

Comments on the Applicant's comments on other parties' responses to the Examining Authority's First Written Questions (WQ1)

This document sets out the comments on the Applicant's comments on other parties' responses to the ExA's WQ1 [REP3-007] by Cambridgeshire County Council (**CCC**), Huntingdonshire District Council (**HDC**) and South Cambridgeshire District Council (**SCDC**) (together, the **Councils**). The table below sets out the topic, question number and the Interested Party that the Applicant's comment responds to, together with the Councils' comment.

Except where expressly stated otherwise below, the Councils reiterate and rely on their comments submitted to the ExA at Deadline 1, Deadline 2 and Deadline 3.

Topic	Question Number	Applicant comment responding to	Councils' Comment
Climate Change/ Decarbonising Transport	Q.1.1.1	CCC/HDC/SCDC (REP1-051):	The Councils query the assertion that no suitable locations exist to provide ultra-rapid charge point infrastructure given the location of services in close proximity to the Project and wider strategic road network (for example the services at Caxton Gibbet).
National Planning Policy Framework	Q1.1.1.3	CCC/HDC/SCDC (REP1-051)	A minor omission seems to have been made in the response which states that 'the Applicant will consider both the requirement of the NPPF and Part 2A (whichever is stringent) in developing appropriate mitigation'. The phrase 'the most' should be inserted before the word 'stringent'.
Climate change and Carbon Emissions	Q1.4.1.1	CCC/HDC/SCDC (REP1-051):	The Councils' welcome further information and the opportunity to comment on construction emissions mitigation in the second iteration of the EMP and a Technical Note providing a detailed breakdown of construction carbon emissions for Deadline 4. We do, however, wish to reserve the right to provide further comment once we have seen that further detail.

<p>Borrow pits, construction compounds, waste management</p>	<p>Q1.6.2.1 Borrow Pits</p>	<p>CCC/HDC/SCDC (REP1-051):</p>	<p>Concerns set out in the Council's original written representation remain, particularly in respect of Policy 19.</p> <p>The following comments also relate to 9.22 Applicant's Comments on Local Impact Reports [TR010044/EXAM/9.22] page 122 in relation to the Policy Assessment of Policies 7 and 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021):</p> <p>Applicant's Comment on Non-compliance with Policy 19 – "<i>The biodiversity requirements of the National Policy Statement for National Networks (NPSNN) apply on a scheme-wide basis and do not require specific provision to be made for individual elements such as borrow pits as if they were applications made in their own right at a local level...</i>"</p> <p>The Applicant's comments in respect of Policy 19 raise two concerns:</p> <ol style="list-style-type: none"> 1. While the Applicant may be correct in stating that the biodiversity requirements for the NPSNN apply on a scheme wide basis, the same is also true of paragraph 5.33 of the NPSNN which requires the Secretary of State to consider whether the applicant has maximised opportunities for building in beneficial biodiversity or geological features as part of the design. Given that no attempt has been made to undertake an assessment of the development against Policy 19 or an assessment of what opportunities, particularly in relation to biodiversity, may be present, it is not possible for the applicant to demonstrate they have maximised these opportunities. 2. The assertion that individual elements of a NSIP scheme should not be held to the same standard as other smaller developments, implies that the Applicant is content to promote a scheme in the knowledge that certain parts of the development, if they were to be assessed against local policy, would not be acceptable. Where this is the case, it is important that a proposal is designed so that it is as
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			<p>close to being in accordance with policy as possible. In the context of point 1 above, this does not appear to have been achieved, and consequently it cannot be demonstrated that the most sustainable solution has been presented.</p> <p>The Council is of the view that through assessment of policy and options for restoration, biodiversity gains may be identified. These may be large in form for set-aside habitats, or small in the form of hedgerow planting or specific agricultural treatment of the restored land. The Council also wishes to highlight that paragraph 5.33 of the National Policy Statement for National Networks (NPSNN) states that the Secretary of State may use requirements or planning obligations where appropriate in order to ensure that such beneficial features are delivered.</p> <p>In the Applicant's response to Written Representations [REP3-008 Entry REP1-048ck, page 149], the applicant raises Policy 18 (Amenity Considerations) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021). The lack of inclusion in the LIR was an oversight and the Council welcomes its highlighting by the Applicant. As the ExA will note, Policy 18 addresses a number of topics such as noise, dust, light, air quality, disturbance and other matters covered under the general heading of amenity. It states:</p> <p><i>“Proposals must ensure that the development proposed can be integrated effectively with existing or planned (i.e. Development Plan allocations or consented schemes) neighbouring development. New development must not result in unacceptable adverse impacts on the amenity of existing occupiers of any land or property, including: (a) risk of harm to human health or safety; (b) privacy for the occupiers of any nearby property; (c) noise and/or vibration levels resulting in disturbance; (d) unacceptably overbearing; (e) loss of light to and/or overshadowing of any nearby property; (f) air quality from odour, fumes, dust, smoke or other sources; (g) light pollution from artificial light or glare; (h) increase in litter; and (i) increase in flies, vermin and birds.</i></p>
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Construction and maintenance of new, altered or diverted streets and other structures	Q1.7.3.4	CCC/HDC/SCDC (REP1-051)	CCC notes the applicant's comment at REP1-048ab that the issues it has raised in CCC's Written Representation REP1-048, items 3.25 and 3.26, are being further considered. CCC feels that this issue could most appropriately be resolved by making simple amendments to the dDCO in time for deadline 4. This is not felt to be a matter for the SoCG as the

			relevant dDCO clauses are considered by CCC to be incorrect and should be changed.
Limits of Deviation	Q1.7.3.7	CCC/HDC/SCDC (REP1-051)	CCC as LHA has made a number of points on the matter of Limits of Deviation within its Written Representation - REP1-048 items 3.15 to 3.24. CCC has addressed this question in its response to the 'Applicants comments on Written Representations' (TR010044/EXAM/9.21, item REP1-048aa).
Construction and maintenance of new, altered or diverted streets and other structures	Q1.7.3.10	CCC/HDC/SCDC (REP1-051)	CCC as LHA has made a number of points in relation to Article 13 of the dDCO, seen in Written Representation REP1-048 and responded to by the applicant in document TR010044/EXAM/9.21. CCC's principal concern with Article 13 is that the process for inspection, certification and handover of new highways is unsuitable as it does not provide sufficient protection and assurance for LHAs regarding the new assets that it stands to inherit. The applicant prefers to defer such matters to the making of a separate legal agreement which is unacceptable to CCC at the current time. Amending the dDCO to include clauses relevant to asset handover would provide clarity and certainty for all parties. CCC's has further concerns related to Article 13, which are addressed in answer to question 1.7.3.4 above.
	Q1.7.3.11	CCC/HDC/SCDC (REP1-051)	<p>CCC has made a number of points in relation to Article 14 of the dDCO in Written Representation REP1-048, responded to by the applicant in document TR010044/EXAM/9.21.</p> <p>It is noted that the applicant is considering amending article 14(7) to accommodate the need to certify works as being complete once each individual route is opened, rather than as currently worded. This is positive but CCC cannot comment further until the proposed revised dDCO is received at deadline 4.</p> <p>Noted that the applicant is updating the wording of article 14(7) to reflect the correct local authority.</p>

			However CCC has made representations in respect of article 14(8) dDCO which have not been satisfactorily answered. The applicant wishes to resolve these concerns via a separate side agreement which is still to be finalised. CCC is not in a position to accept the current dDCO wording.
Flood Risk	Q1.9.4.2	CCC/HDC/SCDC (REP1-051)	Refer to comments made by the Councils in document CLA.D4.WR.AC.C submitted at Deadline 4, for REP1-048cx.
Good Design	Q1.10	HDC/SCDC Landscape	Having reviewed the Applicant's submission Scheme Design Approach and Design Principles [TR010044/EXAM/9.26] the councils do not consider that the applicant has shown any regard to local character and vernacular in designing the structures, particularly in relation to appearance. The proposed materials, concrete and weathering steel, are common in highways across the country and relate to the region no more than they do elsewhere. It is disappointing that the design of the structures shows no design aspirations above the most basic of provision – higher aspirations could include the inclusion of more inspired materials, such as timber, or be designed as green, or “living”, bridges – which would do much more to assimilate into the landscape and provide connections for both wildlife and humans.
Transport modelling	Q1.11.1	CCC/HDC/SCDC (REP1-051):	<p>a) Cambourne to Cambridge has not been included in the core tests due to the fact that in 2018 when the uncertainty log was compiled the scheme was not sufficiently designed to allow for its inclusion. This is reasonable but given the likely relationship between the 2 schemes has a sensitivity test been undertaken that includes Cambourne to Cambridge given that greater detail is now available for this scheme?</p> <p>b) The Councils would have appreciated the opportunity to influence the modelling rather than to be presented with a model and say this is what we have used. This approach is very different from the approach taken in relation to the modelling of the A14 and has led to the outstanding issues that are set out in the Councils' Representations to this Examination.</p>

			<p>c) The response to this point does not adequately address the points made in the responses submitted by the Council. The Applicant still maintains that the approach taken <i>“is reasonable and proportionate and the summary findings from the junction models in terms of impact of the scheme on local highway network are as robust as they can be for a major scheme like the A428 Black Cat to Caxton Gibbet improvements”</i> however, the point remains that the junction models indicate that the proposed junctions operate with such a high level of spare capacity that suggests that the proposed design of the scheme is significantly bigger than it needs to be and this is a major concern for the Councils for two reasons: i) the over provision of capacity could lead to additional trip making which is not consistent with the move to sustainable development and carbon zero and ii) the Councils do not want to be adopting assets that are larger than they need to be.</p> <p>In addition, the Councils do not agree that the junctions provided don't exist in the current road configuration. For both Cambridge Road and Caxton Gibbet the existing and proposed junctions cater for same turning movements as are available in the current configuration. The key difference is the separating out of local and strategic traffic and therefore the future year models need to be amended to ensure that the turning proportions modelled are reasonable. The Councils look forward to working with NH in the preparation of the traffic flows to be used in the sensitivity tests and also welcome the changes planned to some of the model inputs.</p>
Methodology, inputs and outputs	Q1.11.1.2	CCC/HDC/SCDC (REP1-051):	<p>The use of flows directly from the strategic model is not acceptable to the Councils, this point will hopefully be addressed by the sensitivity tests.</p> <p>The point relating to the impact of the scheme on St Neots and especially Great North Road and Cambridge Road as a result of introduction of the scheme has still not been adequately addressed. The information supplied by NH in support of the application indicates that both roads will see significant increases in AADT (Great North Road this amounts to a 24%</p>

			<p>increase in AADT) with the peak hour flows seeing increases of approximately 200 PCU per Hour. These increases have the potential to cause issues on the local road network and so the Councils have requested that a number of adjacent junctions be tested to ensure that they can accommodate the additional traffic predicted by the modelling.</p> <p>That Applicant states that <i>“In the circumstances it is neither necessary nor proportionate for the Applicant to carry out further, more detailed modelling to assess a potential deterioration in traffic conditions on selective approach arms of a number of specific individual junctions within the urban road network of a town, where the overall impact of the Scheme on the town is beneficial, and where the increase in traffic flows concerned is acknowledged to be the effect of local reassignment of traffic away from less suitable routes within the town centre.”</i></p> <p>The Councils maintain that this information is needed in order to assess the impact of the proposed scheme on the local road network because if the junctions on Great North Road and Cambridge Road cannot accommodate the additional traffic predicted by the model then it is very likely that traffic will not reroute as indicated by the modelling and therefore the benefits shown to St Neots will not be realised. The Councils refer also to the points made in relation to this in their response to the Applicant’s Comments on the Local Impact Reports.</p>
Cambridgeshire traffic impacts	Q1.11.1.4	CCC/HDC/SCDC (REP1-051):	<p>a) The data used in the conversion of the Saturn flows to VISSIM inputs has still not been shared with the Councils. Yes it would be possible to recreate this information from the TNs but there is a danger that the process could be subtly different which might give different results and secondly this would represent a significant waste of public money having to recreate information that should already exist.</p> <p>b) The point about the benefit to St Neots as a whole as a result of the scheme is addressed in relation to Q1.11.1.2 above.</p>

			<p>c) The Applicant refers to a sensitivity test that has been undertaken at Girton Interchange to correct the coding of the junction in the Strategic Model to date (18/10/21) the modelling and any supporting information for this sensitivity test has not been shared with the Councils.</p> <p>d) This point deals with the rerouting through Coton and the comments on this are covered by the review of the TN submitted by NH which indicated that the coding in the area of the M11 J13 /J12 in the strategic model is incorrect.</p> <p>e) It is noted that the GCP Cambourne to Cambridge scheme was not included due to the uncertainty over the scheme in 2018 when the uncertainty log was derived but given the close proximity of these schemes and the greater certainty around this scheme now would it not be advisable to carry out a sensitivity test?</p>
Road layout, junctions & bridges	Q1.11.2		Highway Design – No comments as Applicant’s comments do not provide any new information regarding technical Highway Design. There has been no further meaningful discussion on the “cross-sections of the B1046/Potton Road and Toseland Road” as the Applicant insists that their non-compliant design is safer. There is no indication that they intend to amend the design in line with the adopting LHA’s requirements.
Street Lighting	Q1.11.3.2	CCC/HDC/SCDC (REP1-051)	Disagree with the Applicants comment. The Council reiterates their position that: Cambridgeshire County Council as Highway Authority with responsibility for adopting new assets would like to agree the design of streetlighting, so that it can be adopted and maintained by our PFI contractor. It is noted that a written scheme of proposed lighting is proposed in Requirement 17 ‘prior to the development being brought into use’. This would be better provided prior to commencement and as part of the design, so that it can be agreed with the LHA and standards and processes applied to ensure the easy adoption of new assets, instead of after it has been built. It would be helpful to understand the lighting impacts of the development as part of the application and secure a commitment

			<p>from the applicant to use Cambridgeshire's street lighting specification (CCC Street lighting Development Specification, Revision 03 - dated January 2016) on any roads to be adopted by the Council. CCC considers that it should approve the written scheme of proposed lighting pursuant to Requirement 17 rather than being consulted only.</p> <p>All street lighting installation design submissions for street lighting installations that will upon formal handover become the responsibility of Cambridgeshire County Council (CCC) must comply/ be completed in line with:</p> <ol style="list-style-type: none"> 1. All relevant sections of the Street lighting Development Specification, Revision 03 - dated January 2016. 2. All requirements contained in the Street Lighting Design Brief that will be issued by CCC for each separate street lighting installation/section of works. 3. CCC's street lighting standard detail drawings
De-Trunking	1.11.5.1	CCC/HDC/SCDC (REP1-051):	<p>The Councils agree with the Applicant in relation to the aspects that the Legal Agreement must cover. However, the Applicant does not acknowledge that the Councils require the DCO itself to contain a clear mechanism to underpin the provisions of the Legal Agreement to ensure that, as a matter of law, the relevant roads are not de-trunked without the Legal Agreement being complied with. The Councils have suggested at Deadline 3 amendments to the draft DCO that would provide for a clear certification process that would fulfil the necessary role. The certification process would also have added benefits in terms of clarifying, as a matter of law rather than just contract between the parties, the extent of the de-trunked road by reference to the as-built drawings.</p>
Non-motorised users	Q1.11.6	CCC	<p>The Applicant's response is inadequate: it fails to address the points made (REP1-051) a-d.</p> <p>The document [APP-084] contains no reference to the maximising of sustainable travel modes. The Applicant's response does not acknowledge</p>

			the evidence given by the County Council at ISH2, and has not responded to the Councils' answers given to Q1.11.6.1 - Q1.11.6.4 [REP1-051] which covers proportionality. The Councils disagree with the Applicant's interpretation of proportionality.
Cumulative impacts	Q1.11.7.5	CCC/HDC/SCDC (REP1-051):	The Reasons for not including the GDP's Cambourne to Cambridge scheme in the assessment are noted but given the progress made on this scheme and the close proximity to the proposed A428 scheme the Councils feel that there should be a sensitivity test undertaken that includes the latest available assumptions to enable the impacts to be tested.
Local Highway Impacts	Q1.11.7.10	CCC/HDC/SCDC (REP1-051):	Discussions are ongoing relating to the Sensitivity testing to be undertaken by NH on the junction models, the Councils are waiting for the scope of this work to be agreed and are hopeful that the issues relating to this will be addressed by the resulting sensitivity tests.
Cultural Heritage	Q.1.12.1.1 a)	CCC/HDC/SCDC REP1-051	With reference to Site 18 (Field 74), the Applicant has simplified the evidence of the evaluation. The councils' view is that the 3% evaluation strategy was sufficient only to provide the presence and extent of archaeological features associated with known cropmarked sites, the plan of which was amplified by the evaluation methods employed to assess the scheme area. This low level of engagement is insufficient for the interpretation of the dynamics of phases of Iron Age and Roman settlement. The statement at paragraphs 2.1.2 of the Archaeological Mitigation Strategy [APP 238] and its updated version [REP3-010], "Not all sites will be fully excavated, as the primary aim of the Strategy is to maximise knowledge gain", is a non sequitur: we cannot at this stage know what the full range of features outside enclosure boundaries represent and whether other intrinsically important aspects of ancient occupation, such as Bronze Age cremation cemeteries and unenclosed Bronze Age/Iron Age settlement with waterlogged wells with log ladders like that recently discovered in the A428's main compound site in Field 59 (within the Wintringham Park development area) are also present. The Applicant's description of this site as Site 14: "Wintringham Site 2 – trackway and Iron

			<p>Age features.” demonstrates the dangers of over-interpreting (and therefore simplifying) evaluation evidence. This new evidence had not been found during the evaluation of Wintringham Park and extends the occupation’s date deeper into the prehistoric period.</p> <p>Site 18 in Field 74 will be subject to total destruction by the construction of the road scheme. The Applicant is seeking to limit the excavation of known archaeological evidence by the incorrect application of the term “knowledge gain”. We do not support the unrecorded loss of archaeological remains and advise that various levels of investigation should be employed to the remains within Field 74 to counter any underestimation of the archaeological resource.</p>
Cultural Heritage	Q.1.12.1.1 b)	CCC/HDC/SCDC REP1-051	The list of sites is given at 8.2.6 of the CCC/HDC/SCDC Joint Local Impact Report [REP2-003] .
Cultural Heritage	Q1.12.4.1 e)	CCC/HDC/SCDC (REP1-051):	The Applicant indicates "The mitigation of the Scheme is not designed to allow recording for recording’s sake, but rather to excavate those sites with intrinsic or group value, which will add to the corpus of knowledge for the region.” The councils do not advocate a recording for recording’s sake strategy but one that ensures that archaeological sites that will be destroyed by construction are appropriately recorded in advance. This requires different intensities of investigation and survey of suitably buffered archaeological sites and does not seek to exclude areas of evidence considered interpreted by a 3% level of trench-based evaluation supported by non-intrusive surveys (e.g., geophysics and air photo transcription). Decisions are made on site, after stripping, as to what the level of intensity should be – above or below those prescribed in the archaeology brief (now included as Appendix B in the AMS) and the updated AMS [REP3-010] .
Cultural Heritage	Q12.4.2 e)	CCC/HDC/SCDC (REP1-051):	The levels of investigation should conform to the Joint Authorities Archaeology Brief (JAAB) shown at Appendix B of the Updated Archaeological Mitigation Strategy [AMS REP3-010] . We remain in

			disagreement about 'Sampling' levels of investigation and the extent of some of the areas for excavation in Table 5.1 of the AMS.
Noise and Vibration	Q1.16.1	CCC/HDC/SCDC (REP1-051):	<p>The Councils disagree with the Applicant's comments - The core hours proposed by the Applicant are outside of those usually secured by HDC and SCDC.</p> <p>Both SCDC and HDC have agreed the following are reasonable times:</p> <ul style="list-style-type: none"> • 8am - 6pm, Monday to Friday; • 8am - 1pm, Saturday; and • No working on Sundays and Bank Holidays. <p>However, due to the size of the scheme, localised arrangements could be made subject to detailed design information becoming available and suitable mitigation being employed.</p> <p>It should be noted in addition to these core hours the Applicant has asked for start-up and shut down periods either side of these times, thus increasing the times residents could be subjected to construction associated activities including engine noise, vehicle movements, deliveries and on-site personnel.</p> <p>Also see the Councils' reply to Applicant's Comments on Written Representations REP1-048bv (Working Hours) in CLA.D4.WR.AC.C, submitted by the Councils at Deadline 4.</p> <p>This is still under discussion to resolve.</p>
Noise - Proposed mitigation, management and monitoring	Q1.16.2	CCC/HDC/SCDC (REP1-051)	The Applicant has not provided any detail about the potential to provide off-site barriers. This issue was about offering residents a noise barrier on the boundary of their land to protect their garden from the increase in road noise.

			<p>Parkers Farmhouse would benefit from a noise barrier alongside Potton Road to protect the garden that lies to the south of the house. The same applies to Rectory Farm Cottage where a noise barrier could be constructed along the south-eastern boundary of the property, which is south-east of the house. The justification for no barriers at Greyholme and Tithe Farm are acceptable. 1 and 2 Wintringham Cottages would benefit from a noise barrier on their northern property boundary and along the western boundary of 1 Wintringham Cottage. The Applicant's justification for no noise barriers at 3 and 4 Wintringham Cottages is acceptable. Please note that the homeowners may refuse the offer of a noise barrier, in which case, that is the end of the matter.</p>
Noise - Monitoring	Q1.16.2.5	CCC/HDC/SCDC (REP1-051)	<p>See reply to Applicant's Comments on Written Representations [CLA.D4.WR.AC.C], Noise Pages 120-134, Noise monitoring once Scheme is operational: REP1-048bv.</p>