

## **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 (WQ2) Issued on Friday 15 October 2021**

This document is the Examining Authority's (ExA) Second Written Questions and requests for information (WQ2). Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues (Rule 6 letter, Annex C), issues as they have arisen from representations, and to address the assessment of the application against relevant policies. Responses to WQ1 are due on **Deadline 4, Thursday 4 November 2021**.

Column 1 sets out the unique reference number to each question which starts with 'Q2' (indicating that it is from WQ2), 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](mailto:A428.Blackcat@planninginspectorate.gov.uk) and include 'A428 Black Cat to Caxton Gibbet' in the subject line of your email.

If your response to a question has been addressed elsewhere in other submissions, such as a Local Impact Report, Written Representation or the oral summary of the case presented at a Hearing, you are requested to provide a summary response addressing specifically the matters raised in the question and list the other relevant submissions where more detailed information can be found, clearly identifying the Examination Library reference number and specific sections and paragraphs.

**Responses are due by Deadline 4, Thursday 4 November 2021**

## List of abbreviations

<b>PA2008</b>	The Planning Act 2008	<b>IP</b>	Interested Parties
<b>AMS</b>	Archaeological Mitigation Strategy	<b>km</b>	Kilometre
<b>AP</b>	Affected Persons	<b>LA</b>	Local Authority
<b>BBC</b>	Bedford Borough Council	<b>LIR</b>	Local Impact Report
<b>BMV</b>	Best and Most Versatile	<b>LLFA</b>	Lead Local Flood Authority
<b>BNG</b>	Biodiversity Net Gain	<b>LHA</b>	Local Highway Authority
<b>BoR</b>	Book of Reference	<b>LPA</b>	Local Planning Authority
<b>Cambridgeshire Councils</b>	Cambridgeshire County Council, South Cambridgeshire District Council, and Huntingdonshire District Council	<b>LVIA</b>	Landscape and Visual Impact Assessment
<b>CA</b>	Compulsory Acquisition	<b>m</b>	Metre
<b>CBC</b>	Central Bedfordshire Council	<b>NE</b>	Natural England
<b>CCA</b>	Climate Change Allowance	<b>NH</b>	National Highways (the Applicant)
<b>CCC</b>	Cambridgeshire County Council	<b>NMU</b>	Non-Motorised User
<b>CCE</b>	The Church Commissioners of England	<b>NPS</b>	National Policy Statement
<b>CO2</b>	Carbon Dioxide	<b>NPS NN</b>	National Networks National Policy Statement
<b>CTMP</b>	Construction Traffic Management Plan	<b>NPPF</b>	National Planning Practice Framework
<b>D</b>	Examination Deadline [PD-007, Annex A)	<b>NR</b>	Network Rail
<b>dDCO</b>	Draft Development Consent Order	<b>NSER</b>	No Significant Effects Report



<b>DEFRA</b>	Department for Environment, Food and Rural Affairs	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>DVS</b>	District Valuer Services	<b>OS</b>	Ordnance Survey
<b>EA</b>	Environment Agency	<b>PRoW</b>	Public Rights of Way
<b>ECML</b>	East Coast Mainline	<b>R</b>	Requirement
<b>EIA</b>	Environmental Impact Assessment	<b>RR</b>	Relevant Representation
<b>EL</b>	Examination Library	<b>S</b>	Section (in relation to legislations and regulations)
<b>EM</b>	Explanatory Memorandum	<b>SCDC</b>	South Cambridgeshire District Council
<b>EMP</b>	Environmental Management Plan	<b>SoCG</b>	Statement of Common Ground
<b>EQIA</b>	Equality Impact Assessment	<b>SoS</b>	Secretary of State
<b>ES</b>	Environmental Statement	<b>SAC</b>	Special Area of Conservation
<b>EWR</b>	East West Rail Company Limited	<b>SPA</b>	Special Protection Area
<b>ExA</b>	Examining Authority	<b>TP</b>	Temporary Possession
<b>FRA</b>	Flood Risk Assessment	<b>TA</b>	Transport Assessment
<b>GCN</b>	Great Crested Newt	<b>TAN</b>	Transport Action Network
<b>HDC</b>	Huntingdonshire District Council	<b>TAR</b>	Transport Assessment Report
<b>HE</b>	Highways England (the Applicant)	<b>WCH</b>	Walkers, Cyclists and Horse-riders
<b>HistE</b>	Historic England		

### **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.

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<b>Q2.1. General and Cross-topic Questions</b>		
<b>Q2.1.1 Equality Impact Assessment</b>		
Q2.1.1.1	Applicant Bedford Borough Council	<p><b>Equality Impact Assessment</b></p> <p>The EQIA states that <i>"Further actions have been undertaken to ensure that any freeholders, leaseholders and tenants affected by the demolition of properties are more widely supported. This has included working with those potentially affected and local authorities to identify alternative housing options in the area that fulfil the needs of tenants where required"</i> [APP-245, Page 23].</p> <p>a) Applicant and BBC, summarise the progress that has been made in this regard.</p> <p>b) Applicant, confirm whether other LAs have been so engaged, and summarise the progress made.</p> <p>c) Applicant, the table in the Conclusions section of the EQIA [APP-245] identifies both positive and negative impacts of the Proposed Development on certain protected characteristics. However, it is unclear from the summary reasons in the table what the positive impacts are. Explain the reason for each section of the Conclusions table where positive impacts are identified.</p> <p>d) The EQIA states [APP-245, Page 23] <i>"Ongoing engagement will be undertaken with all relevant parties and will continue to be inclusive of any specific requirements of those involved. This includes where tenants may need specific reasonable adjustments to enable them to fully participate in engagement activities due to their protected characteristics."</i> Applicant, list all instances where you made, or attempted to make contact with parties who would be affected by the Proposed Development as listed under construction impacts in the EQIA [APP-245, Page 22 onwards], especially but not limited to residents whose homes would be demolished, businesses, residents of Kelpie Marina and residents of Eltisley Manor nursing home. Provide details and summarise any reasonable adjustments requested or made to facilitate their engagement.</p>
<b>Q2.2. Air Quality</b>		
<b>Q2.2.1 Effects on human and ecological receptors</b>		

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Q2.2.1.1	Central Bedfordshire Council	<p><b>Sandy Air Quality Management Area</b></p> <p>In the absence of specific schemes or initiatives contained within the CBC Air Quality Action Plan 2019 - 2024 [Appendix 7, REP1-055] provided at Deadline 1, how can the effects on air quality in Sandy, as described by the Council in REP1-055 and Local Impact Report [REP2-003] be adequately mitigated?</p>
Q2.2.1.2	Applicant	<p><b>Future vehicle fleet</b></p> <p>The NPS NN refers to the mass roll out of electric vehicles [Paragraph 3.7]. The Applicant states it is unlikely that the Road to Zero Strategy was incorporated in the preparation of DEFRA's Emissions Factors Toolkit [REP1-022, WQ1.2.1.3]. Confirm whether it was or was not, and the implications on the Air Quality Assessment [APP-161] [APP-162], if any, in either scenario.</p>
<b>Q2.3. Biodiversity and Ecological Conservation</b>		
<b>Q2.3.1 General</b>		
Q2.3.1.1	Local Authorities	<b>No further questions at this stage.</b>
<b>Q2.3.2 Biodiversity Net Gain (BNG)</b>		
Q2.3.2.1	Applicant Natural England Local Authorities	<p><b>Metric for calculating BNG</b></p> <p>e) NE and LAs, please provide comments on the revised BNG assessment using the DEFRA 2.0 metric, submitted by the Applicant [REP3-012] [REP3-013].</p> <p>f) NE, LAs, Applicant, comment on the DEFRA 2.0 metric net gain of 16.48% Habitat units, the net gain of 9.96% of River units and the net loss of -31.66% Hedgerow units, in contrast to the BNG score of 20.5% using the Highways England Metric. How would you describe the overall impact of the Proposed Development on biodiversity and does this affect the ES conclusions in this regard?</p> <p>g) Applicant, in terms of the DEFRA 2.0 metric scores for Habitat units, River units, and Hedgerow units, does the Proposed Development offer opportunities for further improvements/mitigation, such as those identified in the WQ1 response by the Cambridgeshire Councils [REP1-051]?</p> <p>h) Applicant, what would the BNG score be using the DEFRA 3.0 metric?</p>

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<b>Q2.3.3 Hedgerows</b>		
		<b>No further questions at this stage.</b>
<b>Q2.3.4 European Designated Sites</b>		
Q2.3.4.1	Applicant Natural England	<p><b>Eversden and Wimpole Woods SAC</b></p> <p>ExA notes the updates provided at ISH3 [EV-044] and at D3 [REP3-023] and also notes that the substantive survey results and corresponding HRA conclusions are not expected before D6. Submit interim updates on the ongoing survey and ongoing discussion between NE and the Applicant, in particular any exploratory discussion on further mitigation and compensatory measures in response to this question and at each intervening Deadline.</p>
<b>Q2.3.5 Habitat Fragmentation</b>		
Q2.3.5.1	Applicant Natural England Local Authorities	<p><b>Adequacy of mitigation measures</b></p> <p>a) At ISH3 [EV-044] the Applicant made reference to five underpasses that may be suitable for bats to use to cross the Proposed Development. Applicant, indicate the locations of all these underpasses on the Environmental Masterplan [APP-091], and the associated foraging routes. Explain why they are not all referenced in the Schedule of Mitigation [APP-235, EMB – B9].</p> <p>b) Applicant, confirm whether the crossings listed in the Schedule of Mitigation [APP-235, EMB – B9], together with the five underpasses, represent the full extent of mitigation measures proposed for all species of animal.</p> <p>c) NE and LAs to comment on the adequacy of measures in quantitative, qualitative, and locational terms.</p>
<b>Q2.3.6 Aquatic Environment and Biodiversity</b>		
Q2.3.6.1	Environment Agency Applicant Local Authorities	<p><b>Mitigation measures</b></p> <p>a) EA, how could the various measures identified under Biodiversity in your RR [RR-036], be addressed by the Proposed Development, such as by updating the dDCO or the First Iteration EMP? Applicant to comment.</p>



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		<p>b) Why are Penstock chambers to be provided for some but not all watercourses? Why are Penstock valves, to restrict pollutants entering drainage channels and waterbodies, not to be provided for these chambers, given the important role of these waterbodies and watercourses for biodiversity, including replacement habitat for GCNs [APP-082, Paragraphs 13.8.6 and 13.8.36, Table 13-7]?</p> <p>c) Include comments from LAs in the Joint Position Statement with the Applicant and NE on Drainage Ponds [REP3-026].</p>
<b>Q2.3.7 Arboreal Environment</b>		
		<b>No further questions at this stage.</b>
<b>Q2.4. Climate Change and Carbon Emissions</b>		
<b>Q2.4.1 Emissions</b>		
Q2.4.1.1	Applicant Transport Action Network	<p><b>Assessment of effects</b></p> <p>The ES states that the Proposed Development will produce 208,380 tCO<sub>2</sub>e during construction [APP-083, Table 14-9] with an increase of approximately 3,313,499 tonnes in emissions of CO<sub>2</sub> associated with the affected road network over the 60 year appraisal period [APP-254, Paragraph 4.4.7]. The ES concludes that this will have no significant effects on Climate either during construction or operation [APP-083] [APP-085].</p> <p>a) Applicant, indicate what level of emissions would be considered significant in this context, for the Proposed Development alone and for cumulative and in-combination effects.</p> <p>b) Applicant, how do the forecast levels of CO<sub>2</sub> emissions compare to other RIS1 or RIS2 road schemes?</p> <p>c) Applicant, provide a comparison between the Proposed Development and other road scheme(s) where the carbon emissions have been assessed to have significant effects.</p> <p>d) Applicant, how would the expected CO<sub>2</sub> emissions from the Proposed Development be mitigated from 2050 when the UK is committed to becoming carbon neutral [APP-083, Paragraph 14.2.4]? Explain how any uncertainties in terms of national mitigation measures linked to carbon budgets are assessed.</p> <p>e) TAN, at ISH3 [EV-047] you drew a parallel between the assessment and significance of effect of the Proposed Development on the historic environment, and the effect of</p>

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		<p>carbon emissions from the Proposed Development on climate change. What evidence can you provide to the ExA to demonstrate that there is an accepted and appropriate way of drawing a parallel between the assessment methodology and significance of effects between historic environment (or any other receiving environment) and carbon emissions. Make reference to NPS NN, EIA regulations 2017 or any other Government legislation, policy document, and industry guidance and best practice.</p> <p>f) Applicant, what are the commuting routes that would inform consumer user benefits for the Proposed Development?</p> <p>g) Applicant, what are the implications of the cancellation of the Oxford Cambridge Expressway in March 2021 on the Proposed Development. Is any of the evidence that informed the decision to cancel the Oxford Cambridge Expressway relevant to the evidence supporting the need for the Proposed Development?</p>
<b>Q2.4.2 Climate Change Adaptation</b>		
		<b>No further questions at this stage.</b>
<b>Q2.5. Compulsory Acquisition and Temporary Possession</b>		
<b>Q2.5.1 Compulsory Acquisition schedule</b>		
Q2.5.1.1	Applicant	<p><b>Schedule of all agreements, negotiations and objections</b></p> <p>In response to CAH1 Action 7b [REP3-018] provide an update on all agreements, negotiations and objections to the grant of CA or TP powers, in line with the modified template provided in Annex A.</p>
<b>Q2.5.2 Protective Provisions</b>		
Q2.5.2.1	Statutory Undertakers Applicant	<p><b>Protective Provisions</b></p> <p>a) Comments are invited from relevant Statutory Undertakers with respect to the updates provided in Statutory Undertakers Progress Schedule Rev 1 [REP1-036] and the update at CAH1 [EV-024] to [EV-031]. Comments may be provided by way of confirmation of the update that is expected to be provided by the Applicant at D4.</p>

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		b) Applicant, in light of the augmenting of the resources at the DVS [REP3-018, Appendix B] respond to the representations by Anglian Water [REP3-031] and provide an update.
<b>Q2.5.3 Affected Persons' site specific issues</b>		
Q2.5.3.1	Applicant Davison and Co (Great Barford) Ltd The Church Commissioners of England	<b>Different types of agreements</b> ExA sought clarification at the CAH1 [EV-024] to [EV-031] on the difference between several terms that had been used in the various representations: such as options agreement, voluntary agreement, lease agreement and heads of terms. Provide the explanation in writing, the sequence in which these agreements might be reached during the DCO process and their status in the DCO process, clearly identifying which would be considerations in the Examination, and which would be negotiated outside the scope of the Examination. Or signpost where this explanation can be found [REP3-021].
Q2.5.3.2	Applicant	<b>Guidance related to procedures for the CA of land</b> In light of the several representations that make the case of lack of engagement from the Applicant outside of the Examination, can you convince the ExA that you have sought to acquire land by negotiation wherever practicable, in line with the guidance related to procedures for the CA of land. Provide a general justification, and specific justification for the cases set out below.
Q2.5.3.3	The Executors of N A Alington National Farmers Union Applicant	<b>Proposed Overbridge Specification at the Little Barford Estate</b> a) Executors of N A Alington and NFU, provide justification with reference to other NSIP schemes and relevant policies, that the future proofing of the overbridge and other similar provisions is a reasonable request from the Applicant [REP3-025]. b) Applicant, confirm that the proposed overbridge is equivalent to the current access, and would accommodate vehicle width of 4.3 meters? While you have stated that the overbridge width requested by the Executors of N A Alington is not justified, are you able to accommodate the request for the purpose of future proofing to accommodate changes in farming practices. c) Executors of N A Alington, the ExA acknowledges the need to accommodate changes in farming practices; however, explain how equivalent capacity would leave you worse off.

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		<p>d) Applicant and Executors of N A Alington, provide an update on the negotiations, which the ExA notes are ongoing, including a view from both parties if the capacity of the bridge (as proposed) can be changed or increased should the need arise in the future.</p>
<p>Q2.5.3.4</p>	<p>Duncan and Maxine Buchanan Applicant Bedford Borough Council</p>	<p><b>Dove House Farm, The Lane, Wyboston</b></p> <p>The ExA has surmised from the evidence presented so far by Duncan and Maxine Buchanan [REP1-061] to [REP1-072] [REP3-046] [REP3-047] that they have concerns in two broad areas: lack of justification for the private loss of land and the lack of meaningful negotiations; and the alternative proposal that they believe could reduce the effect of the Proposed Development on their land specifically. ExA notes the Applicant’s justification and responses [APP-030, Annex A] [REP1-062] [REP3-008].</p> <p>a) Applicant, provide further justification in line with CA guidance that for the relevant plots of land (2/8 various, and 2/9a) all reasonable alternatives to CA, including modifications to the scheme, have been explored.</p> <p>b) Duncan and Maxine Buchanan, we note that the private loss of your land would affect the development opportunity on your land [REP1-062]. Are there other ways in which your business and home life would be affected?</p> <p>c) Duncan and Maxine Buchanan, the Applicant has provided the purpose for which your land is required to deliver the Proposed Development in the Statement of Reasons [APP-030, Annex A] and in response to your WR [REP3-008]. In your most recent submission [REP3-046] [REP3-047] you have stated that you remain unconvinced by the Applicant’s justification. Taking account of the Applicant’s responses so far, explain with reasons if you still believe the Applicant’s specified uses for which they seek to acquire your land to be excessive.</p> <p>d) Duncan and Maxine Buchanan, the ExA notes that your alternative proposal would require more land than the Proposed Development, effecting other properties especially on The Lane, Chawston Lane, and Nags Head Lane, and have other effects [REP3-008, Points a-h]. Provide your response.</p> <p>e) Applicant, respond to the concerns regarding light pollution and loss of hedgerows [REP3-046] [REP3-047].</p> <p>f) Applicant, provide details and context (if any) of the objections raised by Nags Head Lane Residents [REP3-046].</p>

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		g) What is BBC's view on the alternative highway proposals put forward by the Duncan and Maxine Buchanan, including the changes proposed to Roxton Road Bridge [REP3-046] [REP3-047].
Q2.5.3.5	Applicant Travelodge Hotel Limited	<p><b>Travelodge Hotel Limited</b></p> <p>a) Applicant, in light of the augmenting of the resources at the DVS [REP3-018, Appendix B] respond to the representation by Travelodge Hotels [REP3-052] and provide an update.</p> <p>b) Applicant and Travelodge Hotels Limited, explain with reference to relevant legislation and policies, if the Compulsory Purchase Association Land Compensation Claims Protocol or any part of it is relevant to the ExA's consideration and recommendation to the SoS.</p>
Q2.5.3.6	Applicant Bedford Borough Council	<p><b>Land to the South and East of the current Black Cat roundabout</b></p> <p>a) Besides the written and oral submissions regarding these matters, the ExA notes that the effect of the Proposed Development and negotiations regarding safeguarding the development of this land has been addressed in principle in the SoCG with Bedford Borough Council [REP1-012]. Provide an update on these discussions with greater detail on specific pending issues. Parties may choose to report on matters in principle in the SoCG and the Schedule of all agreements, negotiations and objections (Annex A), and provide a more detailed report in the separate Joint Position Statement.</p> <p>b) Are you likely to reach agreement before the close of the Examination?</p>
Q2.5.3.7	Applicant Davison and Co (Great Barford) Ltd	<p><b>Farmland at Caxton Gibbet</b></p> <p>a) Applicant, is it reasonably possible to return the land to its original condition after the purpose for which it is being acquired has been completed?</p> <p>b) If the landowners agree to the land being returned in a materially changed condition, can the Applicant consider TP rather than CA? What conditions would need to be imposed in this case and how would those conditions be secured?</p> <p>c) Davison and Co (Great Barford) Ltd, respond to the above questions as relevant, and to the Applicant's case [REP3-018, Point 6].</p> <p>d) Provide an update on the negotiations relating to the Voluntary Agreement.</p>
Q2.5.3.8	Applicant	<b>Land near Caxton Gibbet</b>

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	The Church Commissioners of England	<p>The ExA notes several outstanding issues remain unresolved, many of which are being examined across the Proposed Development and not just relating to the land in question here [REP3-044]. The ExA seeks clarification on some matters that specifically effect the land owned by CCE.</p> <p>a) CCE, identify where in the Statement of Reasons you require further detail [APP-030, Annex A]?</p> <p>b) Applicant, respond to the concerns raised regarding Plots 13/10c and 13/10d and the landowner not being able to identify which land will be affected or assess the impact on its land. CCE provide further details.</p> <p>c) CCE, which specific accesses effect your land?</p> <p>d) Parties may choose to report on matters in principle in the Schedule of all agreements, negotiations and objections (Annex A), and provide a more detailed report in the separate Joint Position Statement.</p> <p><i>Refer to related question(s) in Highways – network and structures</i></p>
Q2.5.3.9	Applicant Bedford Borough Council Historic England	<p><b>Brook Cottages</b></p> <p><i>Refer to related question(s) in Historic Environment</i></p>
<b>Q2.6. Construction methods and effects</b>		
<b>Q2.6.1 Approach to construction and proposed programme</b>		
Q2.6.1.1	Applicant	<p><b>Construction programme</b></p> <p>The ExA notes that the Principal Contractor has been appointed to deliver the Proposed Development (subject to SoS approval) and that the Applicant intends to widen the hours of working [REP1-022, WQ1.11.7.8], from that previously stated in the OCTMP [APP-244]. In light of these matters do the responses regarding construction programme [REP1-022, WQ1.6.1.2] remain extant?</p>
<b>Q2.6.2 Borrow pits, construction compounds, waste management</b>		
Q2.6.2.1	Local Authorities	<b>Borrow pits</b>

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	<p>National Farmers Union The Church Commissioners of England Applicant</p>	<p>a) LAs, NFU and CCE, comment on the Borrow Pits Excavation and Restoration Report [REP3-011] and provide a list of issues relating to size and location, alternatives such as any working quarries, restorations and aftercare, biodiversity, and land contamination that remain outstanding.</p> <p>b) Applicant, tabulate all the issues raised regarding borrow pits from the LAs, CCE, NFU and any other IPs, and provide your summary responses to each issue, with signposts to details that are elsewhere in your submissions. Cover the issues raised regarding environmental effects, as well as the CA and TP related matters.</p> <p>c) Applicant, how will the detail contained within the Borrow Pits Excavation and Restoration Report [REP3-011] be secured.</p> <p>d) Applicant, confirm how the Borrow Pits Optioneering Report [APP-246] would be secured in the dDCO.</p> <p>e) Applicant, provide details and a specific update here on the possibility of plots affected by borrow pits to be secured by lease.</p>
<p>Q2.6.2.2</p>	<p>Applicant Local Authorities National Farmers Unions</p>	<p><b>Construction compounds</b></p> <p>a) The ExA notes and acknowledges that details about the height of hoardings around construction compounds in specific locations should be a matter for agreement with the LAs in advance of installation [APP-234, Paragraph 1.6.2]. However, to have greater certainty about visual and landscape effects and other effects, the ExA is persuaded by the several representations [REP1- 043] [REP1-051] [REP1-054] [REP1-055] [REP1- 084] stating that the maximum height of any hoardings that may be required in the construction compounds should be secured. Applicant, without prejudice, provide details of how you would determine what the maximum height should be and how would you secure it?</p> <p>b) Applicant and NFU, what details regarding the proposed use of construction compounds have you agreed? What matters remain pending? Have LAs been consulted? What are their views?</p>
<p><b>Q2.6.3 Environmental Management Plan</b></p>		
<p>Q2.6.3.1</p>	<p>Applicant National Farmers Union</p>	<p><b>Agriculture Liaison Officer</b></p> <p>a) Applicant, you state that the Principal Contractor will allocate a named individual within the stakeholder and community engagement team as the ALO; you also state that the ALO would need to commission consultancy support should specialist expertise be</p>

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		<p>required [REP3-019, Point 15]. This does not give any assurance that the ALO would have the specific expertise that the NFU have made a case would be required to deliver the required responsibilities. Applicant and NFU to comment.</p> <p>b) The ExA remains unconvinced that the specialist expertise that would be required for engagement with landowners with farming businesses, would be available and to hand. Applicant and NFU to comment.</p>
Q2.6.3.2	Applicant	<p><b>Roles and responsibilities</b></p> <p>a) Applicant, you have not included 'Community Relations Manager' in the list of [REP1-022, Q1.6.3.3], but references have been made elsewhere. Has this been omitted in error, provide details?</p> <p>b) Who would employ the Traffic Management Officer?</p>
<b>Q2.7. Draft Development Consent Order</b>		
<b>Q2.7.1 General</b>		
Q2.7.1.1	Discharging Authorities Local Authorities Applicant	<p><b>Discharging Requirements and Conditions</b></p> <p>a) All discharging authorities to check the Schedules in the dDCO for accuracy and provide the ExA with suggested corrections and amendments.</p> <p>b) 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, WQ1.7.1.3]. Applicant to confirm. LAs to comment.</p>
Q2.7.1.2	Authorities and Statutory Undertakers	<p><b>Authorities and Statutory Undertakers</b></p> <p>Comment if you have concerns [REP1- 022, Appendix to WQ1.7.1.3]</p>
<b>Q2.7.2 Definitions</b>		
Q2.7.2.1	Applicant Local Authorities	<p><b>Pre-commence and pre-commencement</b></p> <p>The ExA awaits the Pre-commencement plan at D4 [REP3-030].</p> <p>a) LAs do you have any comments on definition for pre-commencement as proposed by the Applicant [REP1-022, WQ1.7.2.1], and should it be included in the dDCO in addition to a pre-commencement plan. Applicant to comment.</p>



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		b) Applicant, would the pre-commencement be included in the First Iteration EMP, or be a stand alone document? Would it be a certified document? LAs to comment.
Q2.7.2.2	Applicant	<p><b>Maintain</b></p> <p>The ExA notes your response [REP1-022, Appendix to WQ1.7.2.2], but is still unclear as to what <u>limits would need to be placed on activities to alter, remove, reconstruct, and replace</u> any part of the authorised development to ensure the effects are within those identified in the environmental statement, <u>especially the effects on the local highway network and non-motorised users</u>.</p>
<b>Q2.7.3 Articles</b>		
Q2.7.3.1	Applicant All Parties	<p><b>Article 2(4) and 2(5) – Interpretation</b></p> <p>a) Without prejudice, provide suitable wording for Article 2(4) to clarify that measurements and distances in this dDCO, while ‘approximate’ will remain within the Limits of Deviation in Article 9.</p> <p>b) Without prejudice, provide suitable wording for Article 2(5), that the expected tolerance for the areas described in the Book of Reference allow for small tolerance and will remain within the Limits of Deviation in Article 9.</p> <p>c) Parties, state if you have comments or concerns.</p>
Q2.7.3.2	Applicant	<p><b>Article 3 – Disapplication of legislative provisions</b></p> <p>Awaiting relevant updates [REP3-008] to SoCG in response to CCC [REP1-051] and to the dDCO in response to the EA [REP1- 076].</p>
Q2.7.3.3	Applicant	<p><b>Article 4 – Development consent etc. granted by the Order</b></p> <p>d) Provide example(s), if any are found, where the provision of ‘adjacent land’ in other made DCOs had been enacted on land described as ‘adjacent to’ order limits [REP1-022, WQ1.7.3.3].</p> <p>e) While the ExA could see the need for such a provision, with the evidence in Examination so far [REP1-022], the ExA is not convinced that the provision of this article on ‘adjacent land’ without a clear definition of ‘adjacent land’ is reasonable. Applicant to comment.</p> <p>f) Without prejudice, provide suitable wording for definition and any related revisions to wording of the Article.</p>

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Q2.7.3.4	Applicant Local Highway Authorities	<b>Article 5 – Maintenance of authorised development, and Article 13 – Construction and maintenance of new, altered or diverted streets and other structures</b> Awaiting relevant update [REP3-007, REP1-048ab] in SoCGs in response to CCC [REP1-048] and CBC [REP1-054 and REP1-055].
Q2.7.3.5	Applicant Huntingdonshire District Council	<b>Article 6 – Application of the 1990 Act</b> a) Applicant, should this Article specify the temporary roundabout access at the Wintringham Construction Compound (Work No.74) (Compound) within the District of Huntingdonshire [REP3-008]. HDC to comment.
Q2.7.3.6	Applicant Local Highway Authorities	<b>Article 13 – Construction and maintenance of new, altered or diverted streets and other structures</b>  <i>See related question(s) in Highway – network and structures</i>
Q2.7.3.7	Applicant Local Highway Authorities	<b>Article 14 – Classification of roads, etc.</b>  <i>See related question(s) in Highway – network and structures</i>
Q2.7.3.8	Cambridgeshire County Council	<b>Traffic Manager responsibilities</b> Typically no response from a LHA to a permit application is deemed to be acceptance of the request for road space booking. Why does CCC consider this approach to be unacceptable in relation to the Proposed Development?
Q2.7.3.9	Cambridgeshire Councils	<b>Article 22(4) – Protective work to buildings</b> Cambridgeshire Councils, provide justification why a longer notice period, 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, would be more appropriate, in light of the Applicant's response [REP3-007, WQ1.7.3.15].
Q2.7.3.10	Applicant National Farmers Union The Church Commissioners for England	<b>Article 23 - Authority to survey and investigate the land</b> a) Applicant, how can you justify forcing a landowner to provide access to their land which is adjacent to but outside the order limits (notwithstanding subject to notice period and compensation) given that this landowner may never have been consulted

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		<p>on the Proposed Development? Respond with reference to potential human rights interference of the landowners who might be affected.</p> <p>b) While the ExA could see the need for such a provision, with the evidence in Examination so far [REP3-050] [REP1-022], the ExA is not convinced that the provision of this article on land which is adjacent to but outside the order limits is reasonable without a clear definition of the word 'adjacent' in terms of clearly defined distances, and without knowing which landowners could be affected by it, is reasonable. Applicant to comment.</p> <p>c) Without prejudice, provide suitable wording for definition and any related revisions to wording of the Article.</p> <p>d) Applicant, quantify the significance of effect, in terms of construction programme and other effects, that imposing a longer notice period for Article 23 and Article 40 would have.</p> <p>e) NFU and CCE, state how specifically your members and your farming practices respectively would be affected by the 14 days' notice period.</p>
Q2.7.3.11	Applicant	<p><b>Article 40 – Temporary use of land for carrying out the authorised development and Article 41 – Temporary use of land for maintaining the authorised development</b></p> <p>f) Notwithstanding the drafting of the Model Provisions, the ExA can see merit in the case put forward by NFU [REP1-085] and CCE [REP3-044] regarding the need for a longer (28 days) notice period under the provisions of this Article.</p> <p>a) What were the circumstances that enabled the Applicant to accept the longer notice period for A30 Chiverton to Carland Cross, particularly with respect to due consideration for affected landowners, and are those applicable to the Proposed Development?</p> <p>b) Applicant, quantify the significance of effect, in terms of construction programme and other effects, that imposing a longer notice period for Article 23 and Article 40 would have.</p>
Q2.7.3.12	Applicant Local Highway Authorities	<p><b>Article 55 – Traffic regulation</b></p> <p>c) Applicant, confirm if different parts of the authorised development will be open for public use at different times [REP1-051].</p>

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		<p>d) If so, then the ExA could see the point made by the Cambridgeshire Councils [REP1-051] that the provisions in this Article are ambiguous; for instance, would the period of 12 months in Article 55(3) and 24 months in Article 55(7) could then be different calendar periods. How would this be managed and monitored?</p> <p>e) Cambridgeshire Councils further elaborate on your concerns [REP1-051].</p>
Q2.7.3.13	Applicant Environment Agency	<p><b>Article 58 – Works in the River Great Ouse</b> Awaiting updates [REP1- 076] [REP3-007]</p>
<b>Q2.7.4 Schedules</b>		
		<b>No further questions at this stage</b>
<b>Q2.7.5 Requirements</b>		
Q2.7.5.1	Applicant	<p><b>Requirement 16 – Brook Cottages</b>  <i>See related question(s) in Historic Environment</i></p>
Q2.7.5.2	Applicant Local Authorities	<p><b>Requirement 19 – Construction hours</b> Awaiting clarification from Cambridgeshire Councils [REP1-051] [REP3-007].</p>
<b>Q2.8. Diversion of high-pressure pipeline</b>		
<b>Q2.8.1 Application material</b>		
		<b>No further questions at this stage.</b>
<b>Q2.8.2 Determining if the pipeline diversion would be an NSIP</b>		
Q2.8.2.1	Applicant Cadent Gas	<p><b>Screening Assessment</b> Provide any relevant updates</p>
<b>Q2.8.3 Excavating the archaeological remains</b>		
		<b>No further questions at this stage</b>

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<b>Q2.8.4 Environmental effects</b>		
		<b>No further questions at this stage</b>
<b>Q2.9. Flood Risk</b>		
<b>Q2.9.1 Sequential approach to route selection and design</b>		
		<b>No further questions at this stage</b>
<b>Q2.9.2 Interactions between different sources of flooding</b>		
Q2.9.2.1	Environment Agency Local Authorities	<b>Grade separated junctions</b> In light of the Applicant's response [REP1-022, WQ1.9.2.1], provide any further comments on the interactions between groundwater and surface water at the three grade separated junctions, the various underpasses and culverts, and any geographical low points?
Q2.9.2.2	Applicant Environment Agency Local Authorities	<b>Groundwater Dewatering</b> a) Applicant, provide an update on the proposed permanent groundwater dewatering systems to be used in connection with the Proposed Development [APP-082, Paragraphs 13.9.118–123], including ongoing maintenance and costs. b) EA and LAs to comment.
<b>Q2.9.3 Passing the Exception Test</b>		
		<b>No further questions at this stage.</b>
<b>Q2.9.4 Climate Change resilience</b>		
Q2.9.4.1	Applicant Cambridgeshire Councils	<b>Question repeated to seek response from specific respondents</b>  <b>Flood Risk and Pollution Control</b> a) 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)?

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		<ul style="list-style-type: none"> <li>b) Will the users of the Proposed Development remain safe in time of flood, even when climate change is considered?</li> <li>c) Will the River Great Ouse replacement floodplain storage be adequate, including with regard to the ongoing quarry restoration works?</li> <li>d) Have all sources of flooding been adequately considered in this assessment, including in-combination effects and the likely effects of climate change?</li> <li>e) Have all reasonable opportunities been taken to reduce overall flood risk as part of the Proposed Development?</li> <li>f) Are the proposed pollution control mechanisms sufficient to protect the environment, including with regard to climate change?</li> </ul>
<p><b>Q2.10. Good Design</b></p>		
<p><b>Q2.10.1 Visual appearance and design principles</b></p>		
<p>Q2.10.1.1</p>	<p>Local Authorities All Parties</p>	<p><b>Scheme Design Approach and Design Principles</b></p> <ul style="list-style-type: none"> <li>a) The ExA is seeking views from LAs and all parties on the content of the Applicant’s Scheme Design Approach and Design Principles [REP3-014], and if the design approach, design vision and design principles will guide the development of the detailed design post consent (should consent be granted) to deliver the following outcomes: <ul style="list-style-type: none"> <li>i) sensitivity to place, siting and design measures relative to existing landscape, character and function (NPS NN, Paragraphs 4.29, 4.30, 4.33) (other relevant local policies [REP1-051], [REP1- 054] [REP1- 055]);</li> <li>ii) producing high quality, beautiful and sustainable places (NPS NN, Paragraphs 4.29, Chapter 12 of the NPPF)</li> <li>iii) meeting principal objectives of the Proposed Development, mitigating problems, minimising adverse impacts, and sustaining the improvements to operational efficiency (NPS NN, Paragraph 4.31);</li> <li>iv) taking into account functionality, aesthetics, and technology (NPS NN, Paragraph 4.33); and</li> <li>v) best possible integration with the surrounding landscape [REP3-014, Paragraph 3.1.1].</li> </ul> </li> </ul>

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		<p>b) Do you feel that the design principles and features of specific structures [REP3-014, Appendix C] cover the range of physical structures, landscape features, and other measures that design principles should be set out for?</p> <p>c) Do you have understanding of the rationale behind the design principles for individual structures, in relation to the immediate surroundings, for instance [REP3-014, Appendix C]?</p> <p>d) Are you clear how the Scheme Design Approach and Design Principles would be secured through the DCO process, and is that adequate [REP3-014, Paragraphs 1.2.1-2]?</p>
<b>Q2.10.2 Design development process</b>		
Q2.10.2.1	Local Authorities All Parties	<p><b>Design development process</b></p> <p>a) Are you clear about the design development process and which parties would be consulted through the process [REP3-014, Section 5]?</p> <p>b) Are you content with the proposed design development process and which parties would be consulted through the process [REP3-014, Section 5]?</p>
<b>Q2.11. Highways – network and structures</b>		
<b>Q2.11.1 Transport Modelling</b>		
Q2.11.1.1	Local Highway Authorities Applicant	<p><b>Methodology, inputs and outputs</b></p> <p>The NPS NN (Paragraphs 5.203, 5.204) explains that the Applicant should have regard to policies set out in local plans and 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. At ISH2 [EV-038] both CCC and CBC stated that on the basis of the information before them that they were unable to comment on the Proposed Development’s likely impact on them being able to fulfil their NMD.</p> <p>a) Given the Applicant acknowledges the limitations of applying strategic modelling to the localised level of individual junctions, sections of highway and in the case of Coton,</p>

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		<p>how can the ExA and LHAs be confident in the traffic effects stated in the Case for the scheme [APP-240] and Transport Assessment [APP-241 and APP-242] at specific points elsewhere on the local highway network?</p> <p>b) The ExA welcome that the Applicant has proposed to undertake further sensitivity testing, in liaison with LHAs at various locations described in Scope of Junction Model Sensitivity Test [REP3-029]. Do CBC and CCC agree that the scope of that assessment will enable greater confidence in the traffic effects of the Proposed Development? Explain with reasons.</p> <p>c) Do LHAs intend on undertaking further analysis such as has been provided for Caxton Gibbet [REP2-003, Fig 1, 7.2.22]? If so, which locations would this relate to and when will this be provided to the ExA?</p>
Q2.11.1.2	Local Authorities All Parties	<p><b>COVID-19</b></p> <p>At Deadline 1 the Applicant provided additional submission Assessing the Potential Impacts of COVID 19 – The implications for traffic forecasts for the Scheme [REP1-029]. Do LAs and all parties broadly accept the findings of the document provided? If not explain with reasons.</p>
Q2.11.1.3	Local Authorities All Parties	<p><b>Economic Sensitivity Test</b></p> <p>At Deadline 1 the Applicant provided additional submission Economic Sensitivity Test Technical Note [REP1-027]. Do LAs and all parties broadly accept the findings of the document provided? If not explain with reasons.</p>
<b>Q2.11.2 Road layout, junctions and bridges</b>		
Q2.11.2.1	Local Highway Authorities	<p><b>Road design and layout</b></p> <p>CCC [REP1-048] have requested that new highways infrastructure be provided in accordance with DMRB.</p> <p>d) With particular regard to route continuity and road safety considerations, how is this justified where the existing roads leading to those points do not currently appear to conform with DMRB? Please provide justification for each location referred to.</p> <p>e) Do other Local Highway Authorities share the view that new highways infrastructure, for which they will be responsible for in future, should conform with DMRB?</p>
Q2.11.2.2	Applicant	<b>Black Cat Junction</b>



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	Bedford Borough Council	<p>a) The ExA note the response of the Applicant to ISH3 Hearing Action Points 3 and 4 was not submitted at D3. This information is critical to the ExA's understanding of the evolution of the Proposed Development and to be satisfied that reasonable alternatives were explored relating to the proposed Black Cat Junction. Provide this information at D4.</p> <p>b) Is BBC satisfied that the proposed access to the south east of the gyratory would facilitate future development intentions of the Council [RR-008a]?</p> <p><i>See related question(s) in Historic Environment</i></p>
Q2.11.2.3	Applicant	<p><b>Business and property accesses</b></p> <p>Who will be responsible for future maintenance of new accesses or improvements to existing accesses that would interface with the local highway network? Where is this set out and how is it secured?</p> <p><i>See related question(s) in Compulsory Acquisition</i></p>
<b>Q2.11.3 Signage and lighting</b>		
Q2.11.3.1	Applicant	<p><b>Variable message signage</b></p> <p>At ASI1 [EV-022] there was uncertainty as to where and whether Variable Message Signage was still intended to be provided as part of the Proposed Development.</p> <p>a) Confirm whether the Proposed Development incorporates Variable Message Signage and, if so, is it intended that the Variable Message Signage would take the form of roadside displays or to be mounted on gantries?</p> <p>b) Provide further information, such as standard detail drawings or thumbnail drawings to enable the ExA and all parties to visualise such arrangements.</p>
<b>Q2.11.4 Operational effects beyond the extent of the proposed scheme</b>		
		<b>No further questions at this stage.</b>
<b>Q2.11.5 De-trunking proposals and new local highway infrastructure</b>		
Q2.11.5.1	The Applicant	<b>De-trunking proposals</b>

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	Local Highway Authorities	<p>a) Further to the Applicant's written and oral submissions received so far in the Examination [REP1-021] [REP1-022] [REP3-008], do LHAs consider that they have an accurate understanding of the condition in which the highway asset to be de-trunked will be transferred?</p> <p>b) Applicant, provide updates on the progress made on de-trunking agreements.</p> <p>c) How will LHAs' agreement to handover at a specific point in time be secured?</p> <p><i>See related question(s) in Draft Development Consent Order</i></p>
Q2.11.5.2	Cambridgeshire County Council Applicant	<p><b>Speed limits</b></p> <p>a) CCC, you have referred the ExA to your Written Representations [REP1-048, WQ1.11.5.2]; for completeness provide associated paragraph numbers.</p> <p>b) Likewise, Applicant in your comments you have referred the ExA to your comments on Written Representations [REP3-008, WQ1.11.5.2]; provide associated paragraph numbers.</p>
<b>Q2.11.6 Non-motorised users</b>		
Q2.11.6.1	Applicant Local Highway Authorities Interested Parties	<p><b>Providing opportunities for NMUs</b></p> <p>At ISH2 [EV-034] it was clear that numerous parties consider the Proposed Development does not sufficiently improve the existing PROW network. The scheme objectives [APP-071], also referred to in the Statement of Reasons [APP-030], include ensuring the safety of cyclists, walkers and horse riders and those who use public transport by improving the routes and connections between communities improving accessibility. The Applicant explains that the PROW network will increase in length by 4.13 km [REP1-022]. However, it is noted that this includes sections of PROW diversions required as a result of the Proposed Development.</p> <p>a) Applicant, what additional NMU provision can be reasonably considered to meet the scheme objectives [APP-071], address the concerns of LHAs and other parties, and align with policy requirements (NPS NN, Paragraphs 3.3 and 5.205)?</p> <p>b) CCC [REP2-003] has expressed concerns that there is a likelihood of increased vehicle speeds on the existing A428 because the traffic levels would reduce as a result of the Proposed Development. Has the Applicant considered the need for physical engineering interventions to ensure the potential for increased traffic speeds do not lead to adverse</p>

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		<p>road safety impacts, particularly for NMUs crossing the corridor but also along it? Explain with reasons.</p> <p>c) CCC, have feasibility studies relating to the provision of a continuous off-road walking and / or cycling link between St Neots and Cambourne been undertaken [EV-034]? Provide evidence that there is demand for such a link. How deliverable is such a scheme, particularly in regard to funding and any known delivery constraints?</p> <p>d) Applicant, justify the gap of approximately 600m in off-road NMU provision between Eltisley and Caxton Gibbet North roundabout.</p> <p>e) The Applicant proposes that LAs could seek funding from Designated Funds associated with RIS2 to improve NMU provision locally [APP-243]. Provide detail regarding this fund, including how the bidding process works and how potential schemes are assessed. Explain how it is better value for such schemes to be delivered separately from the Proposed Development.</p>
<p><b>Q2.11.7 Construction traffic impacts</b></p>		
Q2.11.7.1	Applicant Local Authorities	<p><b>Outline CTMP Clarification – Travel Plan</b></p> <p>Notwithstanding the Applicant’s response at D3 to ISH2 Action Point 5 [REP3-019], the Proposed Development would result in around 900 temporary workers being employed in the locality over a number of years.</p> <p>f) How will the commuting effects of workers, employees and contractors involved in the Proposed Development be managed, mitigated and minimised given the Applicant does not currently intend to produce a Travel Plan? LAs to comment.</p> <p>a) How does your position align with the policy requirement in the NPPF (Paragraph 113) which states that all developments that will generate significant amounts of movement should be required to provide a travel plan. LAs to comment.</p> <p>b) Without prejudice, what is the implication of producing a Travel Plan; when can it be produced and presented into Examination; and how would this be secured? LAs to comment.</p>
Q2.11.7.2	Applicant	<p><b>Outline CTMP Consultation</b></p> <p>When submitting the next iteration of the outline CTMP at D4, demonstrate in tabular form how the concerns of IPs and particularly LHAs raised to date have been taken into account</p>

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		in revising the document. Clearly indicate if any specific matters will be dealt with in further iterations.
Q2.11.7.3	Local Highway Authorities	<p><b>Local Highway Impacts</b></p> <p>On the basis of the information received at D3, ISH2 Action Point 6 [REP3-019], the Applicant proposes to deal with matters relating to traffic informally diverting on to the local network during construction, primarily at source on the strategic road network with little if any measures to discourage or restrict informal traffic diverting on the local highway network. Do LHAs consider this to be sufficient? If not, explain with reasons. Applicant to comment.</p>
Q2.11.7.4	Applicant Local Highway Authorities	<p><b>Highway condition</b></p> <p>a) 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>b) The Applicant states that highway condition surveys will be undertaken at all access points used by construction vehicles [REP1-022, Q1.11.7.11]. Confirm if this is solely at the point of access to the site from the local highway network or for the entire length of the road leading to and from the site from the existing strategic road network? How will this be secured?</p> <p>c) LHAs to comment.</p>
Q2.11.7.5	Central Bedfordshire Council	<p><b>Outline CTMP Clarification</b></p> <p>a) To assist in understanding the impact of construction traffic using Station Road, Tempsford, provide a summary of customer contact received relating to the effects of the recent usage of the link by construction HGVs for the archaeological surveys as described at ISH2, Session 3 [EV-035].</p>
<b>Q2.12. Historic Environment</b>		
<b>Q2.12.1 Methodology</b>		
Q2.12.1.1	Historic England Bedford Borough Council	<p><b>Question repeated to seek response from specific respondents</b></p> <p><b>Alignment with National and Local Policy</b></p>

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		How is the Black Cat Junction option selection process and the preferred option aligned with relevant Policy documents, particularly the NPS NN, the NPPF, and the Bedford Local Plan 2030.
<b>Q2.12.2 Brook Cottages</b>		
Q2.12.2.1	Applicant Historic England Bedford Borough Council	<p><b>Demolition of Brook Cottages</b></p> <p>The NPS NN (Paragraph 5.131) states that: <i>"Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building...should be exceptional."</i></p> <p>a) HistE, in your response to WQ1 [REP1-078, Q1.2.2] and at ISH3 [EV-045] you stated that you were unable to comment on the highways design and layout of the Proposed Development. Explain if this position prevents you from reaching a conclusion as to whether <i>"a clear and convincing justification"</i> can be made for the removal of Brook Cottages. If it does not prevent you from reaching such a conclusion, state if the Applicant has provided such a justification and what you consider it to be.</p> <p>b) BBC do you believe that <i>"a clear and convincing justification"</i> can be made for the removal of Brook Cottages. State if the Applicant has provided such a justification and what you consider it to be.</p> <p>c) ExA considers that the effect of the Proposed Development on Brook Cottages would need to be assessed in line with Chapter 16 of the NPPF (and in particular Paragraph 201) and the intended protection for listed buildings as specified under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. BBC and HistE, comment with reasons. If so, do you believe this justification to be clear and robust in the Applicant's case? Applicant may also comment.</p>
Q2.12.2.2	Applicant	<p><b>Surveys of Brook Cottages</b></p> <p>a) Applicant, at ISH3 [EV-045] you indicated that the intrusive surveys needed to assess the feasibility and value of dismantling Brook Cottages and rebuilding them in a museum setting, or for residential use, could only take place once you had secured possession of the building. Clarify this position, which is different to that previously stated [APP-240, Appendix E], where difficulty gaining access to the property was said to be the reason for surveys not taking place.</p>

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		<p>b) Applicant, notwithstanding the above point, has there been any further progress regarding gaining access to Brook Cottages, to undertake the surveys referred to at ISH3 [EV-045] and previously [APP-240, Appendix E], concerning the feasibility and value of re-locating Brook Cottages to a museum or as a dwelling?</p> <p>c) Applicant, why has notice under S53 of PA2008 or similar legislation such as S172 of the Housing and Planning Act 2016, not been served to secure access? Will this be done during the Examination and if so, when?</p> <p>d) Applicant, confirm whether or not the surveys referred to at ISH3 [EV-045] to assess the feasibility and value of dismantling/ rebuilding Brook Cottages will be completed before the end of the Examination.</p> <p>e) HistE, if the survey is not completed prior to the close of the Examination, in your view what level of harm (e.g. Substantial or Less Than Substantial) would the loss of Brook Cottages cause for the purpose of the ExA's assessment.</p> <p>f) Applicant and HistE, how can the ExA give any weight to the potential future mitigation of any of the identified harm following the completion of the surveys, if the surveys are completed after the Examination has closed?</p> <p>g) Applicant, would it be possible to secure potential future mitigation reliant on survey findings, in the dDCO to provide greater assurance and certainty. Explain with reason and any relevant precedence. Provide suitable wording for R16 [REP1-003]. HistE and BBC may also comment.</p>
Q2.12.2.3	<p>Applicant Bedford Borough Council Owner(s) of Brook Cottages Occupier(s) of Brook Cottages</p>	<p><b>Occupier(s) of Brook Cottages</b></p> <p>At ISH3 [EV-050] reference was made to the occupier(s) of Brook Cottages.</p> <p>a) Applicant, your description of the occupier(s) at ISH3 [EV-045] would lead the ExA to believe that the occupier(s) might have protected characteristics in line with S4 of the Equality Act 2010; where and how did you come upon this information?</p> <p>b) Applicant and BBC to confirm (without specifying any personal details) if protected characteristics of S4 of the Equality Act 2010 would trigger the Public Sector Equality Duty.</p> <p>c) Applicant, explain whether the effects of the Proposed Development on Brook Cottages would interfere with the human rights of the occupier(s), specifically Article 1 of the First Protocol (protection of property) and Article 8 (respect for private and family life) of the Human Rights Act 1998.</p>

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		<p>d) Applicant, if there would be an interference in these rights, explain in detail how you have concluded that such interference is justified, including with appropriate reference to legislation and caselaw.</p> <p>e) The EQIA states [APP-245, Page 23] "<i>Ongoing engagement will be undertaken with all relevant parties and will continue to be inclusive of any specific requirements of those involved. This includes where tenants may need specific reasonable adjustments to enable them to fully participate in engagement activities due to their protected characteristics.</i>" Applicant, list all instances where you made, or attempted to make contact with the occupier(s) and owner(s) of Brook Cottages. Provide details and summarise any reasonable adjustments requested or made to facilitate their engagement.</p> <p>f) Applicant, provide further justification in line with CA guidance that for Brook Cottages all reasonable alternatives to CA, including modifications to the scheme, have been explored.</p> <p>g) Owner(s) and Occupier(s) of Brook Cottages, do you wish to make any representation with regard to the Proposed Development?</p>
Q2.12.2.4	Applicant Historic England Bedford Borough Council Environment Agency	<p><b>Black Cat Junction Options</b></p> <p>As requested at ISH1 [EV-011], the Applicant submitted a summary narrative of the criteria considered in the assessment of alternatives for the Black Cat junction and alignment of the A1 in the immediate and wider area, with particular reference to historic environment, flood risk and floodplain compensation, land take, effects on other residential and commercial uses, the restoration of the quarry, and on the gas main to the south of the existing roundabout.</p> <p>a) Applicant, what evidence, such as costings and metrics is there to support the statements made at [REP1-034, Appendix B, Paragraphs 1.1.4 and 1.1.5 and 1.1.16 and 1.1.17] in particular?</p> <p>b) Applicant, provide evidence relating to flood risk, including compensatory floodplain storage and the role this evidence played in the assessment of alternatives.</p> <p>c) Applicant, how were the issues [REP1-034, Appendix B, Paragraphs 1.1.4 and 1.1.5 and 1.1.16 and 1.1.17], considered as part of the Option development and selection process?</p> <p>d) Applicant, were options, perhaps showing some of the alternatives that would not entail the demolition of Brook Cottages (that were previously referred to and</p>

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		<p>discounted by the Applicant), considered and subjected to any consultation? If so, how was this used in the Option development and selection process?</p> <p>e) HistE, BBC, EA what engagement have you had with the Applicant regarding reasonable alternative options that did not entail the demolition of Brook Cottages?</p> <p>f) EA, with reference to NPS NN and the NPPF are you satisfied that the Applicant has had appropriate regard to flood risk, including compensatory floodplain storage, in all of their Option development and selection work?</p>
<b>Q2.12.3 Milestone and Mileposts</b>		
		<b>No further questions at this stage.</b>
<b>Q2.12.4 Archaeological Remains</b>		
Q2.12.4.1	Historic England Local Authorities	<p><b>Archaeological Mitigation Strategy</b></p> <p>a) Please confirm your views on the scope of the revised AMS submitted at D3 [REP3-010] and its response to the joint Archaeological Design Brief?</p> <p>b) In particular, Cambridgeshire Councils, with regard to the Applicant's comments in [REP3-007, Q1.12.4.2], are you satisfied that all areas are included in the revised AMS [REP3-010]?</p> <p>c) CBC are you satisfied that the revised AMS accords with the approved scopes of work and Written Schemes of Investigation for the advanced archaeological works?</p> <p>d) BBC, with regard to R9, are you satisfied with the Applicant's revised wording, as described in [REP3-007, Q1.12.4.2]?</p>
<b>Q2.13. Landscape and Visual Effects</b>		
<b>Q2.13.1 General</b>		
Q2.13.1.1	Historic England	<p><b>Question repeated to seek response from specific respondents</b></p> <p><b>Methodology</b></p> <p>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.</p>



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<b>Q2.13.2 Visual Impact</b>		
Q2.13.2.1	Bedford Borough Council	<p><b>Question repeated to seek response from specific respondents</b></p> <p><b>Design and visual appearance</b></p> <p>In the Schedule of Mitigation [APP-235, EMB – LV8] the Applicant has 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]. In the absence of this information, comment 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>
<b>Q2.13.3 First Iteration EMP and Landscape and Ecology Management Plan</b>		
Q2.13.3.1	Bedford Borough Council Cambridgeshire Councils Natural England	<p><b>Question repeated to seek response from specific respondents</b></p> <p><b>Mitigation</b></p> <p>a) BBC, 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>b) The ES states that one of the measures to mitigate the effects of construction activities includes sympathetic lighting to minimise disturbance to nearby receptors. The Applicant is not 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]. BBC to comment.</p> <p>c) Would the Proposed Development be sufficiently screened, particularly relative to existing settlements, such as Roxton, or St Neots?</p> <p>d) ExA seeks responses from the Cambridgeshire Councils and NE on the responses provided by the Applicant [REP3-007].</p>
Q2.13.3.2	Cambridgeshire Councils Natural England	<p><b>Mitigation</b></p> <p>Comment on the responses provided by the Applicant [REP3-007].</p>

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<b>Q2.14. Land use including open space and green infrastructure</b>		
<b>Q2.14.1 Geology and Soils</b>		
Q2.14.1.1	Applicant	<p><b>Response expected at D6</b></p> <p><b>Surveys</b></p> <p>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?</p>
<b>Q2.14.2 Cumulative effects</b>		
		<b>No further questions at this stage.</b>
<b>Q2.15. Need for Development and Consideration of Alternatives</b>		
<b>Q2.15.1 Need for the development</b>		
		<b>No further questions at this stage.</b>
<b>Q2.15.2 Business case</b>		
Q2.15.2.1	Applicant	<p><b>Construction and operation cost</b></p> <p>Further to the response to WQ1 [REP1-022, Q1.15.2.1 b and c] provide more detail regarding the discounting measures used, and how and why they differ between construction and operation/ maintenance. The ExA wishes to fully understand how these costs were derived and the reason for the substantial differences between them, in terms of cost benefit analysis.</p>
<b>Q2.15.3 Cost benefit analysis</b>		
		<b>No further questions at this stage.</b>
<b>Q2.15.4 Alternative modal solutions</b>		

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Q2.15.4.1		<b>No further questions at this stage.</b>
<b>Q2.16. Noise and Vibration</b>		
<b>Q2.16.1 Construction and Operational effects on sensitive receptors</b>		
Q2.16.1.1	Local Authorities All Parties	<b>Borrow Pits</b> Does the Applicant's Borrow Pits Excavation and Restoration Report [REP3-011] adequately address concerns relating to noise associated with the use of Borrow Pits? If not, explain with reasoning.
Q2.16.1.2	Local Authorities All Parties	<b>Noise baseline monitoring</b> Do LAs and IPs agree with the rationale put forward by the Applicant [REP3-019, Appendix B] to explain how the baseline noise monitoring undertaken was sufficient for the purposes of the ES? If not, explain with reasons.
Q2.16.1.3	Local Authorities All Parties	<b>Noise and Vibration Errata</b> Do LAs or IPs have any comments regarding REP3-27 which clarifies that dates of Base Year traffic data, as referred to in various submissions by the Applicant, should be 2015 rather than 2016.
<b>Q2.16.2 Proposed mitigation, management and monitoring</b>		
		<b>No further questions at this stage</b>
<b>Q2.17. Significant Cumulative Effects</b>		
<b>Q2.17.1 Approach to assessment</b>		
		<b>No further questions at this stage</b>
<b>Q2.17.2 Assessment of cumulative effects</b>		
Q2.17.2.1		<b>No further questions at this stage</b>
<b>Q2.17.3 Assessment of combined effects</b>		

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Q2.17.3.1	Applicant Local Authorities	<p><b>Proposed mitigation</b></p> <p>Applicant, for the receptors that would experience large adverse combined effects, and moderate adverse effects [APP-084] [APP-112] do you believe the First Iteration EMP should identify support and point of contact with the Community Liaison Manager or similar to provide immediate and short term mitigation to effects of construction period? Should this be identified as additional mitigation? LAs to comment.</p>
<p><b>Q2.17.4 East West Rail</b></p>		
Q2.17.4.1	East West Rail Company Limited Applicant	<p><b>East West Rail</b></p> <p>The EWR Company have submitted material [REP1-073] [REP3-048] relating to where, and to some degree, how the Proposed Development would interface with the proposed EWR scheme. Various interface points were also described at the ASI by the EWR Company [EV-022].</p> <p>a) EWR Company, provide oral summaries of that explained to the ExA at each stopping point of the ASI.</p> <p>b) Applicant, provide details of any design changes currently proposed or being developed for the Proposed Development on the basis of the information received to date.</p>
<p><b>Q2.18. Socio-economic effects</b></p>		
<p><b>Q2.18.1 Methodology</b></p>		
Q2.18.1.1	Applicant Local Authorities	<p><b>Human health</b></p> <p>Notwithstanding the responses from the Applicant [REP1-022] and PHE [REP1- 090], do you believe the First Iteration EMP should identify support and point of contact with the Community Liaison Manager or similar to provide immediate and short-term mitigation to receptors identified by the Cambridgeshire Councils [REP1-051] during the construction period? Should this be identified as additional mitigation? LAs to comment.</p>
<p><b>Q2.18.2 Local and national economic activity and employment</b></p>		
<p><b>No further questions at this stage.</b></p>		
<p><b>Q2.19. Water quality and resources</b></p>		

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<b>Q2.19.1 General</b>		
		<b>No further questions at this stage.</b>

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**ANNEX A: Schedule of all agreements, negotiations and objections to the grant of Compulsory Acquisition or Temporary Possession powers for A428 Black Cat to Caxton Gibbet Improvements Scheme**

Unique reference number and status key <sup>i</sup>	Name	EL reference numbers <sup>ii</sup>	Interest <sup>iii</sup>	Type of Rights relating to specified plot(s) <sup>iv</sup>		Update on agreement, negotiations and objection, including indicative timescales
				Plots	Type of rights	
					Permanent	
					Temporary	
					Temporary with permanent rights	
					Permanent	
					Temporary	
					Temporary with permanent rights	
					Permanent	
					Temporary	
					Temporary with permanent rights	

<sup>i</sup> Assign a unique number, in sequence, to all agreements, negotiations and objections listed in this table. Indicate the status using the Status Key. You may add more categories to the Status Key if more detailed information is available.

Status Key	
	Agreement signed
	All matters agreed, signing pending
	No objection, and negotiations ongoing
	No objection, negotiation not commenced
	Objection, but ongoing negotiation
	Objection, agreement unlikely before close of Examination

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- ii List the Examination Library (EL) reference numbers for all representations made by the party to the Examination, including Relevant Representation, Written Representation, other written submissions, oral submissions at Hearings, and appearance at Accompanied Site Inspection(s).
- iii Identify the parts of the Book of Reference relating to the entry, and if the IP or AP is Category 1, 2, or 3 [APP-032].
- iv Indicates whether the Applicant is seeking compulsory acquisition or temporary possession of land/rights, or temporary possession with permanent rights.