

**EWR Co: Response to Deadline 3 submissions
A428 Black Cat to Caxton Gibbet Improvement Scheme**

Deadline 4, 4th November 2021



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1. Introduction

- 1.1. This document sets out East West Railway Company's (EWR Co) response to information and submissions received at Deadline 3. Where a comment is not subject to reply it is because EWR Co does not wish to comment further on a particular matter at this stage. It should not be interpreted that the comment is accepted or conceded unless this is expressly stated.
- 1.2. Section 2 sets out EWR Co's comments in relation to information and submissions received at Deadline 3, as follows:
 - 1.2.1. Table 1: EWR Co's response to the Applicant's comments [REP3-007] on EWR Co's responses to the Examining Authorities First Round of Written Questions
 - 1.2.2. Table 2: EWR Co's response to the Applicant's comments [REP3-007] on other parties' responses to the First Round of Written Questions
 - 1.2.3. Table 3: EWR Co's response to the Applicant's comments [REP3-030] on information and submissions prepared by EWR Co received by D1 and D2
 - 1.2.4. Table 4: EWR Co's response to Applicant's comments [REP3-008] on Written Representations received at D1 and D2
 - 1.2.5. Table 5: EWR Co's comments on Applicant's written submission of oral case for Compulsory Acquisition Hearing on 22 September 2021 [REP3-021]
 - 1.2.6. Table 6: EWR Co's comments on third party responses

2. Responses to Deadline 3 Submissions

Table 1: EWR Co's response to the Applicant's comments on EWR Co's responses to the ExA's First Round of written questions

Item No.	Document name and PINs Reference No.	Extracts	EWR Co Response
1.1	Applicant's Response [REP3-007] on page 190 to EWR Co's response to Q1.17.4.1 East West Rail [REP1-074]	<p>"b and c) The Applicant notes the areas which the EWR Co has identified as having significant engineering interfaces between the Scheme and the EWR project. The Applicant also notes however that the EWR project's horizontal and vertical alignments are still in development (paragraph 5.3 of [REP1-074]) and that it is not known whether the railway will go over or under the Scheme at any possible engineering interface. The Applicant's position therefore remains unchanged, in that there remains too much uncertainty on the preferred alignment for the Applicant to consider any specific provision for any new infrastructure which may be required as part of the East West Rail scheme."</p>	<p>In addition to the details of the potential engineering interfaces provided in EWR Co's response to Q1.17.4.1 (b) [REP1-074], further detail was provided in EWR Co's Deadline 2 submission regarding the draft itinerary for the Accompanied Site Inspection [AS011].</p> <p>The potential interfaces referred to in [REP1-074] and [AS011] were described by reference to a design that had been developed in December 2020 for the purposes of comparing the various route alignments. Since the close of the non-statutory consultation on 9 June 2021, the potential options to take advantage of value management opportunities, insofar as they may interface with the Scheme, have been considered further. As such, Appendix 1 to EWR Co's responses to WQ2 (submitted at Deadline 4) has been prepared to describe the potential interfaces with the value managed design, so as to ensure that the most recent information in respect of EWR Co's ongoing option development and emerging preferences is before the Examination. It is to be noted that EWR Co has yet to confirm its preferred route alignment for the EWR Project and discussions held with NH are based upon the emerging preferences as presented at non statutory consultation, and that the alternative designs shown in the responses to</p>

Item No.	Document name and PINs Reference No.	Extracts	EWR Co Response
			<p>WQ2 represent no more than potential alternatives at this stage.</p> <p>EWR Co issued draft protective provisions to the Applicant’s legal team on 15 October 2021 and awaits a response from the Applicant. These provide for the management of key interfaces to ensure the efficient delivery of both the Scheme and the EWR Project. In addition, they provide for the adaptation of the Scheme by way of works to integrate the Scheme and the EWR Project, protective works and amendments to construction programming. This mechanism is subject to an exclusion of works or matters would give rise to any materially new or materially different environmental effects from those reported in the environmental statement. This provides for the management of key interfaces without the need to amend the Scheme during the course of the Examination.</p>
1.2	Applicant’s Response [REP3-007] on page 190 to EWR Co’s response to Q1.17.4.1 East West Rail [REP1-074]	“d and e) Whilst the Applicant maintains the view that Protective Provisions for EWR are not required to be included in the dDCO [REP1- 003], the Applicant will review and consider any protective provisions proposed by EWR. However, no such draft protective provisions have been provided to the Applicant to date.”	EWR Co maintains that, should the Scheme not be delivered in a manner that takes account of the EWR Project, there is a risk that the latter will be rendered more expensive or more difficult to deliver which would also lengthen the programme to delivery. This may adversely affect the achievement of wider transport and economic objectives of the EWR Project. As such, it is important that measures secured by appropriate protective provisions in the dDCO, are put in place to ensure that key interfaces are properly managed.

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			EWR Co issued draft protective provisions to the Applicant's legal team on 15 October 2021. The draft protective provisions remain the subject of discussion between the parties.

Table 2- EWR Co response to the Applicant's comments on other parties' responses' to the First Round of written questions

Item No.	Document name and PINs Reference No.	Extracts	EWR Co Response
2.1	Applicant's Response [REP3-007] on page 203 to CPRE Cambridgeshire and Peterborough (REP1-056e), Q1.11.1.3	<p>5. Wider concerns across Cambridgeshire</p> <p>"The Transport Assessment [APP-241] considers the policies relevant to the Scheme and subsequent compatibility.</p> <p>East West Rail was subject to a non-Statutory consultation in between March and June 2021 and the specific alignment for this section is still being defined. National Highways has continued to engage with East West Rail, and baseline information has been shared as appropriate. However, the projects are independent of each other, and this Scheme is subject to a separate consent (under the Development Consent Order process).</p>	The potential interfaces referred to in [REP1-074] and [AS011] were described by reference to a design that had been developed in December 2020 for the purposes of comparing the various route alignments. Since the close of the non-statutory consultation on 9 June 2021, the potential options to capitalise on value management opportunities in so far as they may interface with the Scheme have been considered further. As such, Appendix 1 to EWR Co's responses to WQ2 (submitted at Deadline 4) has been prepared to describe the potential for alternative interfaces. The Preferred Route Alignment announcement will be made in winter 2021/2022, after which further design development will take place, including on the interface locations identified.

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		<p>Given the East West Rail Scheme is at an earlier stage of development, it is not appropriate for this Scheme to make specific provision for any new infrastructure which may be required as part of the East West Rail scheme. National Highways will continue to work with East West Rail and local stakeholders to ensure that the planning and delivery of these transformative projects is coordinated where appropriate.”</p>	<p>EWR Co issued draft protective provisions to the Applicant’s legal team on 15 October 2021. These provide for the management of key interfaces to ensure the efficient delivery of both the Scheme and the EWR Project. In addition, they provide for the adaptation of the Scheme by way of works to integrate the Scheme and the EWR Project, protective works and amendments to construction programming. This mechanism is subject to an exclusion of works or matters would give rise to any materially new or materially different environmental effects from those reported in the environmental statement. This provides for the management of key interfaces without the need to amend the Scheme during the course of the Examination. The draft protective provisions remain the subject to discussion between the parties.</p> <p>The Applicant’s confirmation that it will continue to work with EWR Co to coordinate the Scheme and the EWR Project is welcomed.</p>

Table 3 – EWR Co’s response to Applicant’s comments on information and submissions prepared by EWR Co received by D1 and D2

Item No.	Document name and PINs Reference No.	Extracts	EWR Co Response
3.1	Applicant’s comments [REP3-030] on EWR Co Response [REP1-073] to Action Points 1, Table 2.1, page 2	“x. The Applicant has provided comments on the response to Q1.17.4.1(b) in the Applicant’s comments on other parties’ responses to the Examining Authority’s First Written Questions [TR010044/EXAM/9.20].”	EWR Co’s response to the Applicant’s comments on EWR Co’s response to Q1.17.4.1(b) is set out at 1.1, above.
3.2	Applicant’s comments [REP3-030] on EWR Co Response [REP1-073] to Action Points 2, Table 2.1, Page 3	“The Applicant can confirm that discussions are ongoing between the parties. However, the Applicant has not yet received any draft protective provisions from EWR.”	EWR Co issued draft protective provisions to the Applicant’s legal team on 15 October 2021. The draft protective provisions remain the subject of discussion between the parties.

Table 4: EWR Co response to Applicant’s comments to Written Representations received at D1 and D2.

Item No.	Document name and PINs Reference No.	Extracts	EWR Co Response
4.1	Applicant’s Response to Written Representations [REP3-008] on page 169 - Response to Huntingdonshire	“The Applicant has responded to the Interested Parties queries within the Response RR-23a of Applicant’s Response to Relevant Representations [REP1-021] submitted at Deadline 1.”	EWR Co is of the opinion that the Applicant’s cross reference to its response within the Response RR-23a in REP-021 may be incorrect and the correct reference may be RR-23f in REP1-021 which appears to address the matters raised in respect of climate change and carbon.

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	District Council [REP1-048dg]		<p>On this basis, EWR Co responds as follows:</p> <p>It is for the Applicant to assess cumulative impacts in respect of the Scheme, including in respect of climate and carbon. EWR Co will address cumulative impacts of the EWR Project with the Scheme as part of the environmental impact assessment undertaken for the EWR Project. That is the appropriate and conventional approach to cumulative impact assessment.</p>

Table 5 - EWR Co comments on Applicant's Written submission of oral case for Compulsory Acquisition Hearing on 22 September 2021

Item No.	Document name and PINs Reference No.	Extracts	EWR Co Response
5.1	Applicant's Written submission of oral case for Compulsory Acquisition Hearing on 22 September 2021 - Agenda Item 8b, page 10 [REP3- 021]	<p>Timescales and expected progress over the course of the Examination.</p> <p>"The Applicant's estimate for the timescale for securing the agreement was certainly before the close of the examination in relation to each of the parties. The Applicant added that as to the specific timetable this was very much dependent upon progress between the Applicant and the relevant undertaker.</p> <p>The Applicant submitted that they are progressing with each undertaker and if an update is required on a particular undertaker to let them know but it was not</p>	<p>At Deadline 3, the Applicant and EWR Co submitted joint statements in respect of discussions between the parties [REP3-048] and [REP3-018]. Discussions between the parties as to protective provisions and a side agreement are continuing, and the intention remains to reach agreement prior to the close of the examination.</p>

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		<p>envisaged that there were impediments to securing agreements with each of the statutory undertakers.</p> <p>The Applicant responded that on East West Rail negotiations, they understood that an update would be provided by East West Rail to the Applicant next week.”</p>	

Table 6: EWR Co comments on third party responses

Item No.	Document name and PINs Reference No.	Extracts	EWR Co Response
6.1	Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council Comments on Written Representations [REP3-037], page 5 responding to submission [REP1-053] by Camcycle.	“They [Camcycle] call for a redesign of crossing points for NMU purposes and for coordination of this work with the EWR project. In summary they make a number of points that the Councils have made including support for safe, high-quality and fully-accessible cycling infrastructure, and for active travel connectivity to be designed and established and overall their representation is supported.”	<p>EWR Co acknowledge the Councils’ adoption of Camcycle’s points regarding a redesign of crossing points for NMUs in coordination with the EWR project.</p> <p>As stated at item 4.3 of [REP3-048], it is for the Applicant to consider impacts on NMUs in respect of the Scheme and make provision as necessary.</p> <p>EWR Co will assess the impact of the EWR Project on NMUs prior to submitting a development consent order application. While the design of the EWR Project continues to be developed, it is expected that this will consider the available options to support sustainable modes of transport to facilitate</p>

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			customer journeys to and from the station, as part of the first or last part of their rail journey.
6.2	Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council Comments on Applicant's Statement of Common Ground with Central Bedfordshire Council and Applicant's Statement of Commonality [REP3-040], page 5	"The Councils note that CBC agrees that until East West Rail has determined the route and locations of the proposed stations, it is not appropriate for the Applicant to make or coordinate any specific provision for any new infrastructure which may be required as part of the East West Rail scheme. The Councils wish to reiterate their position that it is important that the cumulative impact and relationship of the Scheme with East West Rail requires further clarification and assessment."	<p><i>Provision for the EWR Project</i> As set out at item 8.1 of [REP3-048], the Scheme and the EWR Project have the potential to be geographically related. As such, it is entirely appropriate and efficient that the Scheme make reasonable provision for the accommodation of the EWR Project to ensure that key interfaces are properly managed, taking appropriate and proportionate account of the route alignment eventually chosen for the EWR Project.</p> <p><i>Cumulative impacts</i> A preferred route alignment for the EWR Project in the vicinity of the Scheme has not been announced nor has EWR Co applied for a Scoping Opinion from the Planning Inspectorate.</p> <p>Therefore, at this stage, it is not considered that the EWR Project is a development that is of sufficient certainty to be included within the cumulative assessment for the Scheme. However, EWR Co will continue to engage with the Applicant to ensure that the EWR Project is appropriately reflected in the assessment of the Scheme.</p> <p>It is for the Applicant to assess cumulative impacts in respect of the Scheme. EWR Co will address cumulative impacts of the EWR Project with the Scheme as part of the environmental impact assessment undertaken for the EWR Project. That is the appropriate and conventional approach to cumulative impact assessment.</p>

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6.3	Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council Comments on responses to the Examining Authority's First Written Questions [REP3-042], page 18	<p>“As part of the direct job creation it would be helpful if more ambitious, longer term and sustainable employment opportunities were created by linking the A428 development with the East West rail project to support the region's economic recovery.</p> <p>As part of the support to all demographic groups, linking with DWP locally to link low skilled / redundant workers after furlough and those who have been economically inactive for longer back into work and for those workers who can be retrained and upskilled to play an active role in A428 (and longer term east west rail) partnership working with CPCA Skills Hub and local construction FE hubs such as Huntingdon college. Given the potential for friction in terms of the demand and supply of workers a more dynamic and supportive approach may be needed to ensure the project meets key milestones. As the employment and skills plan is developed the Councils would recommend a Steering Group be formed, attended by appropriate stakeholders to help contribute and shape the plan to maturity.”</p>	<p>The EWR Project will create employment opportunities during construction, as well as enabling employment growth within the Oxford to Cambridge Arc once in operation. Consideration of supply chain and employment and skills opportunities in the building of the EWR Project will be undertaken during design development, with the majority of opportunities being realised in the construction phase.</p> <p>As part of this exercise, EWR Co would be pleased to explore opportunities with the Applicant and its delivery partners in relation to the Scheme. The extent of any such coordination will depend on the manner of delivery of the Scheme and the EWR Project and alignment in terms of timing and skills required.</p>