

**EWR Co: Response to Deadline 4 submissions
A428 Black Cat to Caxton Gibbet Improvement Scheme**

Deadline 5, 16th 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 4, including submissions in respect of the Applicant's and other parties' responses to the Examining Authority's Second Round of Written Questions. 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 4, as follows:
 - 1.2.1. Table 1: EWR Co's response to the Applicant's comments on Deadline 3 submissions [REP4-036];
 - 1.2.2. Table 2: EWR Co's comments on the Applicant's response to the Examining Authority's Second Round of Written Questions [REP4-037]; and
 - 1.2.3. Table 3: EWR Co's comments on the responses of other parties to the Examining Authority's Second Round of Written Questions ([REP4-049], [REP4-059] and [REP4-070]).

2. Responses to Deadline 4 Submissions

Table 1: EWR Co's response to the Applicant's comments on Deadline 3 submissions [REP4-036]

Item No.	Document name and PINs Reference No.	Extracts	EWR Co Response
1	Response to EWR Co's REP-048a on page 65 of REP4-36	<p>"The Applicant notes the conceptual drawings submitted into the Examination showing potential interfaces between the EWR and A428 schemes. However the Applicant does not consider that the information received to date from EWR Co is sufficient to fully understand the implications for the A428 Scheme. The Preferred Route Announcement for the EWR Scheme is still to be made and for the emerging preferences horizontal and vertical alignments remain uncertain."</p>	<p>Details of the potential engineering interfaces have been provided in EWR Co's response to Q1.17.4.1 (b) [REP1-074], EWR Co's Deadline 2 submission regarding the draft itinerary for the Accompanied Site Inspection [AS011] and Appendix 1 to EWR Co's responses to WQ2 [REP4-048].</p> <p>While 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, based on the information provided by EWR Co to date, there is no reason why the Applicant cannot take account of the EWR Project at this stage.</p> <p>In particular, 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</p>

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			<p>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>
2	<p>Response to EWR Co's REP3-048b on page 65 of REP4-036</p>	<p>“As noted within 4.4 of REP3-043, the EWR Project has not announced a Preferred Route Alignment nor applied for a Scoping Opinion from the Planning Inspectorate. The Applicant concurs with the statement made by EWR Co that “at this stage, it is not considered that the EWR Project is a development that at this stage is of sufficient certainty to be relevant to the cumulative assessment for the Scheme.”</p> <p>The Applicant therefore assumes that the statement made within 5.4 as detailed above, relates to ‘other’ committed development with the potential for cumulative impacts with the Scheme, but that does not include the EWR Project.</p> <p>Noting this, the Applicant has undertaken a comprehensive cumulative and in-combination effects assessment as presented within Chapter 15, Assessment of Cumulative Effects [APP-084].”</p>	<p>The Applicant is correct that, consistent with 4.4 of REP3-048, the statement made at 5.4 of REP3-048 relates to ‘other’ committed development with the potential for cumulative impacts with the Scheme.</p> <p>As stated at 4.4 and 5.4 of REP3-048, it is for the Applicant to assess cumulative impacts and climate impacts in respect of the Scheme, while EWR Co will address cumulative impacts with the Scheme and climate impacts as part of the environmental impact assessment undertaken for the EWR Project.</p> <p>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>

Item No.	Document name and PINs Reference No.	Extracts	EWR Co Response
3	Response to EWR Co's REP3-048c on page 65 of REP4-036	"The Applicant refers East West Rail Company to the response given above to REP3-048b."	EWR Co's position in relation to cumulative impacts in respect of the Scheme is set out at item 2, above.

Table 2- EWR Co's comments on the Applicant's response to the Examining Authority's Second Round of Written Questions [REP4-037]

1	Page 142 of REP4-037	<p>Q2.17.4.1 (a) and (b) East West Rail</p> <p>"a) For East West Rail to respond.</p> <p>b) The Application is not currently proposing any design changes as a result of the information that has been provided by East West Rail Company to date. As set out in previous responses, the Applicant understands that the horizontal and vertical alignment of the East West Rail scheme are still in development (paragraph 5.3 of REP1-074) and that it is not known which route will be selected or 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>Details of the potential engineering interfaces have been provided in EWR Co's response to Q1.17.4.1 (b) [REP1-074], EWR Co's Deadline 2 submission regarding the draft itinerary for the Accompanied Site Inspection [AS011] and Appendix 1 to EWR Co's responses to WQ2 [REP4-048].</p> <p>Whilst 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 have used the emerging preferences as presented at non statutory consultation, based on the information provided by EWR Co to date, there is no reason why the Applicant cannot take account of the EWR Project at this stage.</p> <p>In particular, 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</p>
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			<p>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>
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