

Comments on responses to Second Written Questions (WQ2)

This document sets out the comments on the Applicant and other parties' responses to WQ2 by Cambridgeshire County Council (**CCC**), Huntingdonshire District Council (**HDC**) and South Cambridgeshire District Council (**SCDC**) (together, the **Councils**). The tables below set out the document in question that the Councils are commenting on, together with the relevant paragraph or reference number.

Except where expressly stated otherwise below, the Councils reiterate and rely on their comments submitted to the ExA at previous deadlines.

National Highways [REP4-037]

Topic	Question Number	Councils' Comment
Biodiversity Net Gain	Q2.3.2.1.f	<p>National Highways' response to 'net gains' of Defra Metric 2.0 [REP3-013] does not recognise / justify the loss of habitat (area) of medium / high distinctiveness identified, which result in the overall net loss of habitat (area) because it doesn't meet the trading rules of Metric 2.0, as highlighted within the Councils' response to Q2.3.2.1 at [REP4-059] and [REP4-061].</p> <p>It also doesn't include the findings of the 2021 habitat survey work (expected to be submitted at Deadline 5).</p> <p>The Councils do not support National Highways' justification that the net loss of Hedgerow units derived from Defra Metric 2.0 is partly due to the fact that 'significant proportion of hedgerows are of poor status'. The calculation already takes into account the condition of existing and newly created hedgerows, shown on page 11 of [REP3-013]. Therefore, this does not justify the net loss. Furthermore, the scheme will result in loss of hedgerows of district / county importance. While new hedgerow planting will be potentially of higher value, it has not been confirmed whether / not a key component of the hedgerows, elm, will be included within the new hedgerows. This is identified as an outstanding issue within the draft SoCG, page 85 [REP4-018].</p>
Biodiversity Net Gain	Q2.3.2.1.g	National Highways' response does not consider the outstanding net loss of habitat (areas) of medium / high distinctiveness identified in the Biodiversity Metric, as discussed above.

		<p>National Highways has provided no evidence to demonstrate why net losses for these habitats & hedgerows cannot be fully compensated through the proposed restoration to agricultural land of borrow-pits, temporary site compounds and soils storage areas. As set out in the Councils response, page 3-4 [REP4-061]. Creation of such habitats would help to mitigate residual impacts to species, including wintering/ breeding birds, that cannot be mitigated within the scheme.</p> <p>The Councils consider that the impacts on biodiversity set out in Chapter 8 and calculations of Biodiversity Net Gain are not separate processes. The BNG metric provides quantitative evidence to demonstrate whether there is a net loss / net gain in each habitat type. These results are not reflected in the Chapter 8, Biodiversity [APP-077] assessment. For example, Biodiversity Metric calculations [REP3-013] show an overall net loss in woodland habitat of medium / high distinctiveness and as such is an adverse impact. This conflicts with Chapter 8, Biodiversity [APP-077] which assesses the impact on woodland to be beneficial.</p> <p>National Highways example of funding hives for beekeepers is not relevant to biodiversity, they are a farmed non-native species. Focus should be maintained on compensation for key invertebrate species (county/district importance) that will be impacted by the scheme, such as planting of elm and creation of deadwood.</p> <p>Chapter 8 [APP-077] does not recognise the overall loss of hedgerow value, or trading down of habitat quality / loss of habitats of medium / high distinctiveness. It should be updated accordingly.</p>
Aquatic Environment and Biodiversity	Q2.3.6.1.c	The Councils request that our outstanding issues are included within a revision to Annex A of the Joint Position for Drainage Ponds [REP3-026] .
Climate Change Resilience	Q2.9.4.1 f)	The treatment of surface water from the highway is through the use of basins to attenuate, treat and manage surface water. While this is fine for general runoff, in areas where there is an increased risk of pollution as measured in HEWRAT, the proposals are for the use of proprietary treatment systems. The interceptor will treat water, however, the LLFA only accepts proprietary treatment where justified and all other methods of treatment through SuDS have been ruled out as they are not viewed as sustainable and have a maintenance

		<p>risk associated to them, meaning that if they are not maintained suitably, they may fail to treat water. The applicant could use suitable planting within the attenuation basins to treat water naturally, while providing an increase to biodiversity across the scheme. This will come with less of a maintenance risk as well. The LLFA is unable to support the use of proprietary treatment until it is clear that full surface water treatment through SuDS is not possible.</p>
<p>Suitability of Strategic Traffic model</p>	<p>Q2.11.1.1 a)</p>	<p>CCC have accepted that the strategic model is broadly suitable for assessing the strategic impacts of the scheme as outlined in the Statement of Common Ground, Table 33, refs 3.1 - 3.3.</p> <p>CCC agree the strategic model validates well against TAG guidelines but stress the comparison of observed and modelled flows in the Local Model Validation Report is based on link flows rather than junction turning flows.</p> <p>CCC note the number of coding errors that NH have identified in the strategic model recently while undertaking more detailed investigation of questions raised by the LHAs and although our conclusions about the suitability of the strategic model have not changed, the number of these errors is concerning.</p> <p>Nonetheless, it is not the suitability of the strategic model for assessing the strategic impact of the scheme that is being questioned, rather the suitability of the strategic model turning flows being used by NH directly in detailed junction models without any reference to observed traffic data.</p> <p><u>Application of strategic model flows to local junction models</u></p> <p>CCC welcome the sensitivity tests outlined by NH for the six junctions listed. However, CCC refute the Applicant's assertions that sensitivity tests for the remaining junction models are not required. In the absence of sensitivity tests for the remaining junctions CCC are unable to assess the scheme impact at these locations and are therefore unable to comment on junction design or determine if any scheme mitigation may be required which hinders the LHA's network management duty.</p>

Suitability of Strategic Traffic model	Q2.11.1.1 c)	<p>CCC note the ExA welcomes NH's proposal to undertake further sensitivity testing as do CCC. However, the ExA expected this work to be undertaken in liaison with LHAs, CCC note that no such liaison has taken place. CCC provided a detailed review of the scoping note setting out the rationale for the sensitivity testing. However, NH have decided the extent of further work they were prepared to undertake and have proceeded with that.</p> <p>The result of this failure to engage with the LHA's is that whilst the sensitivity tests should give greater clarity as to the performance of the network in the locations that are included the limited scope of the sensitivity tests means that there will be several areas where CCC is not able to confirm the impact of the scheme on the LRN.</p>
Business and property accesses	Q2.11.2.3	<p>CCC acknowledges the first paragraph of the applicant's answer to question 2.11.2.3 and agrees with this statement. With regard to the second paragraph of the applicant's response, it should be noted that the legal agreement is still not finalised and therefore its contents cannot be confirmed as satisfactory to CCC at this time. CCC has requested the inclusion of proposed local road boundaries in its Written Representation [REP1-048] and notes that such information would now be useful in clarifying the extent of business and property accesses that are anticipated to be within and outside the highway.</p>
De-trunking	Q2.11.5.1	<p>CCC notes that the applicant's response to question 2.11.5.1(a) makes reference to the making of a separate legal agreement to resolve issues related to the condition of the de-trunked road. CCC would point out that, whilst negotiations are ongoing, there are a number of material points at issue between the parties. Until the legal agreement has been finalised, CCC is unable to confirm that it has "an accurate understanding of the condition in which the highway asset to be de-trunked will be transferred", as question 2.11.5.1(a) asks.</p> <p>In relation to question 2.11.5.1(c), the applicant has again referred to a separate legal agreement which will be used to ensure that the condition of the de-trunked asset will meet a certain standard prior to de-trunking, in order to satisfy LHAs that "handover at a specific point in time can be secured". CCC has explained in its Written Representation [REP1-048] that Article 14(8) of the draft DCO permits the applicant to define the date of de-trunking, and that this is not acceptable to CCC. While the applicant and the LHA may be able to reach an agreement on the timing of de-trunking, a separate legal document does not serve to override article 14(8) of the DCO. Therefore it would be preferable to CCC,</p>

		<p>and would add clarity for all parties, if the DCO was amended to specify that the date of de-trunking must be agreed between the Applicant and the LHA.</p> <p>In respect of local roads, as pointed out in its Written Representation [REP1-048] and in the Councils' Deadline 5 submission document CLA.D5.OS.A.C when commenting on the dDCO [REP4-005 and REP4-006], CCC requires Article 13 of the DCO to include a requirement for certification of all highways and PROW. CCC does not accept that it is sufficient for the provision to be made only in the legal agreement. Certification is part of the formal legal process and as such ought to be contained within the provisions of the DCO – in relation to both the new local roads and the roads to be de-trunked.</p>
Non-motorised users	Q2.11.6.1 a)	<p>The Applicant's mitigations are limited purely to where routes cross the new A428 and short sections of cycleway/footway which do not connect. The National Networks National Policy Statement 3.22 states that "<i>Severance can be a problem in some locations. Where appropriate applicants should seek to deliver improvements that reduce community severance and improve accessibility.</i>" CCC provided examples where severance of existing settlements on the A428 corridor should be improved. See the Councils' Local Impact Report [REP2-003], paragraphs 8.7.20- 8.7.28. The Councils maintain that it would be appropriate for the Applicant to deliver these improvements.</p>
Non-motorised users	Q2.11.6.1 b)	<p>The Applicant is failing to take a clear opportunity to improve safety by not making the roadside NMUs and associated crossing available for equestrians. This missed opportunity was set out in the Council's Local Impact Report [REP2-003], paragraph 8.7.17.</p> <p>The Applicant offers evidence that accidents have reduced on similar roads where traffic have been reduced due to alternative provision. However, no evidence has been provided to show that cycling or walking has increased along these roads. We have the example of the old St. Neots Road between Caxton Gibbet and Hardwick where a new dual carriageway has already been built and where the traffic levels and speeds are too high to allow for safe NMU use. This section will only be used by confident cyclists and as such does not encourage modal shift for users new to cycling or adults wishing to cycle with their children. We would argue therefore that this will also be the case for the remaining length of the old A428 once the new dualled road is available.</p>

		<p>This also goes back to the point that CCC made at ISH2 regarding the question of 'latent demand from equestrians' (and substantiated in the Councils' response to ExA's Q2.11.6.1c). As set out in the Councils' Written Representations [REP1-048], CCC's Rights of Way Improvement Plan statutory policy (ROWIP) identifies 1) that the bridleway network is fragmented and 2) that equestrians are particularly vulnerable users on roads, and 3) that the A428 road scheme should be used to improve connectivity for NMUs. Users are at present highly unlikely to use the existing A428 or to make use of the existing bridleway crossing because the network is too fragmented and the A428 presents too great a safety hazard. Equestrians are equally unlikely to use the de-trunked A428 as a route in itself, or to have any greater confidence in crossing it if traffic speeds are higher and there is no additional connectivity alongside the old A428.</p> <p>It is disappointing that, despite consistent and additional representation, no progress has been made with the Applicant on the matter of improved NMU provision.</p>
Non-motorised users	Q2.11.6.1 d)	<p>The provision of NMU facilities should be more than 'essential mitigation' which is the Applicant's position. Mr Tyrrell highlighted at the second ISH that paragraph 315 on the NN NPS in relation to the commitments to sustainable transport and encouraging modal shift. The gap in NMU provision does not encourage sustainable journeys between Eltisley, Cambourne and beyond. Furthermore, the NMU gap will act as a barrier to people walking and riding who would have to be on the carriageway and then cross with no provision, it would also prevent all but the most confident cyclists from using this route. It also does not meet the requirements of the Cambridgeshire & Peterborough LTP¹, CCC's ROWIP² or Health & Wellbeing Strategy³ and LP16 of the Huntingdonshire Local Plan⁴, as set out in the Councils' Written Representations [REP1-048] (pages 29-33). The Councils do not agree with the Applicant's statement that the scheme as currently proposed provides sufficient mitigation. The Councils would ask the Applicant to review their further evidence provided in response to ExA's Q2.11.6c and to reconsider their position.</p>

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

<p>Non-motorised users</p>	<p>Q2.11.6.1 e)</p>	<p>As set out in the Councils' Written Representations [REP1-048] on page 38, 6.5.7 (g) a safe NMU crossing west of the Caxton Gibbet roundabout is required to provide a connected route, particularly as this will be a route to school. This crossing point is on the section of road to be built by NH and a suitable refuge needs to be designed and built in as part of NH works. It would be uneconomical and potentially unfeasible to retro-fit a crossing with limited carriageway width. Equally the Potton and Abbotsley overbridges are being built by NH and so the cost of providing NMU provision at a later date will also be uneconomical and possibly unfeasible if there is not enough space. South of the Caxton Gibbet roundabout the new section of road should be designed and built to include a foot and cycleway to connect with the services on both sides of the road as retro-fitting improved provision may not be possible. The additional section of path needed to connect to Cambourne West and the gap in provision between Eltisley and Caxton Gibbet along the existing A428 are both within the red line boundary and so there would be significant delay and cost incurred by the LHA if these sections of missing path were undertaken as a designated fund scheme. It is unacceptable to expect the LHA to undertake these works as part of designated funds. They are within the red line boundary and should be provided as a minimum for NH to meet relevant local and national policies as set out in our Written Representations [REP1-048] paras 6.2 - 6.4.</p> <p>Designated funds are not guaranteed and this pushes the additional burden unnecessarily onto already financially-stretched local authorities. It is noted that the Applicant has not provided any evidence regarding the cost effectiveness of the authority having to carry out works after the main scheme is completed. Designated Funds schemes require the LHA to provide the labour at no additional cost for community engagement, scoping and delivery and associated legal work to enable the appropriate changes to the legal highway asset records to be made. The labour can be extremely significant, but it can be difficult for the LHA to find such resource, particularly if it is of a short-term nature.</p> <p>For example, on the recent A14 Cambridge to Huntingdon scheme, there was and continues to be very strong support for an upgrade to footpath FP4 Girton to a bridleway which would enable ongoing connectivity for cyclists from the A14 Local Access Road NMU</p>
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		<p>into Cambridge, a key strategic route⁵. This was identified and agreed in principle during the A14 initial scheme development but was excluded from the A14 DCO, being just outside the redline boundary.</p> <p>This all results in significant delay in the delivery of the improvements whilst pressure builds from users as to the availability of the missing connections. This is ineffective in terms of cost and time to the LHA, and also results in significant negative impact on users and the local economy.</p> <p>Therefore, it is the Councils' view that it is far more efficient and effective to consider the wider connectivity needed now and deliver the NMU improvements sought as part of the main A428 DCO scheme.</p>
Damage to local roads at plant crossings	Q2.11.7.4	<p>CCC does not accept that construction traffic and deliveries of plant and materials are unlikely to cause damage to the road surfaces. It is well established that vehicles with heavier axle loads are those that cause most damage to roads, at a deeper structural level as well as surface damage.</p> <p>Accordingly, CCC would seek recompense for such extraordinary traffic using the local road network, in accordance with Section 59 of the Highways Act 1980. CCC wishes to agree with the Applicant an appropriate sum for such damage in accordance with subsection 59 (3) of the Act and that such a sum be included in the Legal Agreement between the Authority and the Applicant.</p>

Bedford Borough Council [REP4-049]

Topic	Question Number	Councils' Comment
Draft Development Consent Order	Q2.7.1.1	CCC supports BBC's request for record retention beyond the 3 year period proposed.
Road layout, junctions and bridges	Q2.11.2.1	CCC agree with BBC that the appropriate highway design standard is dependent on context.

		<p>As set out in the Councils' own response to WQ2 [REP4-056] roads for which CCC is the local Highway Authority are rural in nature and have had a 100km/h design speed agreed with NH and it is CCC's view that they need to be designed accordingly. BBC roads are for considerably lower speeds, and therefore of a lower level of provision.</p> <p>CCC endorse the statement 'Acceptance of a lower design standard for BBC's local roads does not imply acceptance of the principle in other LHAs or on other schemes.'</p>
Local Impacts	Q2.11.7.3	CCC agree that the best way of dealing with this is for NH to undertake monitoring of areas predicted to be affected by rerouting traffic. CCC have highlighted a number of key areas where monitoring will be required.
Archaeological Mitigation Strategy	Q2.12.4.1a	<p>We support the position of BBC in their comments given to the revised AMS [REP3-010], in particular the question given with regard to arbitration at paragraph 7.2.6.</p> <p>Levels of excavation are queried at paragraph 9.2.7 and are endorsed by CCC.</p>
Archaeological Mitigation Strategy	Q2.12.4.1d	We would welcome an open dialogue to revise R9 to suit all parties.

Central Bedfordshire Council [REP4-062]

Topic	Question Number	Councils' Comment
Methodology, inputs and outputs	Q2.11.1.1	CCC support the view that the sensitivity testing should provide the Councils with greater confidence in the assessment and forecasting of traffic effects of the scheme. However, there has been no liaison with the LHA's in the preparation of the sensitivity testing, nor any agreement on the junctions to be included in the sensitivity testing. Please refer to the Councils own response to this question for further details.
Road design and layout	Q2.11.2.1	The appropriate highway design standard is dependent on context. Acceptance of a lower design standard for CBC's local roads should not imply acceptance of the principle on CCC's roads.

Local Impacts	Q2.11.7.3	CCC agree that the approach proposed by NH to deal with rerouting traffic during construction is not sufficient. The Councils feel that the best way of dealing with this is for NH to undertake monitoring of areas predicted to be affected by rerouting traffic. CCC have highlighted a number of key areas where monitoring will be required.
Outline CTMP	Q.2.11.7.1	CCC supports the need for a Travel Plan and endorses the view that the Applicant should follow the relevant NPPF guidance.

Historic England [REP4-069]

Topic	Question Number	Councils' Comment
Archaeological Remains	Q2.12.4.1	<p>Historic England's comment on the depiction of archaeological mitigation areas in relation to known archaeological evidence, instead of to the road scheme maps – where areas seem to 'hang' unexplained in space, is supported. Without a forensic understanding of the archaeological evidence contained in the Historic Environment Record and as acquired through the evaluation of the A428 area, it is very difficult to appreciate the selection of the areas and why the arguments for and against their size have been made. The Applicant has presented this now, using CCC's working documents first supplied in November and December 2020 then June and October 2021 in Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045]. However, we remain disagreed about the Applicant's reduction of CCC's prescribed areas for mitigation and the stated strategies by which they propose to investigate some, but not all, of the remains on some disputed sites. We know no way of being able to date a feature before it has been excavated and would welcome insight into how they propose to select features for contractors to excavate and to answer very specific research question posed, noting that their current agents writing these strategies will not be involved in the implementation phase.</p> <p>We gratefully acknowledge Historic England deferring to our expertise regarding the management of non-designated archaeological remains.</p>

Natural England [REP4-070]

Topic	Question Number	Councils' Comment
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Scheme Design Approach and Design Principles	Q2.10.1.1	The Councils' support Natural England's conclusion that there appears to be no details regarding consultation through the proposed design development process.
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