeshire County council on the position within LTN-120.</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>The Applicant stated that they would not be precluding the provision of a bridleway and understood that the primary concern is the height of the parapets which they could not currently confirm whether this was a significant change to make. The Applicant added that they were not precluding horses from the use of the road.</p> <p>The Applicant added that the improvement to Roxton Road bridge was a significant improvement on the existing structure. The Applicant referred to the issues of severance around Barford Road Bridge and stated that they would defer a response to Deadline 3 on this point.</p> <p>The Applicant submitted that the NMU position of Toseland Road needs to be clarified as it was incorrectly defined on one plan but has now been corrected. The Applicant suggested that cyclists continued to use the carriageway and that there were no demand for equestrians so would question the demand for this NMU provision. The Applicant referred to the written question response whereby the applicant set out where they have gone beyond pure mitigation and provided a wider statement of benefit.</p>
	<p>iv. At locations outside of the proposed development limits.</p>	<p>This agenda item was not covered in the hearing and would be dealt with by way of written questions.</p>

Item	ExA Question/Context for discussion	Applicant's Response
AGENDA ITEM 7 – Outline Construction Traffic Management Plan (Outline CTMP)		
a.	Adequacy of the submitted Outline CTMP and whether future iterations are proposed during the examination period.	The Applicant stated that the next iteration of the Outline CTMP would be provided at Deadline 4.
b.	Anticipated frequency and timings of road closures affecting accessibility to the local highway network during construction	<p>The key issue the Applicant raised was that the detailed design has not yet been undertaken and it is required to enable a detailed construction programme to be developed to a sufficient level of detail.</p> <p>The Applicant added that there would be eight weekday night time (Monday to Thursday) road closures and two weekend road closures. It was confirmed by the Applicant that access is to be maintained for public transport and emergency services, whilst also making provision for business and residential needs. The Applicant stated that timings would be fed into the OCTMP and that they would continue discussions with the local highways authorities in terms of any specific queries in respect of road closures and that as far as specific locations for the road closures there was a limit as to what information can be provided at this stage.</p>
c.	<p>Anticipated effects of construction traffic on local residents (as referred to in Local Authority LIRs and written submissions [REP1-048], [REP1-055]), particularly in and around:</p> <p>i. Station Road, Tempsford</p>	The Applicant stated that this construction was for the Cadent gas diversion. The Applicant recognised that this road is narrow but stated that this route is the only route available to this area of the site and that they would consider the quantities of traffic involved here further.
	ii. Sandy	It was recognised that ongoing discussions were taking place between the Applicant and the local authority in respect of Sandy.
	iii. Potton Road Junction	<p>The Applicant confirmed that they could provide more detail and have considered the routes through St Neots once more. The Applicant has also been made aware of the concerns that the construction route is past a secondary school and restrictions in terms of peak school hours would be implemented here.</p> <p>The Applicant agreed to consider the amount of construction workers travelling to sites in relation to the impact this will have on the local roads and residents.</p>

Item	ExA Question/Context for discussion	Applicant's Response
	iv. Cambridge Road Junction	The Applicant stated that the route via Cambridge road and Cromwell road would remain as a green route for construction traffic permitted and will be used by most vehicles and for site access. It was added by the Applicant that Cromwell road is a wide carriageway and as it is a series of industrial parks and industrial units and plant hire companies etc; it's already frequently used by HTV traffic. The Applicant suspected that construction traffic would have less impact within this area.
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]), particularly in: i. Toseland	The Applicant highlighted that they do not have powers to enforce traffic to use specific routes. That traffic is entitled to move as it wishes but the Applicant will provide sufficient information to reduce this but the Applicant was limited in terms of what can be done beyond this. The Applicant added that a lot of the villages identified do currently suffer from rat running but that in the long term these villages will see a benefit from the Scheme. The Applicant added that they will take various steps to keep the traffic on the SRN through the use of road signage, dedicated customer team and real time journey planning and would speak to the authorities in terms of what they are seeking; but were not anticipating implementing traffic calming away from the SRN.
	ii. Yelling	See response to d above.
	iii. Caxton	See response to d above
e.	Approach to securing the proposed mitigation of adherence to construction routes in the absence of formal enforcement.	The Applicant did not agree with the idea of imposing temporary traffic regulation orders for weight limits on local roads as a strategy that should be employed here. The Applicant submitted that the Scheme wouldn't have any powers to enforce these orders and experience from previous projects and liaison between National Highways and the police has shown that these would not be enforced due to other priorities, and that this may encourage unreal, unrealistic expectations of enforcement. The Applicant mentioned that there is a degree of enforcement through the traffic management plan within the DCO.
f.	Monitoring, including update on discussions around need for additional resource support in Local Authorities.	The Applicant stated that a joint position is being prepared with the Local Authorities and they are on track to submit an update by Deadline 3.

Item	ExA Question/Context for discussion	Applicant's Response
g.	Anticipated effects of construction on the operation of the East Coast Mainline.	This agenda item was not covered in the hearing and would be dealt with by way of written questions.
AGENDA ITEM 8 – Good Design		
a.	Applicant to provide overview of further information that is likely to be made available at Deadline 3.	<p>The Applicant agreed that good design is important but that one must look at the guidance in the NPS which recognises that when considering design there is a degree of qualification in limited choice in relation to that infrastructure. The Applicant added that guidance in the NPPF should also be used and that the Scheme must be as adaptable as can be. The Applicant stated that good design is a policy requirement but that it is important to recognise that physical infrastructure does not have the same design choices and parameters are set in some ways.</p> <p>The Applicant stated that a reasonable amount of information was before the Examination already and that the purpose of what the Applicant is trying to achieve is to provide a bridge between the information already before the Examining Authority and what will be available at detailed design.</p> <p>The Applicant recognised that the design principles set out what would apply to the design process and that they anticipated that the document may form part of the First Iteration EMP [APP-234] so that these principles form part of the DCO and any detailed design would need to be in line with these principles.</p> <p>The Applicant confirmed that they had been working on a document since the last deadline which covered the overarching design vision in the context of the NPS and would improve this document based on responses where they could. The Applicant confirmed they would consider structures further.</p>
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.	The Applicant confirmed they would consider local policy in terms of design and had reviewed local policy at [APP-179] and that this informed the landscape strategy. The Applicant stated that the preference is consideration of design through the First Iteration EMP [APP-234].

Item	ExA Question/Context for discussion	Applicant's Response
c.	Applicant's proposed iterative design development process for detailed design (if consent is granted), and how that can be secured.	The Applicant confirmed that detailed design is developed in accordance with the principles outlined and which would form part of the DCO but that it is not unusual with detailed design to not be resolved at DCO stage. The Applicant added that extensive public engagement had been undertaken from day one of the Scheme.
AGENDA ITEM 9 – Noise		
a.	Applicant's justification for not undertaking previously intended noise surveys [APP-080, paragraph 11.3.11].	The Applicant stated that baseline noise data was collected in 2017 across 10 locations. The Applicant confirmed that the purpose of collecting this data was to provide information on the existing noise climate and for validating the noise model which would be used to derive the noise impacts of the Scheme. The Applicant also confirmed that the collection of further data at this stage would not change the outcome of the noise and vibration assessment reported in Chapter 11, Noise and Vibration of the Environmental Statement [APP-080] as noise monitoring data is not used to identify significant effects or to determine noise mitigation. Central Bedfordshire Council confirmed that they agreed that the 2017 baseline data was robust and adequate for the ES. The Applicant also confirmed that a further review was undertaken to conclude that the noise climate would not have changed in the intervening years. The Applicant also added that it was their view that the ongoing development at Wintringham will not have changed the traffic conditions as such to change the baseline noise environment. The Applicant agreed to provide a technical note at Deadline 3 which would provide further information to confirm that the noise climate would not have changed in the intervening years.
b.	Effectiveness of described potential temporary noise barriers during construction [APP-080, paragraph 11.8.4] in the absence of detailed design and whether further information will become available in the Examination.	The Applicant stated that further information would not be provided on the effectiveness of temporary noise barriers during the Examination. The Applicant explained that the construction noise assessment in the Environmental Statement was carried out on a worst case basis in terms of number and type of plant required and no benefit from temporary barriers was assumed. The Applicant added that the construction noise assessment will be revisited at detailed design phase once more detailed information on the works and plant are available and will ensure Best Practicable Means have been adopted and if localised noise barriers would be appropriate. The Applicant noted that the first step in applying Best Practicable Means, before barriers are considered, is to reduce the noise level at source. This includes the choice of plant, the construction activities to be undertaken and the timing of these activities.

Item	ExA Question/Context for discussion	Applicant's Response
		<p>The Applicant confirmed that the outcome of this assessment would inform the Noise and Vibration Management Plan which will be produced in consultation with the local authorities and approved by the Secretary of State..</p> <p>Bedford Borough Council expressed concern that BPM would not resolve all issues and that further information was required to know where BPM would solve issues and where barriers would be required. The Applicant reiterated that further detail on construction activities will be available as the detailed design develops and that the outcome of the revised construction noise assessment will inform the Noise and Vibration Management Plan.</p>
c.	<p>Reasoning for not incorporating additional operational noise mitigation measures, including bunds and barriers. Clarification as to whether any other mitigation measures should be considered in light of CBC Written Representation [REP1-055].</p>	<p>The Applicant referred to paragraph 11.3.6.9 of Chapter 11, Noise and Vibration of the Environmental Statement [APP-080] which summarises factors considered in terms of noise barriers in a number of locations.</p> <p>The Applicant confirmed that noise mitigation has been considered in the CBC area, but this needed to be considered in the context of sustainable development and not noise reduction alone. The Applicant noted that the noise levels at the rural properties within the CBC area were low in the context of noise policy and that noise barriers would provide just over 1dB reductions in traffic noise levels. The Applicant concluded that noise barriers have not been included at this location due to their limited benefit.</p> <p>The Applicant confirmed that it has provided information requested by CBC on predicted daytime traffic noise levels with and without Scheme in place and is currently in the process of providing the corresponding information for night-time.</p>
AGENDA ITEM 10 – Air Quality		
a.	Air Quality effects in Sandy.	<p>The Applicant stated that further discussions would take place with Central Bedfordshire Council and they would continue to engage with this Council on this. The Applicant added that the air quality assessment within the Environmental Statement (Chapter 5) [APP-074] predicts what they regarded as imperceptible changes at receptors within Sandy and changes to this magnitude are so small as to not be measurable and on that basis they did not think significant effects would occur.</p>

Item	ExA Question/Context for discussion	Applicant's Response
b.	Evidence supporting need for air quality mitigation measures in Sandy as a result of the Proposed Development [REP1-055].	The Applicant submitted that this was considered in previous discussions and that no mitigation was required given there are no predicted significant effects in Sandy.
AGENDA ITEM 11 – Draft Development Consent Order		
a.	Pre-commencement: i. Comments on the definition of pre-commencement [REP1- 022, Q1.7.2.1].	The Applicant provided the definition of pre-commencement within response 1.7.2.1 in the Applicant's Response to the Examining Authority's First Round of Written Questions [REP1-022].
	ii. Including further protection and approvals to the various in pre-commencement activities, in the First Iteration Environmental Management Plan (EMP) and Traffic management Plan.	The Applicant stated that other than any documents that control pre-commencement activities, i.e. the biodiversity pre-commencement plan and the Archaeological Mitigation Strategy, the pre-commencement activities are not controlled by the EMP. The Applicant added that there are no controls for some activities as they do not necessitate controls but acknowledged that the Cambridgeshire Authorities has submitted a detailed note covering these aspects [REP1-103] and as such the Applicant would provide a response to this letter including justifying the approach taken. The Applicant accepted that any controls would be within a pre-commencement plan but again noted that this would be covered in a response provided at Deadline 3.
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].	The Applicant added that the areas identified where the highway to be detrunked appeared wider than expected was as result of a historic issue and proposed that this would form part of discussions with Cambridgeshire County Council on the extent of land to be detrunked. The Applicant confirmed that this issue will be addressed either through the DCO or by way of a legal agreement.
c.	Article 9 – Limits of deviation: i. regard to accuracy of any changes to Public Rights of Way.	The Applicant stated that the design of the Scheme means that Public Rights of Way are integrated within design of the road so the intention is that they are subject to limits of deviation. The Applicant proposed that the existing limits of deviation are interpreted to apply to the Streets, Rights of Way and Access plans [APP-013] and that they did not anticipate a limit of deviation for each individual right of way but given the

Item	ExA Question/Context for discussion	Applicant's Response
		challenge put to the Applicant by the Examining Authority and the Cambridgeshire Authorities the Applicant would consider this further.
d.	Clarification of the extent of future maintenance of highway assets by LHAs relating to S94 and S277 of the Highways Act 1980 [REP1-055, paragraph 6.22].	The Applicant referred to article 13(5) of the DCO which sets out the specific split of maintenance obligations and the maintenance amounts by way of commuted sums.
e.	Article 13 – Construction and maintenance of new, altered or diverted streets and other structures and Article 14 – Classification of roads, etc: i. Overview of the components of a ‘Handover Plan’ as referenced in responses to ExA’s WQ1 [REP1-051, Q1.7.3.10, Q1.7.3.11].	The Applicant confirmed that the amount of detail that could be provided here was limited as negotiations were underway with the Local Highway Authorities. The Applicant added that the point here was to provide a process which would provide certainty to both parties as to what was being handed over and at what point and that the handover plan will set out the condition the road will be in etc. The Applicant added that there had been a call to discuss these negotiations on Monday but that discussions are still ongoing.
	ii. Update and progress on the legal agreement between the parties.	The Applicant submitted that the legal agreement would be legally binding on the Applicant and that within the legal agreement it is clear that the DCO coming into force would not override the agreement. The Applicant added that in a hierarchical sense the legal agreement would sit above the order.
f.	Discharging Authorities: i. The Applicant states that discharging authority for all requirements is the Secretary of State, following consultation with other bodies as appropriate, for example the relevant planning authority or relevant local highway authority [REP1- 022, Q1.7.1.3]. Applicant to confirm.	This agenda item was not covered in the hearing and would be dealt with by way of written questions.

Item	ExA Question/Context for discussion	Applicant's Response
	ii. Local Authorities to comment.	This agenda item was not covered in the hearing and would be dealt with by way of written questions.
g.	Roles and responsibilities: i. Implications for the Applicant to accommodate Agricultural Liaison officer and Community Relations Manager in the First Iteration EMP.	The Applicant stated that members of the customer liaison team are experienced in major projects and that it is not anticipated that a specific Agricultural Liaison Officer would be in place as this role would be effectively fulfilled by that team. The Applicant confirmed that the Scheme has a relationship with an independent agricultural consultancy who would be on hand to provide any agricultural expertise that might not be found within the existing team. The Applicant will provide an update on this at Deadline 3.
	ii. Who would employ the Traffic Management Officer?	This agenda item was not covered in the hearing and would be dealt with by way of written questions.